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## **Message from the Chief Editor**

Dear Readers,

I have immense pleasure to present the latest issue of BJPA (Vol. XVI No. 1, Jan-June, 2019) 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 this 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. I am delighted to mention that the efforts of the editorial team to maintain its high standard have resulted into its inclusion in UGC-CARE Reference List of Journals and its wide circulation through Branch's website.

The present issue encompasses the burning issues like grassroots governance, consumer rights, implementation of SBM, education policy, food security, health administration 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**

It is a matter of great pleasure to inform the readers that *Bihar Journal of Public Administration* has been included in the UGC-CARE Reference List of Journals and finds place at Sl. No. 34 (Social Sciences). The present issue Vol. XVI, No. 1 January-June, 2019 has covered a wide range of subjects related to Public Administration.

C Sheela Reddy, in her article, has dwelt up on the issue of strengthening the Panchayat Raj Institutions for good governance at grassroots level. She concludes that empowerment, enablement and accountability of PRIs alone can make them function as institutions of self-governance. The article of Manas Chakravarty and Sultana has attempted to define public policy and evaluate the prospects of draft National Education Policy 2019. Sapna Chadah and Dipika Sur have, in their article, examined the insurance sector and suggested that it is high time for the consumers to buy any type of insurance only by taking cognizance of all facts before making a purchase. The article of Lakshmeshwar Prasad Roy examines the Centre's hegemony in exercise of discretionary powers of the office of Governor, particularly in case of proclaiming President's rule in Indian States. Nishitha Kaushiki, in her article, has explored the prospects of Indo-Japan cooperation in tackling the menace of AES in Bihar. Kumari Saroj dwells up on examining the various conceptual dimensions of governance. Amit Kumar Singh has, on the basis of empirical enquiry of Ranchi City, examined the implementation of Swaksh Bharat Mission and finds that the mission faced initial challenges of people's reluctance in acceptability. Sunil Kumar Padhi and Binayak Patnaik have examined the intellectual property rights in context of globalisation and suggested that it must be consistent with human dignity, in the interest of the society and with the provisions of scientific progress. Tanu Tiwari et al. have discussed the methods of measuring financial inclusion and found that the existing methods ignore certain aspects which can be overcome by Normalized Weighted Score method.

Three articles in Hindi, in the present issue, have examined the voting behaviour in Bihar (by S P Shahi), participation of dalits in Bihar power structure (by Meena Kumari) and PDS in context of FSA 2013 (by Munna Kumar Singh). An impressionistic note on Governor vis-a-vis politics by Ashok Kumar has been included in the issue. It contains a book review by Bipin Kumar Rai.

Finally the Editor solicits suggestions for further improvement in the Journal and invites books for review.

R.K. Verma (Editor)

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## English Section

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# Strengthening Panchayati Raj Institutions (PRIs) for Good Governance

C. Sheela Reddy\*

## Abstract

Panchayati Raj Institutions (PRIs) have been evolved and strengthened to achieve two basic goals – first, establishment of vibrant democracy at grassroots level and second, making these PRIs the effective institutions of citizen-centric good governance. This necessitates a sound, responsive and competent administration; respect to basic human rights and values; and institutional as well as structural frame work to ensure accountability and transparency. But there are some bottlenecks like financial dependence, overlapping by Central and state governments and functional inhibitions of the Panchayat representatives. Further control over administration at the grass-root level is essential prerequisite for its success. A strong local government system is the best way to include the aspirations of all people to guide collective destiny. Inclusive growth can be achieved only through inclusive governance and the key to this is an elective and well-functioning system of Panchayats. Empowerment, enablement and accountability of PRIs alone can make them function as institutions of self - governance.

**Keywords:** Grassroots Democracy, PRIs, Gramsabha, Functions, Revenue, Participation

## INTRODUCTION

The Panchayati Raj Institutions (PRIs) in India are recognized as institutional expression of democratic decentralization. The thought process behind PRIs was to make democracy functional at the local level driven by citizens' needs and participation. It was therefore introduced as a three-tier system that decentralised

\* Professor, Indian Institute of Public Administration, New Delhi.

Contact E-mail: sheelachavva@gmail.com, Mob.: 8826966900

governance, decision making, and local development. In 73<sup>rd</sup> and 74<sup>th</sup> Constitution Amendment Acts (CAAs), there was new-found enthusiasm for inclusion as they were hailed as key to good governance and were considered as the most significant systemic transformation in the governance of the Indian polity. The expectation indeed was that they could address many ills of governance like bureaucratic oppression, technocratic tyranny, gross inefficiency, bribery, nepotism and corruption.

The formation of 2,49,016 Gram Panchayats, 6,603 Intermediate Panchayats and 606 Zilla Panchayats certainly indicates the reach of decentralised governance in India. Many states have taken measures and reserved 50% of seats for women in these local bodies. There would be around three million elected Panchayati Raj representatives of whom roughly 19% are from Scheduled Caste (SC), 12% from Scheduled Tribe (ST) communities, and 46% women. The PRI system has therefore definitely deepened political representation in the country. The inclusion and representation of women, SCs and STs is indeed critical as the socio-cultural systems in India are mostly caste and gender biased.

Though India always had reservations for elected representatives from disadvantaged groups like SC/STs, PRI system is the only level of government with reservation for women. Also, this is the only level of government, where SC/ST candidates have a genuine voice in governance unlike the candidates from reserved constituencies at the parliamentary level. Research and experience show that female political representation in local governments makes women more likely to come forward and focus on issues pertinent to women. In districts with female sarpanch/pradhans, significantly greater investments have been made in drinking water, a priority public goods issue for women. Further, SC sarpanch/pradhans more likely invest in public goods in SC hamlets, an important change in the severely segregated villages of India. These changes appear quite remarkable in a country where access is determined more by gender and caste than economic status. If the goal was to create another layer of government and political representation at the grass-roots level, then there is no parallel to the PRIs. However, if the goal was to provide better governance, there is a need for self-introspection.

## **ISSUES OF CONCERN**

The 73<sup>rd</sup> Amendment only mandated the creation of local self-governing bodies, and left the decision to delegate powers, functions, and finances to the state legislatures. The major concern is whether the elected representatives have clear mandate of local functions, and the ability to raise their own revenue for better local governance. The 73<sup>rd</sup> Amendment provisioned for twenty-nine subject matters in the eleventh schedule, over which PRIs would have complete power to plan, execute, and monitor. However, the current status of these differs across states.

The funds, functions and functionaries that form the three main components of the devolution of power vary, and thereby weaken the system in many respects. Devolution has two main aspects: the operational core that includes funds, function, functionaries, and the support system that includes capacity building of PRIs, operationalising constitutional mechanisms and introducing systems of transparency and accountability. However, the implementation of the operative core of the decentralisation, relating to the devolution of 3Fs (Functions, Functionaries and Finances), has fallen substantively short of letter and spirit of the CAA in many states. This relate to effective transfer of functions in accordance with principle of subsidiarity, functionaries at the local government level to work under the control of the electoral leadership and the financial authorisation of local governments commensurate with their functional responsibilities. The real devolution still has a long way to go. In terms of devolving functions, functionaries and finances, Kerala, Tamil Nadu, Maharashtra, and Karnataka are ahead of states like Punjab, Jammu and Kashmir, and Jharkhand.

PRIs cannot govern unless they are given the authority to actually perform functions related to governance. In many instances, state executive authorities have proliferated to carry out the functions restricting the scope of devolution. As regards the finances for PRIs, the local governments can either raise their own revenue through local taxes or receive intergovernmental transfers. The 73<sup>rd</sup> Amendment recognized both forms of public finance, but did not mandate either. The power to tax, even for subjects falling within the purview of PRIs, has to be specifically authorized by the state legislature. The 73<sup>rd</sup> Amendment left this to the discretion of state legislature, which most states have not exercised positively.

In case of intergovernmental transfers, where state governments devolve a certain percentage of their revenue to PRIs, the Constitutional Amendment created provisions for State Finance Commissions to recommend the revenue share between state and local governments. However, the state governments are not bound by recommendations of finance commissions. Though finance commissions, at every level, have advocated for greater devolution of funds, there has been little action by states to devolve funds. It is only when PRIs raise a large portion of their own revenue and face hard budget constraints, i.e. fiscal autonomy accompanied by fiscal responsibility, a genuine fiscal federalism can be fostered.

It is a matter of concern that desired efforts have not been made to empower elected PRI representatives with their constitutional functions. The focus has mostly been on trainings on the schemes and programmes. The state and central government have also started creating separate structures or units for implementing specific projects on education, health etc which limit the role and powers of the PRIs. As a result, in many cases, PRI representatives have become mere implementers and followers where as the idea was to build them as local leaders leading local

development. It is relatively easy to legislate representation but it is more difficult to create conditions suitable for participation. The experience indicates that representation does not automatically lead to participation. It is essential to move from political representation to power devolution. There is a need for the state political leadership to accept the importance of PRIs, and devolve power to them as mandated in the Constitution of India. It is important to build the capacities of the elected representatives of PRIs to strengthen institutions so that they don't remain as mere planners and evaluators of the projects. For according centrality to PRI's in the planning, implementing and monitoring of the Centrally Sponsored Schemes, the central Ministries/Departments have to ensure that there are no parallel structures to the Panchayats in rural areas. If the provision of such parallel bodies is essential the same should be placed under the control of the elected heads of Panchayats at respective levels.

As far as Indian experience in decentralisation is concerned, India is ahead in terms of political decentralisation but lags behind in administrative decentralization. There is a general lack of manpower in the PRIs, particularly at the village level. With a limited number of officials, even after the complete devolution of powers, it may become difficult for the PRIs to look after all the works assigned to them by the state government.

### **TRANSPARENCY: THE SINE QUA NON OF GRAM SABHA**

The fundamental principles of decentralized governance include participation, transparency and efficiency. It is in the Gram Sabha that people get the opportunity to plan, monitor and evaluate all the development activities and also to participate in the decision making processes that affect their life. However, the role of Gram Sabhas is not always satisfactory. As required by the Panchayat Act, the Gram Sabha shave not been efficient in ensuring and empowering the participation of people at the lower levels to the fullest extent. Though women got political representation, the real power in many cases was usurped by their husbands, *The Sarpanch Pati*, depriving them of any meaningful gains. Caste and gender-based discrimination are still prevalent and despite earning a political position, women are denied their due respect. Widespread illiteracy and ignorance further inhibit their capacity to perform.

Gram Sabhas are key forums where people can debate and discuss local development issues. State governments need to strengthen these local bodies by incentivising Panchayats to hold Gram Sabha meetings more regularly. Research also suggests that people often prefer to work in smaller groups where discussion and decision making is easier. For instance, in Uttar Pradesh, a study of people's participation in the SarvaShikshaAbhiyanprogramme found that parents and teachers preferred to participate in smaller groups where they had greater control

and say over the outcome. States should think about activating subcommittees linked to Gram Sabhas to overcome the problems of large scale collective action. There is a need to create a proactive attitude among the voters (Gram Sabha members), by building their capacities to engage in local development. The training of Gram Sabha members is also being taken up by states like Kerala, Assam, Andhra Pradesh and West Bengal to increase awareness about their rights and responsibilities. The committee based decision-making diminishes the scope for elite capture and allows for the articulation of voices. The functioning of Gram Panchayats and Panchayati Raj System can be immensely fine tuned and made effective if the state governments increase the frequency of Gram Sabhas by statutory provisions/ regulations. Ideally, there should be one Gram Sabha every month. There could be provision for special Gram Sabhas on some crucial schemes like nutrition, immunisation, child sex ratio, public distribution system, water, education, cleanliness which would really make a difference to the quality of life of rural people. Training for empowerment of Gram Sabhas in Panchayats Extension to Scheduled Areas (PESA) has to be taken in a campaign mode so as to make it truly vibrant in the spirit of PESA provisions.

People are more likely to participate where local governments are responsive to their needs and interests. Research suggests that when local communities can see tangible benefits or results from attending Gram Sabha meetings, they are more likely to participate. Participation has to be linked to real time grievance redressal where local issues and problems can be debated and resolved. The state governments need to ensure that grievance redressal mechanisms exist at the local level to take forward issues raised in Gram Sabha meetings to make Panchayati Raj institutions responsive. In Panchayati Raj system, the mechanism of Gram Sabha can not only make administration accountable to the people but also expresses their will and aspirations to be fulfilled by the Gram Panchayat administration. An effective Gram Sabha can ensure a check in arbitrariness in decision making and fine tune the administration of the Gram Panchayats to the needs of the community at large.

## **ENABLING LOCAL GOVERNANCE**

The central and state governments need to create an enabling environment for participation at the local level. Studies show that access to information influences local participation in important ways. High rates of participation in villages correlated with greater access to information and education rather than caste or land. Thus state governments need to improve access to information at the local level. One such mechanism is to encourage Panchayats to proactively disclose information under Section 4 of the Right to Information Act 2005. The information will have to be streamlined and packaged in a manner that makes sense to those who seek it. The record of voting by individual members in PRI meetings could become

the most important mechanism of opening up the proceedings to the public. A mandatory public display of PRI resolutions, along with records showing whether each member voted for or against would certainly strengthen transparency and accountability of PRIs.

Mostly, Panchayats across the country lack the basic infrastructure, funds and training necessary to carry out their roles effectively. Panchayat Officials and elected representatives lack the basic skills necessary to organise and supervise local government activities. In this scenario, governments need to work towards strengthening the capacity of Panchayati Raj Institutions and elected representatives to better deliver services and benefits at the local level. Regular training and capacity building of elected representatives is critical to ensure their effective participation and role in local government. There is need to reach out to decision makers and other people with influence, such as Members of Parliament (MPs) and Members of Legislative Assembly (MLA) and the media to create a supportive environment for Panchayats.

### **Expanding the Outreach of Training and Strengthening Finances**

The key issue relating to the quality of training is whether the states have a perspective plan for Capability Building and Training (CB & T) spread over the five year electoral cycle. Panchayats being mini governments, the range of subjects to be addressed during CB & T is quite large. The CB & T of various stakeholders of Panchayats is also a complex task, as it involves large numbers - around 28.5 lakh elected representatives, stakeholders such as Panchayat functionaries including Panchayat Development Officers, secretaries etc. This raises a pertinent question as to how strong the available institutional structure is to achieve the required outreach and quality of CB & T. There are funds available to states to establish State Panchayat Resource Centres (SPRCs) at the state level, District Panchayat Resource Centres (DPRCs) at the district level and Block Resource Centres (BRCs) at the block level. The states can take advantage of this opportunity to create a strong institutional structure. It is necessary to develop a good human resource policy for staffing along with appropriate infrastructure to get the full advantage of this institutional structure.

The challenge is to develop good trainers as they form the bedrock of high quality training. This calls for trainers with desired attributes:

- Pro-Panchayat attitude
- Knowledge of basic functions of Panchayats
- Gender sensitivity
- Exposure to participatory training methods
- Experience of working in rural areas

- Inclusive development vision
- Rights-based perspective and
- Commitment for engaging with sustained capacity building of PRIs.

The State Institutes of Rural Development (SIRD) need to ensure that good selection processes are undertaken to identify trainers. The way training is designed also goes a long way towards addressing its quality. The modular training method is more suitable to attain the goals of PRI training. Pre-designed training modules can be provided instead of leaving the resource persons to decide the why and how of training.

The training of Panchayats requires sectoral convergence. This requires collaboration with practitioners and resource institutions working in that sector to ensure quality in sectoral trainings. Various departments like education, health, agriculture, animal husbandry, women and child development, industries, revenue etc have their own training institutions at the state, regional and district levels. SIRDs need to establish strong networks and conduct joint training programmes with such institutes. They should also develop a calendar to train core Panchayat functionaries who are very vital for local governance.

The Systematic Approach to Training (SAT) should be followed by all SIRDs to ensure quality of training of PRIs. This entails Training Needs Assessment, Training Material Development, Training of Trainers, followed by actual training and Training Impact Assessment. The quality of each of these processes needs to be continuously assessed and improved. The capacity building must be aligned with much acclaimed Sustainable Development Goals (SDG's).

It needs to be understood that one uniform basic orientation training for all elected representatives is not adequate. It is essential to have a specialized strategy for CB&T of elected representatives of SCs, STs, women, and for those in PESA regions as they continue to face many socio-cultural barriers for effective participation in public life. These categories would often require special training, in addition to the common training programme with other elected representatives. The best solution for human resource component of Panchayat would be to formulate their Panchayat cadre in a gradual manner and formulate an appropriate recruitment and career development policy for that cadre.

The Rajiv Gandhi Panchayat Sashaktikaran Abhiyan (RGPSA) launched in March 2013, seeks to enhance the capabilities and effectiveness of Panchayats and the Gram Sabhas to function in a democratic fashion. The revised National Capital Building Framework (NCBF) 2014, complements the initiatives taken under RGPSCA. It is expected that as more funds become available under RGPSCA for capacity building, its outreach and quality will be enhanced. However, this will not happen automatically. For this States, alongwith State Institutes of Rural

Development (SIRDs) and other resource institutions will need to follow a systematic strategy for increasing the outreach of their capability building efforts and enhance the quality.

The strengthening the Panchayati Raj system across the country is a key objective of the Ministry of Panchayati Raj (MoPR). MoPR has supported states to develop state specific guidelines for Gram Panchayat Development Plans (GPDP), which converge all the resources over which the Panchayats have command. GPDPs are envisaged to focus on programmes/schemes which, among other things, create the economic and social opportunities for households facing poverty and deprivation. GPDP has potential to contribute to participatory planning and institutionalizing democracy at the grassroots. It is imperative to arrive at a consensus to utilize GPDP as one of the potent tools to localize SDGs and to help the Gram Panchayats become true institutions of local government. The search for the most appropriate means of 'localizing' the SDGs is therefore a critical condition for a successful implementation of the 2030 development agenda. But localizing development requires strategy, planning and capacity as well as a shared understanding of both the drivers and obstacles that can propel or delay local development. Developing capacity for local governance and local development is essential not just for delivering internationally agreed development goals, but also to support the process of making the state more responsive, inclusive and accountable.

It is important to bring the issue of PRI performance into prominence and focus the attention of policy makers. The state governments need to be encouraged to develop their systems of assessment. The Ministry of Panchayati Raj has been incentivizing the best performing Panchayats recommended by the State Governments/Union Territories since 2011-12. The recommendations of the respective State Finance Commissions relating to sharing of taxes, levies and fees, etc. to improve the fiscal position of PRIs should be honestly accepted. Subsequently, an appropriate and timely action should be assured to make these bodies self-reliant. On the other hand, the Panchayats should also not hesitate in raising their own resources by following need-based and progressive taxation policies. As per the statutory provisions of the states related to PR System, Panchayats can levy, collect and use certain taxes. The concerned state governments can enhance this quantum of money by empowering PRIs for taxation on additional items. Funds can also be available to PRIs as per allocation made by the State Finance Commission and also the powers given by the state government to PRIs for collecting funds through other means. The devolution of untied funds to Gram Panchayats as per recommendations of the Fourteenth Finance Commission (FFC, accepted by central government is a welcome step having strong implications for the empowerment of Gram Panchayats. The total fund available with the panchayats is categorized as tied and untied funds. Tied fund is the fund which is for a certain scheme and can only be

spent on that scheme and carries certain guidelines. Panchayats cannot spend this money according to their need. However, panchayats have autonomy over untied funds and can utilize it according to the needs and requirements of their area. The grants of the Fourteenth Finance Commission (FFC) to Panchayats in different states provided a great opportunity to undertake certain works with considerable freedom because of the untied nature of these grants. Moreover, if FFC grants are utilized judiciously, they become complementary to the development agenda of Panchayats supported by the grants from the states. Thus, financial empowerment is a must for making these bodies real instruments of rural development.

## **CONCLUSION**

Good governance is an essential ingredient for socioeconomic development of the country. This necessitates a sound, responsive and competent administration; respect to basic human rights and values; and strengthening democratic, institutional as well as structural frame work to ensure accountability and transparency. In a democratic set-up, accountability is inevitable at all levels. Control over administration at the grass-root level is essential prerequisite for its success. A strong local government system is the best way to include the aspirations of all people to guide collective destiny. Inclusive growth can be achieved only through inclusive governance and the key to this is an elective and well-functioning system of Panchayats. Empowerment, enablement and accountability of PRIs alone can make them function as institutions of self-governance.

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# Public Policy in India: A Study with Special Reference to Education

**Manas Chakrabarty\***

**Aleya Mousami Sultana\*\***

## Abstract

Public policy, particularly in terms of governance, has been the most widely discussed issue evident from the fact that every government has to perform numerous functions and a policy for the purpose at the outset is a sine qua non. On the other hand, public policy has been variably defined right from Lasswell's writings since 1940s. However, there is an agreement on the point that a public policy is what the government chooses to do or not to do. It is the policy which provides a framework within which all actions for accomplishment of an objective are to be activated. For a proper development of the society, it is absolutely essential that public policy must be good, goal oriented and to be faithfully executed for the purpose for which it has been framed. Thus, it acquires prime significance for a developing country like India. As education is the most important input in the process of transforming India into knowledge-based society, it becomes urgent imperative to examine the perspectives of education policy in India. There have been an array of education policies since 1948 in the country, of which the policies introduced in 1960s and 1980s still carry substantial relevance but the draft Education Policy seems to be a land mark step in the process of educational development in country.

**Keywords:** Public Policy, Education Policy, Technology, NETF, Equality

## INTRODUCTION

In the present day world, Public Policy is one of the most widely discussed topics. But unfortunately it has no agreed definition. To C.E.M. Joad, it is like a hat which

\*Senior Fellow (ICSSR), Department of Political Science, University of North Bengal, Darjeeling, W.B.  
Contact E-mail: Chakrabarty.manas@gmail.com Mob.: 9434186555

\*\*Assistant Professor, Department of Political Science, Tehatta Govt. Degree College, Tehatta, Nadia, W.B.

has lost its shape because everybody wears it. Due to its importance in the society, it has become one of the most widely used terms in administrative parlance. Different scholars look to the issue from different angles and offer their definition accordingly. However, the academic discipline generally referred to as the study of public policy grew out of the approach called the policy sciences. (Goodin et al). The policy sciences approach has been primarily credited to the work of Harold D. Lasswell, writing in the late 1940's and early 1950's most prominently articulated the concept in his essay *The Policy Orientation*. (Goodin et al.). For a proper development of the society, it is absolutely essential that public policy must be good, goal oriented and to be faithfully executed for the purpose for which it has been framed (Chakrabarty & Agarwala (2003).

## **PUBLIC POLICY: CONCEPTUAL CONSIDERATIONS**

In fact, policy formulation is one of the most essential and difficult functions of the government today. Since the modern state is a welfare state, it is implied that it is the responsibility of the government to take all possible care for the people. In order to serve the people better, the government has to undertake different policies. Let us move to the concept of policy. Precisely, a policy is a blue print which guides the government for the achievement of desired goals. It may be defined as a public need assuming importance and as far as possible, appropriately assessed for its actual fulfillment. It involves an identified and definite public problem and the preparation of the State to meet it in particular style. It conceives a line of action to achieve a certain result, negative or positive or disclose a resolve to refrain from acting on a specific issue or matter. Policy, as a rule is the product of extensive study and intensive analysis of available data and information. Therefore, it is apparently believed to be superior function confined to the top layer of administration. It is indeed a set of rules which can be utilized to achieve certain desired objectives. In a democratic political set up, public policy decision is one of the most important functions of the government. In the present day world, the Government plays an important, ubiquitous role in contemporary society. If the objective of the government is development of the society, then a proper and perfect administration is sine qua non and for a proper administration in the society, a perfect public policy is absolutely essential. If there is slight error in the framing of public policy, there is every possibility of havoc in the society. It leaves a far reaching consequence on the society at large. Hence, there is no denying the fact that public policy is of utmost importance for every society. Therefore, while framing a public policy, adequate care must be taken in this regard.

It is also pertinent to make an in depth analysis of policy. A policy is a deliberate plan of action to guide decisions and achieve rational outcome(s). The term may apply to government, private sector organizations and groups, and individuals.

Presidential executive orders, corporate privacy policies, and parliamentary rules of order are all examples of policy. It must be said that policy differs from rules or law. While law can compel or prohibit behaviors. (e.g. a law requiring the payment of taxes on income), policy merely guides actions toward those that are most likely to achieve a desired outcome. A public policy passes through four stages - bringing an issue on policy agenda, formulation/enactment, implementation and monitoring/evaluation (Turner and Hulme:1997). Policy or policy study may also refer to the process of making important organizational decisions, including the identification of different alternatives, such as programs or spending priorities, and choosing among them on the basis of the impact they will have. Policies can be understood as political, management, financial, and administrative mechanisms arranged to reach explicit goals.

It is most pertinent to point out the fact that while the study of politics has a long history, the systematic study of public policy, on the other hand, can be said to be a twentieth century creation. It dates, according to Daniel McCool, to 1922, when political scientist Charles Merriam sought to connect the theory and practices of politics to the understanding of the actual activities of government that is public policy. Therefore, the year 1922 is regarded as a land mark year, a turning point, a departure point, in the history of public policy.

It should be marked that a policy is not a decision but a course or pattern of actions. It is the policy which provides a framework within which all actions for accomplishment of an objective are to be activated. In short, public policy is what the government chooses to do or not to do. It has its own importance in a developing country like India. For a proper development of the society, it is absolutely essential that public policy must be good, goal oriented and to be faithfully executed for the purpose for which it has been framed. Therefore, it is well nigh impossible to deny the importance of public policy in modern times. If there is a good public policy, the development of the society will no doubt be better and impressive which should be the motto of the government under all circumstances. In the Indian context, public policy could be defined as government rules and programmes considered individually or collectively, i.e. the authoritative decisional output of a political system in the form of laws, ordinances, court decisions, executive orders, decisions or even unwritten understanding of what is to be done.

## **OBJECTIVES OF PUBLIC POLICY**

Public policy has a variety of objectives, but usually, public policy has a one-dimensional or single objective, i.e. wellbeing and betterment of the society. It is said that the goals of policy may vary widely according to the organization and the context in which they are made. However, broadly speaking, policies are typically instituted in order to avoid some negative effect that has been noticed in

the organization, or to seek some positive benefit for the society at large. The benefits may be short term or long term but the element of benefit of the society must be tagged with public policy. It is so because, a good policy leads to a proper benefit of the society. It is known that the policy formulation process typically includes an attempt to assess as many areas of potential policy impact as possible, to lessen the chances that a given policy will have unexpected or unintended consequences. It is so because of the nature of some complex adaptive systems, such as societies and governments, it may not be possible to assess all possible impacts of a given policy. But, the objective of all policy must be directed towards the welfare of the society. The element of welfare must be hidden in all public policy, otherwise, no public policy can claim to be a good public policy.

## **EDUCATION**

The term 'Education' implies that it is a process which facilitates the learning system. It also refers to the acquisition of knowledge and many other important dimensions of life which takes from one stage to the other. Education has always played an important role in shaping the destinies of societies through development of the whole individual. It is the most powerful instrument for achieving goals of economic development, technological progress and also for establishing social cohesion. Education is a dynamic process, changing with the prevailing socio-politico-economic conditions and fast expanding knowledge over the years. In the recent years, the need for reconstructing education has been felt acutely. (Pathak, 2007). Education or so to say the process of education, is important in the life of every individual. We must mention that education not only refers to the formal system of education which one gains from academic institutions but also to the education that one gains informally through life lessons and from our elders. Education can be obtained in both the formal and informal methods. It is to be noted that education began right from the prehistoric period. The system of Formal education takes place in a structured environment. It aims to teach the students. As we know that the formal education takes place in a school environment with classrooms of multiple students. They receive education from a trained teacher who has sufficient knowledge of the subject.

**Education helps us to reduce the levels of ignorance and helps to come out of the darkness.** Further, education significantly **helps to improve the chance and possibility of getting a job.** It helps improving the living standard of the people, social skills among them and finally promotion of healthier society. Education helps to get a better understanding of a situation and helps to handle problems in the society in a cool way by avoiding violent methods. Educated people become able to learn the significance of coexistence and understanding each other. When one gains education, he can understand the areas of their interest and advance their

studies on those areas leading to career growth which is absolutely essential for a human being.

It is to note further that Education is fundamental to human progress. There is no controversy on the issue that it plays a prominent role in all-around development of individual as well as society. We must make a mention of the fact education plays a key role in creating patriotic, disciplined and productive manpower. Educated manpower constitutes precious assets as well as agents for advancing a nation. To be precise, Education means the fostering of personality through the unhampered development of innate qualities of a human being. Its main aim is integrated development of personality. Since India is a welfare State, education to the citizen is the responsibility of the State. It may be said without an iota of doubt that education is an integral part of the social sector of the economy. It serves as a booster for the enhancement of efficiency and above all, productivity of human resources which leads to sustainable economic growth. It has both direct and indirect effects which can be observed on the performance of economic sector and social sector of the country. Above all, the role of State is an important factor in the domain of education for its vertical and horizontal growth. Therefore, there is no scope to undermine the importance of education in the society.

## **EDUCATION POLICIES IN INDIA**

Since the year 1947, the Indian government launched a variety of programmes in order to face the problems of illiteracy in both rural and urban areas of the country. It should be referred that Maulana Abul Kalam Azad, who was the first Minister of Education of India contemplated for a strong central government control over education throughout the country. He also stressed for a uniform system of education. In order to achieve the target, the Govt. of India established the University Education Commission (1948–1949), the Secondary Education Commission (1952–1953), the University Grants Commission and the Kothari Commission (1964–66). The major purpose was to develop proposals to modernise and revamp India's education system. The Resolution on Scientific Policy of Education was adopted by the Government of India when Pandit Jawaharlal Nehru was the Prime Minister of the country. The Government under Pandit Nehru, sponsored the development of high-quality scientific educational institutions. Of these, the most important is definitely the Indian Institutes of Technology. Another milestone in the domain of advancement of education in India was the establishment of the National Council of Educational Research and Training (NCERT). It was an autonomous organisation which is meant to advise both the Union and State Governments on formulating and implementing education policies.

In order to achieve such a social integration, the policy called for expanding the horizons of scholarships to the students, to attach importance on adult education, to recruit more teachers from the SC community, to provide incentives for the poor families so that they send their children to school regularly. One of the most significant features of this policy lie in the fact that the NPE called for a “child-centred approach” in the system of primary education and launched “Operation Blackboard” to improve the system of primary schools on a nationwide scale. The other important feature is that this policy expanded the horizons of open university system with the Indira Gandhi National Open University, which was established in the year of 1985. It should be referred that this policy also called for the creation of the “rural university” model, which would be based on the philosophy of Mahatma Gandhi, the father of the nation. The important aim of this is to promote economic and social development at the grassroots level in rural India.

### **NATIONAL POLICY ON EDUCATION (KOTHARI COMMISSION)**

Since the adoption of the 1968 policy of education, the most notable development has been the acceptance of a common structure of education throughout the country. (Aggarwal, 2009). So far as the National Policy on Education (NPE) is concerned, it is a policy which is formulated by the Government of India in order to promote education throughout the length and breadth of the country. The National Education policy covers the space from the elementary education to the level of colleges which includes both rural and urban areas in India. The first NPE was promulgated in the year of 1968 by the government of India when the Prime Minister of the country was Mrs. Indira Gandhi. On the basis of the report and recommendations of the Kothari Commission (1964–1966), the Government of India announced the first National Policy on Education in 1968. This new policy called for a “radical restructuring” and equalise educational opportunities in order to achieve national integration and greater cultural and economic development. The significant feature of the first National Policy on Education called for fulfilling compulsory education for all children up to the age of 14, as stipulated by the Constitution of India, and for better training and qualification of teachers. The policy also called for focus on learning of regional languages, outlining the “three language formula” to be implemented in the system of secondary education - the instruction of the English language, the official language of the State where the school was based. The Hindi Language education was considered to be very essential with a view to reduce the wider gap that exists between the intelligentsia and the masses. It is important to mention that the policy also encouraged the teaching of the ancient Sanskrit language, which was considered as an essential part of India’s culture and heritage. The second NPE was affected by the Prime Minister Rajiv Gandhi in the year of 1986. The new policy called for “special emphasis on

the removal of disparities and to equalise educational opportunity,” especially for Indian women, Scheduled Tribes (ST) and the Scheduled Caste (SC) communities.

### **NATIONAL POLICY ON EDUCATION (1986)**

It is important to note that a new draft National Policy on Education was approved by the Parliament in May 1986. The ‘Programme of Action’ to implement the new policy was adopted by the Government in August 1986. The new education policy was broadly based on a document called “A challenge of education a perspective” laid by the then Education Minister in Parliament on 20th August 1985. According to the new education policy document, Education in India stands at cross-roads today. Neither normal expansion nor the existing pace and nature of improvement can meet the needs of the situation. The catalytic action of education in the complex and dynamic process of our country needs to be planned meticulously and executed with great sensitivity. It further stated that “To enable the people to benefit in the new environment will require new designs of human resource development. The coming generations should have the ability to internalize new ideas constantly and creatively. Further, the policy states that they have to be imbued with a strong commitment to human values and social justice. The new Education Policy of 1986 called for a National System of Education in which all students, irrespective of caste, creed, location or sex, should have access to education. It further stated that steps will be taken to facilitate inter regional mobility by providing equal access to every Indian of requisite merit, regardless of his origins. Another striking feature of this policy was that it attached importance to the removal of women’s illiteracy and obstacles inhibiting their access to and retention in elementary education. In order to provide more and more opportunities, the policy laid major emphasis on women’s participation in vocational, technical and professional education at different levels. Again, the central focus of the policy in the educational development of the Scheduled Castes and Tribes in their equalization with the non-SC and ST population at all stages and levels of education, in all areas and in all the four dimensions, rural male, rural female, urban male and urban female. Again, the policy also aimed to bring under its fold the physically and mentally challenged along with the general community as equal partners. The major purpose is to prepare them for normal growth so that they were able to face life with courage and confidence. Further, the policy outlined a vast programme of adult and continuing education through establishing centers of continuing education in rural and urban areas; post-secondary education institution; wider promotion of books, etc., radio, television and films; distance learning programmes; need and interest based vocational training programmes, etc. The new thrust in elementary education emphasized two aspects; (1) universal enrolment and universal retention of children up to 14 years of age; and (2) a substantial improvement in the quality of education.

The policy pledges to provide essential facilities in primary schools, including at least two reasonable large rooms usable in all weathers, and necessary toys, blackboards, maps, charts and other learning material. At least two teachers, one of them a woman, should be there in every school, the number increasing to one teacher per class as early as possible. To this end, the 'Operation Blackboard' was launched all over the country to improve primary schools. The policy also introduced a non-formal form of education for school dropouts, for children from habitations without schools, working children and girls who could not attend whole day school. In order to provide good quality modern education to the talented children predominantly from the rural areas, the government launched in 1985-86 a scheme to establish Navodaya Vidyaaya on an average one in each district. The National policy on Education (NPE), 1986 accorded high priority to vocationalisation of education at the secondary stage. The NPE as revised in 1992 set the target of achieving diversion of 10 percent of the students at the +2 level to the vocational stream by 1995 and 25 per cent by 2000. A Joint Council for Vocational Education (JCVE) was set up in April 1990 for policy formulation and coordination at the national level.

New policy on Education as approved by the Government argued that a human being is an asset and a precious resource for the whole nation which needs to be cherished. It requires to be developed with dynamism and removal of disparities in a phased manner. The Open University system has been initiated to augment opportunities for higher education. The Indira Gandhi National Open University established in 1985 was strengthened. The policy provides for declining degrees from jots for which university degree need not be a necessary qualification. Its implementation will lead to a refashioning of job-specific courses and afford greater justice to those candidates who, despite being equipped for a given job, are unable to get it because of an unnecessary preference for graduates, the document explains. In the area of Technical and Management Education, the policy maintains that reorganization should take into account the anticipated scenario by the turn of the century, with specific reference to the like changes in the economy, social environment, production and management processes, the rapid expansion of knowledge and the great advances in science and technology. The National Policy on Education was further modified in the year of 1992 by the P.V. Narasimha Rao government. Again, in 2005, the then Prime Minister, Dr. Manmohan Singh adopted a new policy which was based on the "Common Minimum Programme" of the UPA government.

We may refer to some of the achievements since 1968 which have been listed by the Government. They are: (a) acceptance of a common structure of education throughout the country and the introduction of the 10 plus 2 plus 3 system by most States; (b) laying down of common system of studies for boys

and girls; (c) incorporation of science and mathematics as compulsory subjects; (d) restructuring of the courses at under-graduate level; (e) setting up of centres of advanced studies for post-graduate education and research. However, in order to cope with the changing conditions of time, the government of India appointed a new committee under the Chairmanship of K. Kasturirangan to prepare a Draft for the new National Education Policy in 2017.

## **DRAFT NATIONAL EDUCATION POLICY 2019**

The Government of India ventures again to revamp the system of education. In this regard, the draft National Education Policy (NEP) 2019 has been released by the Ministry of Human Resource Development, Government of India. The Ministry is seeking inputs and suggestions on the draft NEP from the citizens. The 2019 Draft National Education Policy highlights the following areas.

1. Technology will play an important role in the improvement of educational processes. The draft policy makes an endeavour to create National Digital Library to provide high-quality content. As per the draft policy, the relationship between technology and education at all levels is bidirectional. It should be pointed out that at the core, the draft policy has “proposed the revision and revamping of all aspects of the education structure, its regulation and governance, to create a new system that is aligned with the aspirational goals of the 21st century education, while remaining consistent with India’s traditions and value systems.
2. Focus on the high quality specialised content which will be made available in open educational repositories. The main purpose lies in the fact that all learners may have access to the high quality educational content and copyright-free educational resources which includes textbooks, reference books and videos, teaching-learning materials, etc. These will be created and curated from national and global sources at all levels of education and the most important part lie in the fact that it would be available in multiple Indian languages, and made available in a single online digital repository, e.g. the National Digital Library or NROER. In view of its high quality and up-to-date resource, it will be of great value not only to the teachers and students in the formal education system, but will also be a very powerful source for those who are in the lifelong learning process. So far as the expenditure is concerned, the funding for this kind of professional maintenance of shared resources will be made by the Central government.
3. In order to achieve the objectives, an autonomous body, the National Educational Technology Forum (NETF), will be created in order to provide a platform for the free exchange of ideas on the use of technology to improve learning, assessment, planning and administration.

## **THE NETF**

As per the draft policy, the National Educational Technology Forum will be a platform which would cater the needs of free exchange of ideas on the use of technology to improve learning, assessment, planning and administration.

The NETF will play the following roles:

- (a) It would provide independent evidence-based advice to the Central and State government agencies on technology-based interventions;
- (b) It would build intellectual and institutional capacities in educational technology
- (c) It would play the catalytic role for envision strategic thrust areas in this domain; and
- (d) Articulate new directions for research and innovation

To support the development of a vibrant body of knowledge and practice, NETF will organise multiple regional and national conferences, workshops, etc. to solicit inputs from national and international educational technology researchers, entrepreneurs and practitioners.

## **CONCLUSION**

In conclusion it may be posited that Education is one of the most important segments in the society, particularly with regard to the public policy. There is no denying the fact that education is the backbone of a society and hence a proper public policy on education is sine qua non. The proper development of a society largely depends on a proper education policy. It can therefore be said that the 2019 Draft Education Policy will be a land mark in the process of educational development which has taken into consideration the advancements in the system throughout the world.

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# Consumer Grievances in Insurance Sector: An Analysis

**Sapna Chadah\*** and **Deepika Sur\*\***

## Abstract

The ratio of insurance policy holders in India is still low, hence the public and private financial companies are luring people to buy their products. Secondly, the insurance business and the need for insurance cover are increasing with the growing complexity of life and commerce. As a consequence, there is now a bewildering variety of insurance cover. The present paper finds that it is high time for the consumers to buy any type of insurance only by taking cognizance of all facts before making a purchase. Consumer insurance literacy is a major challenge for consumer protection regulation. There are many rules established in the sector by the Regulator-IRDAI, which has stipulated directions for protection of consumer interests that mandatorily have to be implemented and executed by the insurance companies. In case of any non adherence by the insurance companies, the authority has the power to act as per the regulations.

**Keywords:** Insurance, Consumer-protection, NCH, Grievance-redressal, Claims, IRDAI

## INTRODUCTION

Insurance is a form of risk management primarily used to hedge against the risk of a contingent loss. It is "*a contract by which one party in consideration of a price (called the premium) paid to him adequate to the risk becomes security to the other that he shall not suffer loss, damage or prejudice by the happening of the perils specified to*

\* LL.M, Ph.D Assistant Professor (Administrative & Constitutional Laws), Centre for Consumer Studies, Indian Institute of Public Administration, I.P. Estate, Ring Road, New Delhi-110002.

\*\* MBA, Project Manager, National Consumer Helpline, Centre for Consumer Studies, Indian Institute of Public Administration, I.P. Estate, Ring Road, New Delhi-110002  
Contact: E-mail: sapnachadah@gmail.com, Mob.: 9810657989

*certain things which may be exposed to them".<sup>1</sup>* It may also be said that insurance is a cooperative device to spread the loss, caused by an uncertain event which is covered by insurance, over a large number of persons who are also exposed to the same risk and insure themselves against the risk. Insurance business and the need for insurance cover are increasing with the growing complexity of life and commerce. As a consequence, there is now a bewildering variety of insurance cover.

Each year the global economy adds an estimated 150 million new consumers of financial services.<sup>2</sup> Insurance markets in many emerging and developing countries are growing rapidly. This is driven by number of factors like introduction of compulsory motor and health insurance, links with credit provision and the growth of micro-insurance technology. Parallel to this, is development of number of undesirable industry practices which include unrealistic benefit illustrations, non disclosure of the real cost of products, misleading advertisements, unfair claims settlement practices, selling tied to other products or services, and not selling to identified needs. These can be largely mitigated only by strengthening of consumer rights.

In developing countries consumer protection and financial literacy are still in their infancy. In this scenario, protecting the interests of consumers has become an important component of sound and competitive financial markets. Weak consumer protection and a lack of financial literacy can render households vulnerable to unfair and abusive practices by financial and insurance institutions – as well as financial frauds and scams operated by intermediaries. The need for consumer protection arises from an imbalance of power, information and resources between consumers and their financial service providers. Consumer protection and financial literacy also promote the efficiency and transparency in financial markets. Consumers who are empowered with information, aware of their rights and responsibilities, are an important source of market discipline. They can encourage and compel financial institutions to compete by offering better products and services rather than by taking advantage of poorly informed or captive consumers.

## **THE INDIAN INSURANCE SECTOR**

This millennium has seen insurance come a full circle in a journey extending to nearly 200 years. The process of re-opening of the sector had begun in the early 1990s and in the last few decades, it has been opened up substantially. Following the recommendations of the Malhotra Committee report, in 1999, the Insurance Regulatory and Development Authority (IRDA) was constituted as an autonomous body to regulate and develop the insurance industry. The IRDA opened up the market in August 2000. The coming of private companies in the Indian insurance market has changed the nature of competition and the vigorous campaigns of these companies. This has led to rapid increase in insurance business.

During the first decade of insurance sector liberalization, the sector has reported consistent increase in insurance penetration from 2.71 per cent in 2001 to 5.20 per cent in 2009. Since then the level of penetration started declining and dropped to a level of 3.30 per cent in 2014. However, it started increasing since 2015 and is showing an increasing trend onwards, viz., in 2015 (3.44 per cent), in 2016 (3.49 per cent) and in 2017 (3.69 per cent). The level of insurance density reached the maximum of USD 64.4 in the year 2010 from the level of USD 11.5 in 2001. However, from the year 2011 to 2016 it was hovering between 50 to 60 but in the year 2017, it has grown up to USD 73 (USD 59.7 in 2016).<sup>3</sup>

At the end of March 2018, there are 68 insurers operating in India; of which 24 are life insurers, 27 are general insurers, 6 are Standalone health insurers exclusively doing health insurance business and 11 are re-insurers including foreign reinsurers' branches and Lloyd's India. Of the 68 insurers presently in operation, eight are in the public sector and the remaining sixty are in the private sector. Two specialized insurers, namely Export Credit Guarantee Corporation of India ( ECGC) and Agriculture Insurance Company of India (AIC), one life insurer namely LIC of India (LIC), four in general insurance and one in reinsurance namely GIC Re. are in public sector. 23 life insurers, 21 general insurers, 6 standalone health insurers and 10 reinsurers including foreign reinsurers' branches and Lloyd's India are in private sector.<sup>4</sup>

The insurance sector in India was opened up for private participation on the ground that inspite of enormous contributions made by the public sector to expand the coverage and spread awareness about insurance, the interests of the consumers would be better served if there is competition among the insurers. It was also recognized that the country has a vast potential waiting to be tapped and this can be done only when we have a large number of companies spreading their wings across the country and offering a variety of products catering to the demands of different sections of the population. It was also felt that competition would generate a healthy attitude towards redressal of consumer grievances and improve the quality of service.

Competition has brought more products and improved the customer service. It has a positive impact on the economy in terms of income generation and employment opportunities in the sector. Growth in insurance industry has been spurred by product innovation, active sales and distribution channels coupled with targeted advertising and marketing campaigns by the insurers. Innovations have come not only in the form of benefits attached to the products, but also in delivery mechanisms which have emanated from various marketing tie-ups both within the realm of financial services and outside. All these have taken insurance closer to the customer as well as making it more relevant. The insurance companies are increasingly tapping the semi-urban and rural areas to take across the message

of protection of life through insurance cover. The insurers have also introduced special products aimed at the rural markets.

The Indian Insurance Sector is basically divided into two categories—Life Insurance and Non-life Insurance. The Non-life Insurance sector is also termed as General Insurance. Both the Life Insurance and the Non-life Insurance is governed by the IRDAI (Insurance Regulatory and Development Authority of India). This government Regulator thoroughly monitors the entire insurance sector in India and also acts like a custodian of consumer rights in the insurance sector. This is the reason all the insurers have to abide by the rules and regulations of the IRDAI.

Life insurance industry<sup>5</sup> recorded a premium income of Rs. 458809.44 crores during 2017-18 as against Rs. 418476.62 crores in the previous financial year, registering growth of 9.64 per cent (14.04 per cent growth in previous year). While private sector insurers posted 19.15 per cent growth (17.40 per cent growth in previous year) in their premium income, LIC recorded 5.90 per cent growth (12.78 per cent growth in previous year).

The general insurance industry<sup>6</sup> including Standalone Health Insurers underwrote total direct premium of Rs. 150662 crores in India for the year 2017-18 as against Rs. 128128 crores in 2016-17, registering a growth rate of 17.59 per cent as against 32.94 per cent growth rate recorded in the previous year. The public sector insurers exhibited growth of 12.58 per cent in 2017-18, over the previous year's growth rate of 26.27 per cent. The private general insurers registered a growth rate of 21.59 per cent as against 35.55 per cent growth rate during the previous year. The standalone health insurers registered a growth rate of 41.93 per cent against 41.06 per cent growth rate during the previous year and the specialized insurers registered a growth rate of 10.75 per cent as against the growth rate of 70.33 per cent during the previous year. The premium underwritten by 27 private sector insurers (including standalone health insurers) in 2017-18 was Rs. 73734 crores as against Rs. 59663 crores in 2016-17.

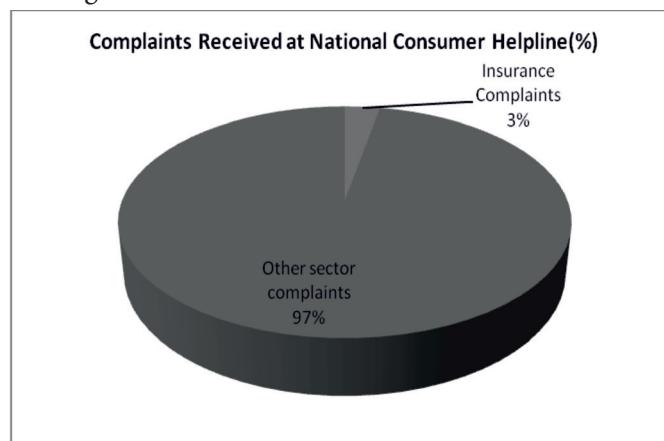
## **CONSUMER PROTECTION IN INSURANCE SECTOR**

The Insurance Industry of a country holds a prominent important place in context of mass welfare and economic development. The need for consumer protection arises from an imbalance of power, information and resources between consumers and insurance companies. The information asymmetry most of the times puts consumer in disadvantaged position. The financial and insurance products are complex and difficult to understand; the problem is further aggravated by the information imbalances. Consumer protection in insurance markets thus needs to focus primarily on safeguarding consumers from unfair practices, misrepresentations, or unwarranted risk in insurance transactions. The research paper provides and overview of problems consumers encounter in insurance sector through analysis of

kind and nature of complaints received at National Consumer Helpline during the period July 2017-June 2018.

### **COMPLAINTS RECEIVED AT NATIONAL CONSUMER HELPLINE (NCH)**

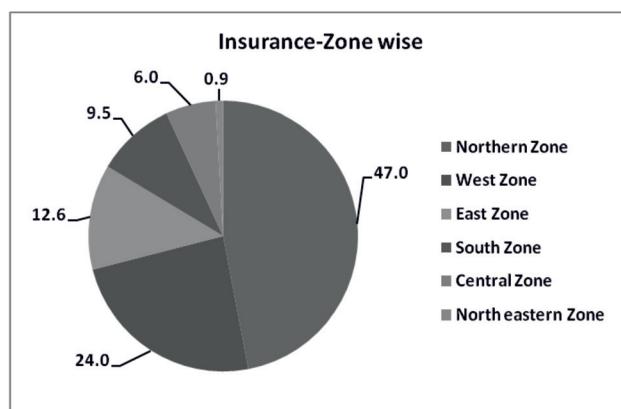
National Consumer Helpline (NCH), is a project of the Department of Consumer Affairs, Govt. of India and is managed by the Centre for Consumer Studies, Indian Institute of Public Administration, New Delhi. The project recognizes the need of consumers for a helpline to deal with multitude of problems arising in their day to day dealings with business and service providers. In case of any complaint regarding defective product, deficient services or deceptive trade practices, a consumer can approach NCH through two toll free number 1800 -11- 4000, or 14404, SMS (+918130009809), online portal [www.consumerhelpline.gov.in](http://www.consumerhelpline.gov.in) and the mobile application 'NCH App'. NCH advises, guides, educates consumers and suggests ways to deal with their consumer complaints from across the country. National Consumer Helpline has been handling consumer queries and grievances pan India for the last fourteen years. During the period July 2017 to June 2018, 7<sup>th</sup> highest number of complaints was registered in insurance sector. The 12,082 complaints were registered in the insurance sector.



**Figure 1.** Complaints registered at National Consumer Helpline (July 2017-June 2018)

Overall, the Insurance Sector contributes to 3 per cent of the total complaints registered at NCH. On further analysis state wise, the Northern Zone comprising of the states of Punjab, Jammu & Kashmir, Himachal Pradesh, Haryana, Chandigarh, Uttar Pradesh, Uttarakhand and Delhi accounts for 47 per cent of the total insurance complaints registered. Second is the West Zone consisting of the States of Gujarat, Rajasthan, Maharashtra, Goa, Daman & Diu, Dadra & Nagar Haveli, and 24 per cent of the insurances complaints are registered from in this zone. This is followed by East Zone comprising of the States of Bihar, Jharkhand, West Bengal, Odisha at

12.6 per cent, followed very closely by the South Zone (Kerala, Telangana, Andhra Pradesh, Tamilnadu, Andaman & Nicobar Islands, Puducherry) 9.5 per cent, the Central Zone of the States of Madhya Pradesh and Chhattisgarh account for 6.3 per cent and the final zone with the least number of complaint dockets registered is the North eastern Zone comprising of the States of the Assam, Sikkim, Tripura, Arunachal Pradesh, Meghalaya, Nagaland and Manipur accounting for 0.9 per cent.



**Figure 2.** Insurance Complaints–Zone Wise in % (July 2017-June 2018)

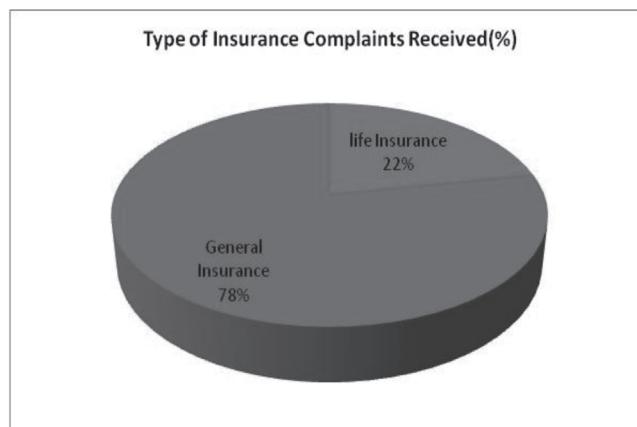
**Table 1.** State wise Complaints Registered in Insurance Sector (July 2017-June 2018)

State	July 2017-June 2018	%
Delhi	1719	17.6
Maharashtra	1251	12.8
Uttar Pradesh	1401	14.3
Haryana	833	8.5
Madhya Pradesh	521	5.3
West Bengal	647	6.6
Gujarat	577	5.9
Rajasthan	497	5.1
Karnataka	447	4.6
Bihar	341	3.5
Punjab	317	3.2
Telangana	179	1.8
Tamil Nadu	162	1.7
Chhattisgarh	98	1.0
Jharkhand	133	1.4
Odisha	113	1.2

Uttarakhand	116	1.2
Assam	60	0.6
Andhra Pradesh	87	0.9
Himachal Pradesh	77	0.8
Jammu & Kashmir	66	0.7
Kerala	49	0.5
Tripura	6	0.1
Dadra & Nagar Haveli	17	0.2
Goa	10	0.1
Chandigarh	39	0.4
Daman & Diu	1	0.0
Nagaland	0	0.0
Puducherry	3	0.0
Andaman Nicobar	1	0.0
Arunachal Pradesh	2	0.0
Meghalaya	4	0.0
Sikkim	2	0.0
Manipur	2	0.0
<b>Grand Total</b>	<b>9778</b>	<b>100</b>

Source: National Consumer Helpline, New Delhi.

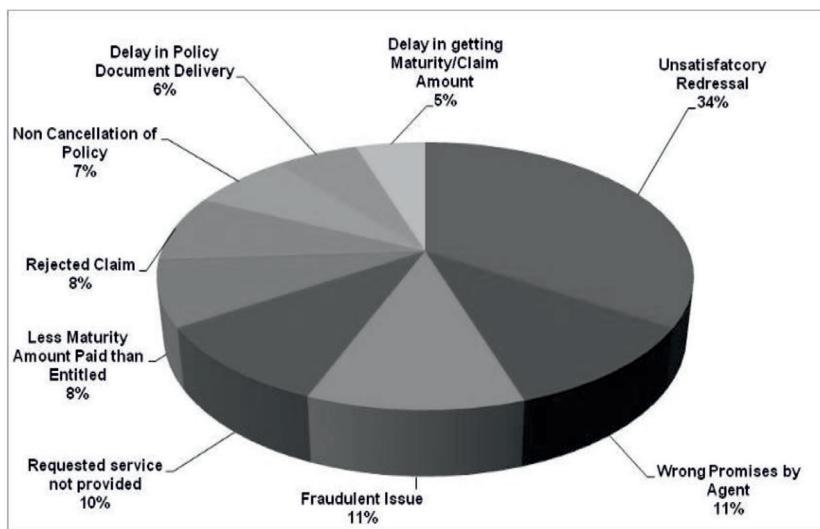
78 per cent of the insurance complaints registered during the period July 2017-June 2018 related to General insurance while 22 per cent were concerned with life insurance.



**Figure 3.** Type of Insurance Complaints

## **CONSUMER GRIEVANCES IN LIFE INSURANCE**

Human Life is full of risk and uncertainty. Also life is precious and priceless. Life insurance provides financial protection to the insured person and his family, against risk and uncertainties. In addition to the primary purpose of providing financial protection, it also encourages the habit of savings among them. Life Insurance guarantees a specific sum of money to the nominee upon the death of the insured person, or, to the insured on maturity of the policy. It supports the family members financially on the death of the major earning member. It gives peace of mind to insured individuals towards loss, safeguard of family, provides long terms saving benefit and a secured retirement life.



**Figure 4.** Frequently Occurring Complaints in Insurance Sector

## **COMPLAINTS IN LIFE INSURANCE**

In Life Insurance sector, the frequently occurring complaints reported at the National Consumer Helpline relate to unsatisfactory redressal (34 per cent), mis-selling or wrong promises by the agent (11 per cent), fraudulent issues (11 per cent), service requested not provided (10 per cent), maturity amount paid less than as entitled (8 per cent), claims rejected (8 per cent), non-cancellation of policy (7 per cent), delay in delivery of policy document (6 per cent), and delay in getting maturity claim amount (5 per cent),

## **MIS-SELLING/WRONG PROMISES BY AGENT**

Mis-selling of the insurance product is a major issue in insurance sector. This is due to the lack of awareness on the part of the consumers as well as unfair practices by

the agents. Mis-selling refers to certain ‘unfair business practices’, which includes selling the product by giving incorrect or hiding information which is not as per the offer of the Insurance company. Insurance agents describe the product as if it is tailor made to suit the prospect’s needs. Selling of a product on the basis of incorrect or incomplete information or selling the wrong product with correct information to a person who does not need it is called mis-selling.

The basic purpose of insurance is risk management. However, people usually purchase insurance policies solely with the aim of making an investment and get better returns. Insurance policies are meant to offer protection and expecting money-spinning returns from them is wrong. The customers are in a hurry to purchase a policy without reading the terms and conditions which are usually in fine print, long and cumbersome to understand. The insurance agent takes benefit of the situation and exploits the consumer, making him purchase the product where the agent derives the best benefit overlooking the interest of the consumer. Insurance agent gets a commission for every sale made. Insurance agents sell life insurance policies which give them higher commissions as compared to policies which may suit a prospect better but gives a lower commission. Insurance agents mis-sell life insurance policy to pocket a high commission.

Most of the times an agent may be a friend, relative or is recommended by a close relative. Consumer hesitates to say ‘No’ to him and this hesitation leads to the purchase of wrong policies. Further the agent mostly approaches the consumer at the end of the financial year, when the consumer is in a hurry to make an investment for tax purposes. The agent takes benefit of the situation and sells an unsuitable product to the consumer. Further the consumers are not aware of the terms and conditions like ‘free look period of 15 days’ of policies and agents also do not educate them about these. The life insurance policy within the free look period can be cancelled if policy holder is not satisfied with the terms and conditions mentioned in the policy document.

Agents do not encourage customers to fill the proposal form by themselves, assuring them that all correct details will be filled in by the agent and getting them only to sign on the dotted line. ULIPs have a complicated product structure that is hardly understood by the common man. Agents look out for such opportunities and sell the policy. Insurance agents sell life insurance policies with a promise of doubling your money in a couple of years trying to exploit your greed. Insurance agents sell ULIPs promising a high return on the investment along with an insurance cover but does not mention the risk involved by purchasing the ULIP life insurance policy. The other issues which the insured usually face in life insurance are:

- Delay in Policy Document Delivery
- Delay in getting maturity/Claim amount
- Delay in/Rejection of Death Claim

- Non Cancellation of Policy within free look period
- Delay in getting money back/surrender benefits
- Less maturity/Surrender Value given than agreed

### **DELAY IN POLICY DOCUMENT DELIVERY**

Once the proposal is accepted by the insurance company, the policy bond should reach the insured in 15 days time. The policy bond, when received, should be read carefully as all the policy conditions should be acceptable to the policy holder. The insured has an option to return/cancel it within 15 days (look-in period) in case he does not find it suitable. NCH receives complaints from policy holders where they did not get the policy papers in the 15 days period, and received it after a month, by that time the free look-in period of 15 days is over and the insurer cannot cancel it. At times, these delays are intentional, where agent takes the policy bond and does not hand it over to the insured on time, due to which, the insured loses the chance of cancelling it. The insured person should put the date along with signature on the policy document on receiving as that serves as proof, to avoid such incidents.

### **DELAY IN GETTING MATURITY/CLAIM AMOUNT**

The Insurance Policy is taken by the insured to compensate them in the event of an unforeseen event. If the insured dies during the policy period, the beneficiary/nominee gets the sum assured along with the bonus accrued under the policy if any. If the insured survives the policy period, he gets the maturity amount accrued under the policy. In case of maturity, life insurer has to inform the maturity date and amount of claim to policyholder through a blank discharge voucher in advance. The insured has to furnish the information in the discharge voucher and submit it to the insurance company to raise a claim. Delays in settlement of insurance claims are a very common complaint. The insured may have to face a lot of hassles to get the claim settled. The insurer company is supposed to settle the claim within 30 days of receiving all documents. If the insurance company fails to make the payment of claim within the stipulated time limit, the company is required to pay a penal interest to the claimant. For payment of maturity amount and annuities, the insurance company has to send post-dated cheques or transfer the money into the bank account of the payee on or before the due date.

### **DELAY IN/ REJECTION OF DEATH CLAIM**

In case of death of the insured anytime during the duration of the policy, the claim amount becomes payable to the nominee mentioned in the policy document. The nominee has to send an intimation of death of the policyholder to the insurer stating all details—date, cause and the place of death along with the policy number. The

claimant generally is required to fill in the claimant's statement, and the insurance company has to complete the investigation within 90 days of submission of claim. Death claims many times, get rejected for a variety of reasons. Denial reasons are drafted by experts in legal terms that are difficult to read and understand and convince the claimant that his claim is rightfully denied under the law. Such rejection should never be accepted as the final verdict and claimant has a right to complain to the IRDAI ombudsman against it.

### **NON CANCELLATION OF POLICY WITHIN FREE LOOK PERIOD**

During the free look period, the policyholder will receive full refund if he decides to cancel the policy. Policyholder is required to follow the correct procedure for cancelling the policy as prescribed in policy papers. NCH receives complaints where the insurance agent and the company are not ready to take the request of cancellation of the policy within the free look-in period or delays accepting the request so that the free look period lapses. All communication with the company should be in writing and not oral or verbal communication one should not depend on an agent as they are likely to employ all kinds of delaying tactics to avoid cancellation.

### **DELAY IN GETTING MONEY BACK / SURRENDER BENEFITS**

If the policyholder accepts the policy after the free look period, but later on finds that the policy is not suitable for any other reason; he can surrender this policy after three years and in ULIPs, in the period of five years. The surrender value is provided only when the premiums have been paid in full for at least first three consecutive years. For money back policies, the insured gets survival benefits on a periodical basis. Complaints are received from policy holders when there is a delay in receiving the money. The survival benefit of money back policy should reach the policy holder automatically but there are numerous cases wherein this does not reach the insured in time.

**Term Insurance** 37 per cent of Life Insurance Complaints at NCH relate to term insurance policies. The nature of complaints is given Table 2 below.

**Table 2.** Nature of Complaints Relating to Term Insurance

S. No.	Term Insurance- Nature of Complaints	Complaints Registered	%
1.	Unsatisfactory redressal	305	31
2.	Wrong Promises by Agent/DSA	95	10
3.	Requested service not provided	91	9
4.	Fraudulent Issue	88	9
5.	Non cancellation of the policy	82	8

6.	Rejection of claim	113	11
7.	Delay in policy document delivery	62	6
8.	Less maturity amount paid than entitled	50	5
9.	Less sum assured than promised	26	3
10.	Others	72	7
<b>Grand Total</b>		<b>984</b>	<b>100</b>

**Endowment Insurance** Complaints relating to endowment policy comprise 35 per cent of overall Life Insurance Complaints at NCH. The nature of complaints are given Table 3 below.

**Table 3.** Nature of Complaints relating to Endowment Insurance

S. No.	Endowment-Nature of Complaints	Complaints Registered	%
1.	Unsatisfactory redressal	359	39
2.	Wrong promises by Agent/DSA	95	10
3.	Fraudulent issue	74	8
4.	Requested service not provided	74	8
5.	Less maturity amount paid than entitled	61	7
6.	Rejection of claim	61	7
7.	Non cancellation of the policy	53	6
8.	Delay in policy document delivery	47	5
9.	Non receipt/partial of the claim	36	4
10.	Others	66	7
<b>Grand Total</b>		<b>926</b>	<b>100</b>

**ULIP:** ULIP complaints comprise 11 per cent of overall Life Insurance complaints at NCH. The nature of complaints is given in Table 4 below

**Table 4.** Nature of Complaints relating to ULIP

S. No.	ULIP -Nature of Complaints	Docket Registered	%
1.	Unsatisfactory redressal	101	36
2.	Fraudulent Issue	32	11
3.	Wrong Promises by Agent/DSA	29	10
4.	Less maturity amount paid than the entitled	25	9
5.	Requested service not provided	18	6
6.	Non cancellation of the policy	18	6
7.	Rejection of Claim	17	6
8.	Delay in policy document delivery	14	5
9.	Requested service not provided	12	4
10.	Others	14	5
<b>Grand Total</b>		<b>280</b>	<b>100</b>

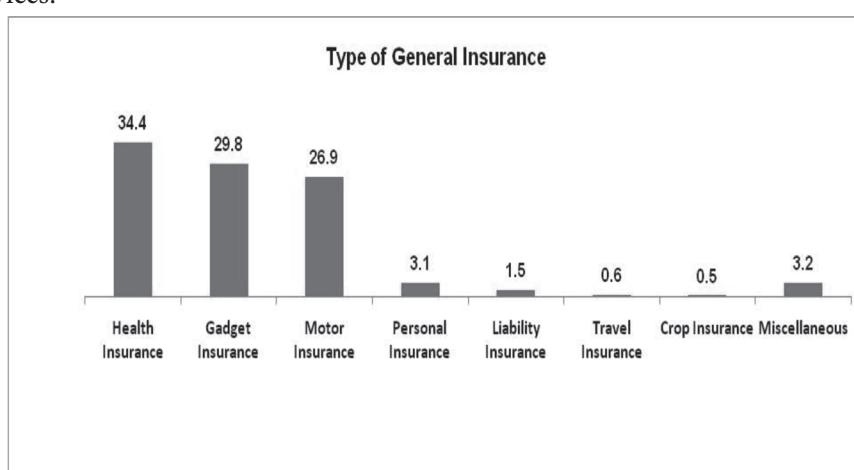
## **GENERAL INSURANCE**

General Insurance is non-life insurance meant to cover the loss of tangible assets or services. These assets or services are under the purview of general insurance so that financial protection can be provided to consumers against unforeseeable damages and loss of such assets by paying a price in the form of premium. General Insurance covers all risks except the human life, hence it is also known as non life insurance. The different types of general insurance are Motor, Health, Personal Accident, Travel, etc. General Insurance is further categorized into Crop, Health, Gadget, Liability, Motor, Property etc. The complaints registered at NCH for general insurance categories listed below in descending order.

**Table 5.** Complaints registered in General insurance-Category wise

S. No.	Type of General Insurance	Docket Registered	%
1.	Health Insurance	3257	34.4
2.	Gadget Insurance*	2818	29.8
3.	Motor Insurance	2540	26.9
4.	Personal Insurance	296	3.1
5.	Liability Insurance	145	1.5
6.	Travel Insurance	57	0.6
7.	Crop Insurance	44	0.5
8.	Miscellaneous	299	3.2
<b>Grand Total</b>		<b>9456</b>	<b>100</b>

\*Major gadget complaints are related to mobile insurance taken via DSA or agency services.



**Figure 5.** Complaints registered in General insurance-Category wise

At NCH, approximately 34 per cent complaints in the general Insurance category pertain to Health Insurance, and 27 per cent complaints are generally of the kind *where the company has reimbursed the claim partially, or in full, but there is a delay in crediting the amount to the insured person's bank account.* For this, IRDAI has set up rules for claim procedure and every insurer that provides health insurance service must adhere to the laid down procedures. According to the provisions of Regulation 27 of IRDAI regulations 2016, an insurer must provide the settlement amount within 30 days upon receipt of all necessary documents.

- If there is any delay in payment of settlement, the insurer shall be liable to pay interest at 2% above the bank rate from the date of receipt of the last necessary document.
- If a claim warrants an investigation, the insurer must initiate and complete the investigation within a maximum of 30 days from the date of receipt of last necessary document.
- For claim settlement following an investigation, the insurer must settle the claim within a maximum of 45 days from the date of receipt of last necessary document. If the delay is beyond 45 days, the insurer must pay interest at 2% above the bank rate from the date of receipt of last necessary document.

Although a number of claims are allowed in the policy if specifically mentioned, otherwise the sum insured is the maximum limit under the policy. For the complaints related to rejection of the claimed amount, the insurance company must provide the reason in writing for rejecting the claim. If the consumer is not satisfied with the company's rejection reason, he can present his case to the insurance ombudsman. At NCH, also 25% complaints are received in which consumer's claims are rejected without providing any reason.

**Table 6.** Major Complaints in Health Insurance

S. No.	Nature of Complaints	Docket Registered	%
1.	Delay in claim amount	886	27
2.	Rejection of claims	821	25
3.	Unsatisfactory redressal	829	25
4.	Less claim passed	192	6
5.	Delay in policy documents delivery	132	4
6.	Policy cancel money not refunded	110	3
7.	Fraudulent issue	87	3
8.	Other	200	6
	Grand Total	3257	100

If a policyholder is not satisfied with the services of the insurance company, he can port the health insurance plan to another insurance company. At NCH, many complaints are received in which consumers are not satisfied with their insurance

company as promised services are not provided. This portability facility was introduced in July 2011 by IRDAI, in which a policyholder can transfer the credit gained for pre-existing conditions and time bound exclusions when switching from one plan to another of the same insurer, or from one insurer to another insurer. This is applicable for individual/ family policies. The insured is also entitled to all continuity benefits, like no-claims bonus and free medical check-ups, which were accumulated during the previous policy. To avail this facility, a policyholder has to apply to the insurance company 45 days prior to the date of premium renewal to the new insurance company of his choice, provided that the previous policy was maintained by the policyholder without any breaks.

### **ROLE OF TPA IN HEALTH INSURANCE**

Third Party Administrators (TPAs) were introduced by IRDAI in the year 2001. The IRDAI defines TPA as one who, for the time being, is licensed by the authority, and is engaged, for a fee or remuneration, in the agreement with a health insurance company for the provision of health services. The main functions of TPA are claim settlement, claim processing, maintaining database and value added services for the convenience of the policyholders. TPAs are primarily engaged to manage the claims process efficiently and effectively in a lesser time frame. As TPAs have an arrangement with many insurance companies, they promise to deliver better services to both—the policyholders and the insurance companies. Many complaints are received at NCH related to misselling of policies by TPAs but consumers should know that TPAs are involved after the policy is bought and the policy papers are issued to policyholders. As on date, 27 TPA companies are registered with IRDA.

Motor insurance is another major area where complaints are being received. Around 27 per cent of the complaints in the sector relate to motor insurance, out of which 33% complaints are received in which consumers complain about delay in processing claim although the claim has been passed.

**Table 7.** Nature of complaints in Motor Insurance received at NCH

S. No.	Nature of Complaint	Docket Registered	%
1.	Delay in claim amount	832	33
2.	Rejection of claims	556	22
3.	Unsatisfactory redressal	529	21
4.	Less claim passed	194	8
5.	Delay in policy documents delivery	102	4
6.	Policy cancel money not refunded	58	2
7.	Discrepancy in surveyor report	30	1
8.	Fraudulent Issue	20	1

S. No.	Nature of Complaint	Docket Registered	%
9.	Non cancellation of policy	15	1
10.	Other	204	8
	Grand Total	2540	100

## **GADGET INSURANCE**

Gadget insurance is the coverage to offset the financial loss for the damage and theft of consumer electronic and consumer durable items like mobile, LCD, LED, AC etc. Due to high cost of consumer durables, this kind of insurance is fast catching up. This is also a major area of complaint at NCH. Around 30 per cent of the complaints relate to gadget insurance and most of these relate to insurance of mobile phones. The sum insured is calculated as per the book value of the product. Cashless services are also available in which policyholder can get his damaged product repaired at the service center. The insurance company provides the claim amount in case of theft or repair of the product.

## **CONCLUSION**

The above analysis brings out the fact that it is better to be wise than sorry. It is imperative that consumers looking to buy any type of insurance must take cognizance of all facts before making a purchase. Consumer insurance literacy is a major challenge for consumer protection regulation. There are many rules established in the sector by the Regulator – IRDAI, which has stipulated directions for protection of consumer interests that mandatorily have to be implemented and executed by the insurance companies. In case of any non adherence by the insurance companies, the authority has the power to act as per the regulations.

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# Governor's Discretionary Powers and The Centre: A Study in Context of President's Rule in Indian States

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**Lakshmeshwar Prasad Roy\***

## Abstract

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The political conditions and fissiparous tendencies of Indian states at the time of independence compelled the founding fathers to make a unique federal structure tilted towards the strong Centre. Among the provisions for making the Centre strong, conferring discretionary powers on Governor, particularly the provisions related to promulgation of President's rule under Article 356 is important. But with the passage of time, particularly after 1967, the trends reveal that this constitutional provision has been abysmally abused as a political weapon by the Central Government. As such the present paper intends to underline its trends over the decades. It finds that by the use of this provision, Centre has become the hinge of the Governor's discretionary powers. The factors responsible for making the office of Governor vulnerable to Centre's will are appointment procedure, removable tenure of the office and party affiliations. Further, the trend of use of Governor's discretionary powers for partisan political gains has become a salient feature, irrespective of whichever party or the group of parties are in power.

**Keywords:** Governor, Discretionary powers, President's rule, Constituent Assembly, Judiciary

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## INTRODUCTION

The present paper posits that the provision of discretionary powers of the governor of an Indian state has been made with an intention of Central government to have control over states. As such the governor's discretionary powers oscillate on the hinge of central government. In order to explain the position, the present paper ponders upon the following issues – provisions of governor's discretionary powers,

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\* Professor and Head, Department of Political Science, B R A Bihar University, Muzaffarpur (Bihar)  
Contact E-mail: drlproy@gmail.com, Mob.: 8521921626

the intention of framers of the constitution, practice of proclaiming president's rule in states since independence, and opinions of higher judiciary. These perspectives involve the questions like in what circumstances the governor can use his discretionary powers? What have been the trends of using/abusing the discretionary powers of the Governor in Indian political system? Why is the office of Governor vulnerable to the will of the Central Government? The central conceptual thread of the paper runs around the highhandedness of Central Government in using governor's discretionary powers in interest of partisan political gains. It is true that the Governor is appointed by the President which means in effect and substance the Government of India, but the related provisions of the Constitution India do not make the incumbent as Governor an employee and servant of the Government of India. But the practice of using the Governor's discretionary powers by the Centre fortifies our proposition that the Centre has upper hand in making the office of Governor as its political. It has been seen that with the change of a political regime at the Centre, some governors promptly resign, some initially resist but subsequently complied and some are sacked from the office. All these make an urgent imperative to examine the governor's discretionary powers in its spirit and practice.

### **GENESIS AND SPIRIT OF DISCRETIONARY POWERS**

The present provision of President's rule in a state has British legacy. The constitutional provision of proclaiming central rule in provinces of India has its origin in section 93 of the Government of India Act 1935. In colonial India, British rulers practiced 'controlled democracy' through such provisions that gave teeth to centre to control over provincial governments. The section 93(a) provides that such 'proclamation be exercised by Governor of a province in his discretion', but the section 93(5) reads, "The functions of the Governor under this section shall be exercised by him in his discretion and no Proclamation shall be made by a Governor under this section without the concurrence of the Governor-General in his discretion". In short, it can be posited that the very spirit of this provision lied in the fact that it gave teeth to the Central Government to use and abuse the Governor's discretion.

The constituent Assembly had a great deal of discussions on the issue of governor's discretionary powers and its use by him. The use of discretionary powers by the Governor himself depends on three factors appointment, tenure and judicial review. So far the appointment of governor is concerned, the Constituent Assembly, even after proposals of 'election' by the draft constitution, disapproved and made the provision of appointment instead of 'election'. In case of tenure of the office of Governor mentioned under Article 132 of the Draft Constitution, several members of the Constituent Assembly advocated for the fixed tenure. A member of the Assembly Prof. K.T. Shah had proposed to insert the words "and

shall during the term be irremovable from his office”, after the word “office” in the Draft Article 132. It would read as “The Governor shall hold office for a term of five years from the date on which he enters upon his office and shall during that term be irremovable from his office” but his amendment was not accepted by the Constituent Assembly. Another member Prof. Shibban Lal Saksena said that “now the Governor will be there only at the pleasure of the President and such a Governor will have no independence and my point is that the Centre might try to do some mischief through that man. Even if he is nominated, he can at least be independent, if after he is appointed, he is irremovable.” Dr. B.R. Ambedkar was of opinion that the office of Governor would do it not ordinarily, not as a matter of routine, he would do it for corruption, for bribery, for violation of the Constitution or for any other reason which the President, no doubt, feels is a legitimate ground for the removal of the Governor.<sup>1</sup>

Constituent Assembly witnessed an arduous discussion both in favour and against on Art. 277-A, Art. 278 and Art. 278-A of the Draft Constitution (present Art. 355, Art. 356 and Art. 357 respectively). They were, in fact, concerned with synthesizing two aspects of the problem, namely, the necessity of empowering Union to safeguard unity and integrity of Union of India and the protection of the autonomy of state in order to honour federal principles. Many prominent members apprehended that, if and when it would be misused, it would violate not merely the federal character of the polity envisioned by them but also make a mockery of democratic principles. One such member expressed his anxiety in the following words: “I find that, this article scraps the State Legislature and the Council of Ministers as well as, the Governor, and the President and Parliament become the rulers of the Province. I would not have minded, if you had frankly said, “We are framing a unitary constitution. That would have been better.” Pt. H.N. Kunzru maintained that this new article was not warranted by the terms of reference to the Drafting Committee and that the Committee went beyond its mandate.<sup>2</sup> Dr. Ambedkar did not answer all the issues raised by the members and concluded the discussion with following remarks:

“In regard to the general debate which has taken place in which it has been suggested that these articles are liable to be abused, I may say that I do not altogether deny that there is a possibility of these articles being abused or employed for political purposes. But that objection applies to every part of the Constitution which gives power to the Centre to override the Provinces. In fact I share the sentiments expressed by my honorable Friend Mr. Gupte yesterday that the proper thing we ought to expect is that such articles will never be called into operation and that they would remain a dead letter. If at all they are brought into operation, I hope the President, who is endowed with these powers, will take proper precautions before actually suspending the administration of the provinces. I hope the first thing he will do would be to issue a mere warning to a province that has erred, that things were not happening, in the way in which they

were intended to happen in the Constitution. If that warning fails, the second thing for him to do will be to order an election allowing the people of the province to settle matters by themselves. It is only when these two remedies fail that he would resort to this article. I do not think we could then say that these articles were imported in vain or that the President had acted wantonly.”<sup>3</sup>

## **DISCRETIONARY POWERS AND PRESIDENT’S RULE**

The powers and functions so conferred on the office of Governor include the exercise of certain discretionary powers where the Governor is expected to act on his own judgment. Further it is the duty of the Governor as the representative of the Centre to ensure that the state is being carried on in accordance with the provisions of the Constitution. While the Governor, like the President, customarily acts on ministerial advice, the Governor is not bound to seek such advice in exercise of his discretionary powers. It can be said that the Governor is expected to play a somewhat more active role than the President. After 42nd Amendment, ministerial advice has been made binding on the President but no such provision has been made with respect to the Governor. The Constitution of India has several provisions regarding discretionary powers of a governor of an Indian state. Article 163(2) empowers the governor to decide an issue himself whether the issue is discretionary or not. It has been provided in the Article 166(3) that Governor has discretion in making rules for the more convenient transaction of state government in the areas of his discretion.

Under Article 356, the Governor can invite the President to take over the state administration.<sup>4</sup> So far the discretionary power of the Governor in the matter of appointment of Chief Minister is concerned, it is a fact that where one party gets a clear majority, the Governor may have no discretion or choice in the matter but where no single party or a pre-election group/coalition gets a clear majority, the Governor has to exercise his judgment in the matter of whom he should invite to form the government. In such situations governor uses his discretionary powers according to the will of Central government. The recent cases of Goa and Manipur are the glaring examples. After the assembly elections held in 2017 in five states including Goa and Manipur, the governors of both these states did not invite the largest party to form the government and gave chance to the party, to form government, that was in power at the Centre. National Commission to review the working of the Indian Constitution has also concluded, “In such a situation and because the Governor owes his appointment and his continuation in the office to the Union Council of Ministers, in matters where the Central Government and the State Government do not see eye to eye, there is the apprehension that he is likely to act in accordance with the instructions, if any, received from the Union Council of Ministers rather than act on the advice of his Council of Ministers.”<sup>5</sup>

## **FACTORS RESPONSIBLE FOR VULNERABILITY OF THE OFFICE OF GOVERNOR**

The discretionary powers of Governor in promulgation of president's rule in a state is not so important rather it is the centre that prompts him to send recommendation accordingly. This proposition has support of two important facts-appointment procedure to the office of Governor and his removal from the office. The drafting committee of the Constituent Assembly had proposed the Governor to be elected but there were three or four amendments, which set out a principle, which completely opposed the proposal in Article 131 of the Draft Constitution and suggested that "the Governor should be nominated." Dr. B.R. Ambedkar and Pt. Jawaharlal Nehru also viewed that there is no need for an elected Governor. If we have an elected Governor and an elected Chief Minister, then the elected Governor would not be the constitutional head. It would be different from the position obtaining at the Centre and finally Constituent Assembly approved the system of presidential nomination of the Governor in the State.<sup>6</sup> But the qualification of the Governor was not clarified in the Constitution. As a result the persons from ruling party at the Union and loyal to party high command are appointed as governors who are bound to obey them as the Governor is not irremovable for a tenure. The second issue relates to removal of the Governor from the office. Article 156 of the Constitution, though mentions five years' tenure of governor, yet he can be terminated at any time when the President withdraws his pleasure. This Article does not mention any ground on which the pleasure of the President may be withdrawn. Hence, the power of the President regarding removal of the Governor is extreme. In short, a person in the office of Governor can remain in office till the pleasure of the President. These two facts fortify our position that the discretionary powers of the Governor rest on the pleasure of the Central Government or party in power at the Centre.

## **PRESIDENT'S RULE IN PRACTICE: CENTRE'S PREROGATIVE**

The trend of use of Article 356 has been changing over the decades in accordance with the political situations in India. In all its phases, there are instances that prove the Governors' discretionary powers to suggest promulgation of the Article 356 as been depending on Centre's prerogative. The proclamation of President's rule in states has varied numbers across various decades. It was used 20 times between 1950 and 1970 and 63 times between 1971 and 1990, on an average 3 times a year. In fact, it was used 49 times between 1970 and 1980, highlighting the polarized political atmosphere during those times. This was used as a political tool in those times. Between 1991 and 2010, it was used 27 times. Only in 1991 and 1992, it was used 9 times. The use of Article 356 came down significantly following the Supreme Court's landmark judgment in the S R Bommai case in 1994 but the intention did

not change. Between 2011 and 2016, it has been used 6 times including 4 times till the NDA regain the power in 2019. It will not be out of place to mention the role of Governors of Manipur and Goa in inviting the party to form the governments in respective states which had not clear verdict in the elections held in 2017 without giving chance to the largest party. The Governors of these two states invited BJP to form government without consulting the party winning largest number of seats in the respective assemblies.

This trend can be read irrespective of the parties or group of parties in power at the Centre. The facts regarding party wise imposition of president's rule depicts the trend that all the parties coming into power at Centre used this provision evenly. Every party or front of parties exercised this provision in political interest of the party or coalition of the parties. Similar observations were made which corroborates that 'Ambedkar's dead man (article 356) is walking or running if we may say so.'<sup>7</sup>

### **PRESIDENT'S RULE AND JUDICIARY**

The entire essence of centre's intention lies in the very process of selection of persons as governors. The intentions of founding fathers, legal provisions and recommendations of the commissions were to appoint such persons as governors who has integrity and character and restrain from opting a person from active politics. It is desirable that a politician from the ruling party at the Union is not appointed as Governor of a State which is being run by some other party or of a combination of other parties. Sarkaria Commission also recommended that the Vice President of India and the Speaker of the Lok Sabha may be consulted by the Prime Minister in selecting a Governor. On the contrary, Central government preferred to choose from the lot of active politicians. Irrespective of the guidelines and recommendations of the Sarkaria Commission, the party in power at the Centre does not follow any uniform policy in regard to the appointment of the Governors. There are several instances that prove this hypothesis.

The issue was discussed threadbare and the Constituent Assembly intended to use this article (Art. 356) only in rare occasion and as a measure of last resort when all available alternatives fail to prevent or rectify the breakdown of constitutional machinery. On contrary things went other way since independence. In the landmark judgment in the case *S R Bommai vs. Union of India* (1994), the Supreme Court held that dismissal of state government was subject to judicial review and the court could review the dissolved state assembly if the dissolution was found to be judicially indefensible. It also said that the Presidential proclamation under Article 356 is not absolute and the power conferred by Article 356 on President is conditioned power.<sup>8</sup> Of the nine judges bench of Supreme Court Bench, six authored separate judgments touching various aspects of proclamation of president's rule. The first unequivocal

statement of law that the use of Article 356 was amenable to judicial review. It marked that frequent use of this power is likely to disturb the constitutional balance (Justice S R Pandian one of the judges of the Bench).<sup>9</sup> The judgment reminded the Governor and President of their roles, justice Ramaswamy said the Governor, as a constitutional head of the government, in times of constitutional crisis, bring about sobriety and should, with a high degree of constitutional responsibility, inform the President about the situation in the state.<sup>10</sup>

## **CONCLUSION**

If President maintains restraints, things may change. It is evident from the fact - three years after Bommai case in 1997, President K R Narayanan for the first time returned the Cabinet's decision for central rule in Uttar Pradesh. Later he returned a recommendation to dismiss the Bihar government. On both the occasions, the Centre withdrew its move. Again in 2006, the Supreme Court struck down Art. 356 in Bihar.

Let us conclude with observation of the National Commission to Review the Working of the Constitution which rightly recommended that "It is necessary to invest the office of the Governor with the requisite independence of action and to get rid of the bane of 'instructions' from the Central Government. It is necessary to make the Governor of the State in its full and proper sense and to enable him to live up to his oath truthfully. His loyalty must be to the Constitution and to none else and his commitment to the well-being of the people of his State. He must command respect by his conduct."<sup>11</sup>

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# Indo-Japanese Cooperation for Tackling AES in Bihar: Prospects of Collaboration with JICA\*

Nishtha Kaushiki\*\*

## Abstract

The menace of Acute Encephalitis Syndrome (AES) set its foot yet again in Bihar and Litchi (and the possible hypoglycaemia) has been blamed again for its outbreak in Bihar. For beating this menace, the role of the administration, health bureaucracy and political leadership should be held responsible for overlooking the possible solutions in advance. The menace could have been avoided and precious lives of younger ones could have been saved, if it was taken into consideration in advance by the health administration of Bihar. In view of the weakness on the part of health administration, the present paper seeks to explore the viability of cooperation of Japan International Cooperation Agency (JPCA) in beating the menace on the basis of JICA's success track record in its working with West Bengal's National Institute of Cholera and Enteric Diseases (NICED). In this process, the present study intends to examine the ways which may be used for tackling the menace of AES in Bihar. It seems that establishment of an Indo-Japan AES Research Institute and Hospital with Japanese support and technical assistance will be a welcome step. Finally, the paper recommends some suggestions, useful in policy making, in the areas of technical, administrative and financial aspects of the management of arresting AES outbreak.

**Keywords:** AES, Administration, Indo-Japan Cooperation, JICA, Bihar

## THE PROBLEM

The history of AES dates back to 1970s, however, it became the menace in Bihar for the first time 1995. Since then it has created havoc in the state of Bihar. Every year with the outbreak of AES in Bihar, the child (below 10 years) mortality and the morbidity rate of the state increases substantially. It occurs between April to

\* AES: Acute Encephalitis Syndrome and JICA: Japan International Cooperation Agency

\*\* Assistant Professor, Department of South and Central Asian Studies, School of International Studies, Central University of Punjab, Bathinda 151001, Punjab.

Contact E-mail: nishtha.kaushiki@cup.edu.in Mob.: 9041549966

June every year and this year (2019) it claimed more than 100 lives. By its very definition, acute encephalopathy in infancy and childhood it is a, "rapidly progressive dysfunction of the brain with non inflammatory edematous changes. It is a neurologic syndrome causing rapid, accelerating and protracted deterioration of consciousness, frequently following convulsive seizures triggered such as febrile illness such as viral infections."<sup>1</sup> Dr. Kavinder Sinha, Former Director of Health Services in Bihar states that, "Hypoglycaemia is not a symptom but a sign of AES. In Bihar, convulsions in children (which is AES) are found in combination with hypoglycaemia. This hypoglycaemia is caused by malnourishment and lack of proper diet."<sup>2</sup> As the state tried to grapple with the deaths and the new number of cases being reported, it has been brought to the limelight that there is lack of in-depth knowledge and data on the epidemiology of AES. This was in addition to the lack of basic facilities such as testing centres as well as facilities for the treatment of the same and an overall inappropriate response upon the outbreak of AES. All these factors coupled with the lack of dissemination of the knowledge on the effective utilisation of PM Jan Arogya Yojna (PMJAY) increased the number of deaths.

From an administrative perspective, the Standard Operating Procedures (SoP) were revised in 2018, wherein it was expected that Accredited Social Health Activists (Asha) workers would regularly visit houses specially located near the Litchi orchards at the onset of summers to spread the awareness. It was their direct responsibility to do the needful and distribute packets of ORS to the villagers through the village health and sanitation committee. Thus, the crucial role of the rural health workers and the district administration is also important. The fact that AES after its outbreak in Muzaffarpur soon spread to East Champaran (Motihari) and Sitamarhi districts which speaks of prevalent reluctance on the part of administration at ground level. No doubt, the Central and the State governments have their own list of reasons but neither the two governments took proper measures and nor did took preventive steps like undertaking research and provide virology labs. Thus, the problem not only constitutes technical but also administrative dimensions.

The main objective here is to examine the ways in which Japan International Cooperation Agency (JICA) came to rescue to tackle outbreak of diseases like cholera in Bengal and other parts of our country and prospects of JICA's cooperation in Bihar too. The JICA-NICED Project was implemented from 2003 to 2008. There lies a huge potential for collaboration between the Central Government, Bihar Government and JICA in order to set up research facilities to prevent, control and mitigate the effects of AES even in the state of Bihar. It is worth noting that JICA, in 1970s, helped People's Republic of China in its immunization Project to tackle diseases such as poliomyelitis (polio), measles, hepatitis B and Japanese encephalitis. The Project titled as 'Project for Surveillance and Control of Vaccine-Preventable

Diseases' included Japanese encephalitis (JE). AES and JE have some symptoms in common. It was observed that the overall health of the Chinese children had improved substantially by the said project.

### **JAPANESE FOREIGN AID AND HUMAN SECURITY**

Post Second World War in 1954, Tokyo joined the Colombo Plan for economic cooperation and social development for the Asian Countries. This important development marked the beginning of Japanese Official Development Assistance (ODA) which later on went on to become an important tool of its foreign and security policy in its 'Asia centred diplomacy' as previously outlined by PM Kishi. In 1961, Japan became one of the founding members of the Development Assistance Group (DAC) and in 1964, joined the Organization of Economic Cooperation and Development (OECD). In 1961, Japan for its effective streamlining of the aid, established OTCA which today has been rechristened as Japan International Cooperation Agency (JICA) in 1974 and ever since then JICA has been successfully implementing technical assistance projects in the field of environment, healthcare and wellness, education etc.

India was the first recipient of Japanese Yen Loans in 1958. The important feature of these Yen Loans have been that they are long term loans with very low interest rates, thereby decreasing the Central government's financial burden. Given the absence of conflicts or disagreements between the two countries, and due to other strategic reasons, India has emerged as a 'natural choice' of Tokyo. Both aim to work jointly in order to strengthen their respective as well as each other's position in the region and beyond. Various high level exchange visits have been taking place regularly between the two countries since the early 1990s and the two countries share an immense strategic relationship. Besides cooperation in the defence sector and the manufacturing sector, the two countries have worked together in the field of economic cooperation.

Economic assistance from Japan has been a long cornerstone of the Indo-Japan relations and more so has gained strength after 2003 when India became the highest recipient of Japanese ODA. In 2008, Japan drastically reduced its ODA loans to China and the funds were directed towards India. Lately, in 2018, Japan has discontinued its foreign aid to China, thereby increasing the potential of Japanese foreign assistance to India.

Japan through its foreign aid specially focuses on the aspect of human security and 'human centred development'. It has become one of the most important pillars of Japanese foreign aid policy. Although India has developed immensely in the last seventy years from different aspects such a space and defence research, its ability to get metro trains in the metropolitan cities as well as attract Foreign Direct

Investment (FDI) in various sectors, yet, one of the most ignored sectors of the country is the public health system in the context of tackling of preventing and tackling the outbreak of certain epidemics in various parts of the country. Japan's Country Assistance Program for India came into existence in the year 2006 to focus specially on India's needs by prioritizing the areas in which it needs Tokyo's help. Through JICA, India has been offered help to its most socially and economically poor class. JICA has contributed immensely for uplifting this section of the people.

### **JICA'S TRACK RECORD OF SUCCESS: A CASE STUDY**

In the above context, there is an immense potential to get JICA to give technical assistance to the state of Bihar in tackling its AES syndrome. The past example of JICA's help to establish NICED and initiate basic and applied scientific research to mitigate the epidemic of Cholera in West Bengal. JICA has helped NICED in its capacity building and institutional strengthening. Following the discovery of *Vibrio cholerae* 0139 by the scientists of NICED in 1992-93, the Government of India officially requested the Japanese government for Assistance with the aim of innovating counter measures since no vaccines were available to deal with it. The Japanese Government was kind enough to accept the proposal under its grant assistance scheme. Indian Council of Medical Research (ICMR) became the implementing organisation. Supporting Organizations in Japan were National Institute of Infectious Diseases, International Medical Centre of Japan, Osaka University; Okayama University of Science and Sapporo Medical University. The cost of the first phase of the Project was 38,45,25,000 Yen and for the second phase it was 2.134 billion Yen. This was the first JICA technical cooperation project that saw a high level of interaction between medical institutions of Japan and India.<sup>3</sup> Skills and expertise gained by NICED under this project proved immensely useful to decrease the mortality rate related to Cholera not only in West Bengal but also in other parts of the country.

### **POTENTIAL OF JICA'S ASSISTANCE IN BIHAR**

The Government of Japan and the Government of India in October 2018 signed a Memorandum of Cooperation (MOC) with the purpose to "establish a mechanism to identify potential areas for collaboration between India and Japan in common domains of primary healthcare, prevention of non-communicable diseases, maternal and child health services, sanitation, hygiene, nutrition and elderly care."<sup>4</sup> It is through this agreement that the health ministries of both the countries can find ample scope to collaborate to the outbreak of AES epidemic. To prevent future outbreaks and to simultaneously develop new vaccines apart from improving and upgrading the diagnostic facilities available should constitute the basic objectives of Indo-Japan collaboration on AES.

Every year the Japanese government requests its aid recipient countries to give a list of the proposed Projects on which Japan can help them. It is after this process has been completed, the next steps with regard to the allocation of funds are initiated. Thus, the Projects are request based wherein there is a lot of scope for the state governments to play a pro-active role in getting financial and technical assistance on the core issues of human security. In this background, the Government of Bihar should request for Japan's help in tackling AES. This can be achieved by prioritizing the AES in the list of Proposed Projects that the State Government sends to the Central Government. If the Project gets approved for financial assistance by the JICA, half of the battle against AES would be won.

Subsequent to the allocation of the funds, establishment of a national institute on the lines of NICED for AES in order to first significantly decrease the mortality rate and then to mitigate the problems. It should consist of basic as well as advanced applied research facilities on AES. The entire responsibilities, such as supervision of construction, expenses and audit of funds, earmarking the requirements of recurring and non-recurring expenses should be left on disposal of JICA and its authorities. In this way, quality will be maintained in congruence with the objectives of the Institute. It is argued that administrative and technical control should be solely with the Agency in order to ensure efficiency. Microbiologists and other scientists should also work under the technical and administrative guidance of the Japanese Scientists in order to avoid any political interference in the working of the institute. The Central and the State governments should play a support role such as, bridging over the language barrier, security from theft, overall physical safety of the scientists and the institute etc.

## **RECOMMENDATIONS**

1. The institute for AES should also set up a research institute and a functioning hospital only for AES with the modern state of art technology. Apart from the critical research, the hospital should comprise of a general ward, a children's ward and an ICU unit to tackle the problem. Doctors from different specializations-from paediatrics to microbiologists, virologists etc should work in tandem to deal with the outbreak.
2. Indian Council of Medical Research (ICMR) should also collaborate technically as well with its human resources in the joint effort, thereby contributing its share. For this purpose, an ICMR separate Unit should be set up adjacent and/or connected to the AES institute. The practice of sending Adhoc teams to Bihar to assess the situation should be discontinued. Continuous monitoring of working of the Institute should be done round the year;
3. In addition, the proposed hospital should be set up on the border areas of Bihar so that the poor people from outside may take advantage of. This would

propel the much required infrastructure development such as roads and communication facilities for the needy ones;

4. The medicines that can be developed with the help of JICA to control the outbreak should be sold at reasonable rates through the 'Amrit Stores' (established under the Pradhan Mantri Jan Aushadhi Pariyojana Kendra) with both the Central as well as the State Government keeping a strict vigil on it. Also, there should be an increase in the number of such 'Amrit Stores' in the state of Bihar and Jharkhand;
5. The widespread dissemination of critical information and awareness campaigns should be run periodically and their frequency should be increased in the summer and monsoon season when the EAS outbreaks. It is also suggestible that the budget provisions should be share equally by the Central and State governments in order to ensure equal responsibility and stake by both the governments. In order to raise awareness of AES among poor and rural people should be ensured through advertisements on TV, particularly local channels, cinema halls and other electronic modes like SMS on mobile phones in the affected areas of territory of Bihar. This is very similar to anti-Tobacco and anti-Drugs advertisements being broadcasted throughout India especially in the drug vulnerable states such as Punjab. Further, information in regard to the right method of utilising PM Jan Arogya Yojna (PMJAY) should also be disseminated through regular advertisements using all available forms of media, and finally, the awareness campaigns should make use of the government owned TVs channels like Lok Sabha TV and the Rajya Sabha TV, DD Bihar etc. The services of the All India Radio (AIR-Bihar and Jharkhand) should also be pooled in. In addition, the private news channels should be made to broadcast and cooperate under CSR (Corporate Social Responsibility) for AES.
6. Mobile vans either hired by the District hospital and other government hospitals should be given the task of distribution of Oral Rehydration Solution (ORS) packets throughout the year with increased distribution in the summer and monsoon period. The vans can visit pre-decided localities and the signature/thumb impression of the head of the families should be simultaneously taken in order to avoid the debate of false charges of corruption and/or mismanagement by the distributor. Such an action should be directly under the control of the agency providing the finance for ORS packets-either World Health Organisation (WHO)/JICA and/or the Central Government;
7. With regard to the Hygiene facilities in the hospitals and in the proposed research institute, surprise checks should be held by the JICA officials and responsibilities should be fixed in order to set precedents. Action Taken Reports (ATRs)/review reports should be regularly sent to the concerned Japanese Officials and to the Ministry of Health and Family Welfare.

8. Finally, the previously announced National Institute of Virology Lab should be immediately set up in the district of Muzzafarpur, and, it should scientifically coordinate with the other institute that would be set up by JICA.

## **CONCLUSION**

It was indeed heart breaking to see the innocent children dying due to the lack of basic medical amenities and information. Indeed, most of the deaths associated could have been prevented had better management and administrative facilities would have been in place. Blaming the Central government or the state government for it does not solve the purpose. As an immediate response, responsibility should be fixed as it happened in the state of Uttar Pradesh when oxygen gas was finished in an ICU ward of a government hospital. The governments at the Centre and at the State should work in tandem as a single united force and seek financial, technical and administrative help from JICA for setting up the AES research institute and technology transfer of the critically required lab instruments and related human resource. JICA's past experiences with India as well as with China should be proactively utilised to help the state of Bihar and other eastern state such as Jharkhand can benefit. Finally, policy planning to prevent the outbreak, spread and mortality rate of certain infectious diseases which are endemic in nature is the need of the hour. Convergences have to be found between science, technology and administration. Interdisciplinary collaborative Projects with human security as its main agenda and proactively involving the scientific community and administrators can serve the purpose. India has to rise in order to ensure so that public health is not affected.

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# Governance: Exploring Various Conceptual Dimensions

**Kumari Saroj**

## Abstract

Governance, traditionally associated with the exercise of power within the government, has come to describe the changes in the nature of state witnessed since 1980s. It acquired a broad new meaning referring to the processes, and actors outside the sphere of government. While conceptualising this phenomenal shift towards a greater use of markets and networks, one is confronted with an array of questions that include the role of non-state actors in public service delivery and their accountability; public interest in relation to the role of unelected actors and of lobbying successes of interest and advocacy groups associated with corporate houses in policy making. Governance indicates a new process of governing, a changed condition of ordered rule and a new method by which society is governed. In the area of administration and public policy, it has six different meanings: 1) as the minimal state, 2) as corporate governance, 3) as the new public management, 4) as 'good government', 5) as a socio-cybernetic system, and 6) as self-organising networks.

**Keywords:** Governance, NPM, Institutionalism, Socio-cybernetics, Neo-liberalism, RCT

## THE PROLOGUE

The present paper intends to underline the various conceptual analyses of the term governance. Thus, it is a modest attempt here to summarise various viewpoints about governance from five perspectives-Rational Choice theory, the New Institutionalism, Systems theory, Marxism and Interpretive theory. Let us begin with the etymology of the term 'governance'. Governance can be traced back from the Greek verb kubernan (to pilot or steer) that gave rise to the mediaeval Latin gubernare, which has the same connotation of piloting, rule-making or steering.

\* Associate Professor, Department of Political Science, M.D.D.M. College, Muzaffarpur (A constituent unit of B R A Bihar University, Muzaffarpur--842001 Contact: Mob No. 9472691529 Tel. No. 0621-2214356

Oxford Advanced Learner's Dictionary of Current English (7th edition, 2005) describes governance as the 'activity of governing or controlling a company or an organisation,' 'the way in which a country is governed or a company or institution is controlled. To govern is 'to rule or control with authority; to be in government'. Current interest in governance is due to its specific use in relation to changes in the state since the late twentieth century<sup>1</sup>. Since 1980s, political scientists referred to the term as distinct from government and as including civil-society actors.<sup>2</sup> It has been variously defined.

### **GOVERNANCE: VARIEGATED DIMENSIONS**

Self-organising, inter-organisational networks characterised by interdependence, resource-exchange, rules of the game, and significant autonomy from the state are referred as governance by Rhodes.<sup>3</sup> The use of governance is not restricted to national governance; it encompasses also the international system. Rosenau distinguishes government from governance. Government refers to activities that are backed by formal authority, whereas governance refers to activities backed by shared goals. Governance embraces not only governmental organisations but also informal, non-governmental mechanisms. For Rosenau, Global Governance is conceived to include systems of rule at all levels of human activity—from the family to the international organisation.<sup>4</sup> Hyden defines governance as measures that involve setting the rules for the exercise of power and settling conflict over such rules.<sup>5</sup>

Apart from neoliberal reforms, the process of globalisation also shaped the contours of governance. States are in interdependent relationship with other agencies for the success of their policies and the delivery of their services. Civil society theorists use governance to depict new systems of force and compulsion associated with neoliberalism and also refers to their alternative conceptions of non-statist democratic order. They maintain that if the power of the state has declined, the beneficiaries have been the private sector corporations. The hollowing out of the state is associated with the growing power of financial and industrial capital. During the era of globalisation the states and international organisations act to promote the interests of the capital. They visualise democratic governance with civil society, new social movements and active citizenship. They lay too much emphasis on global civil society organisations associated with human rights, environmental protection, etc. They advocate participatory and deliberative democracy. If governance is studied from the standpoint of civil society organisations and new social movements, it leads to their role in influencing public policy in certain areas and delivery of public services.

Initially, governance reforms were influenced by New Public Management. Later on partnerships and networks were emphasised. The state has come to

depend increasingly on other organisations to secure and deliver its policies. This shift presents various questions as regards the role of state vis-à-vis non-state and unelected actors. While non-state actors have come to play increasing role in delivering public services, the unelected actors play significant role in policy making. Thus the questions arise as to how the ability of the state can be improved to oversee these actors. What strategies should be adopted to create and manage these networks? What arrangement can and should be made for regulating and auditing other organisations engaged in delivery of public services? Further, up to what extent and how the unelected actors engaged in policy making can be held democratically accountable? How the reality of growing transnational and international constraints upon states impinges on social inclusion and social justice?

There are six meanings of governance: Minimal state, corporate governance, New Public Management, Good governance, Socio-cybernetic system, self-organising networks. These have been delineated as distinct but these, of course, have overlapping implications.

### **GOVERNANCE AS THE MINIMAL STATE**

The neo-liberals adopted the term governance to denote their conception of rolled back minimal state as conceived by thinkers like Frederick Hayek and Robert Nozick. Governance was presented as the acceptable face of spending cuts, less government, disinvestment of public enterprises, downsizing of bureaucracy, rolling back the state, etc. They argued against welfare state. Relying heavily on rational choice theory and critiquing the concept of 'public interest'; they contended that instead of 'rowing' the state should concentrate on 'steering'. David Osborne and Ted Gaebler proposed an entrepreneurial government.<sup>6</sup> The cliche "minimum government, maximum governance" in the context of India, 2014, could be thus understood.

### **GOVERNANCE AS CORPORATE GOVERNANCE**

Governance as corporate governance involved introducing private sector management practices. The main ideas and techniques of corporate management were Management by objectives (MbO), Management by Results (MbR), Total Quality Management (TQM), and value for money, and closeness to consumers.

### **THE NEW PUBLIC MANAGEMENT**

The NPM was also inspired by the ideas associated with neoliberalism and public choice. It stressed on increasing the role of markets. In developed countries, impetus for NPM came from fiscal crises.<sup>7</sup> For illustration, attempts in Britain during Margaret Thatcher government and in America during Ronald Reagan presidency

or National Performance Review conducted by Vice-President Al Gore during Bill Clinton may be mentioned. In developing countries, the impetus for NPM lay more in external pressures from IMF notably associated with structural adjustment programmes. Major donors were basing their aid and loans to the condition of undertaking suggested reforms.

NPM had two main strands: marketisation and corporate management. The extreme form of marketisation is privatisation. Number of PSUs in India was privatised in recent decades. Various nationalised industries were sold by floating them on stock exchange. Industries subjected to dramatic privatisation includ telecommunications, electricity, water, and waste management as also hotels, parking facilities etc. India adopted a new economic policy in July 1991. The NEP held that the public sector enterprises had shown a very negative rate of growth on capital employed. A disinvestment policy was adopted. Minority and majority shares of various PSUs were sold. Contracting-out, quasi-markets, and consumer choice are the measures introduced into public services. It was claimed that marketisation makes public services more accountable to consumers.

The success of NPM remains a source of considerable debate. For, some it has proved a panacea as it was supposed to be. But most savings were derived from privatisation, not reforms in PSUs. NPM's success depended on contextual factors. Reform was counter-productive also since they lacked stable performance, predictable resources and public service ethic. Further, the NPM has raised dilemma of accountability: how to hold autonomous and semi-autonomous accountable. The struggle and final outcome in the Supreme Court over Reliance D6-Krishna Godawari basin audit is a case in point. There have been extensive and significant reforms, but bureaucratic hierarchies still perform most government functions in most states and in most local, regional, and international organisations.

The second wave of NPM came partly in response to the perceived consequences of the first wave. As public services were increasingly being delivered by networks composed of a number of different organisations, need to coordinate and manage networks emerge. Administrative values such as public service and social inclusion also entered into the governance discourse. Governance approach advanced in contrast to NPM included trends such as "joined-up governance," "one-stop government," "service integration," "whole-of-government." In the meantime public sector ethos revived, while the fortunes of public choice theory and neoliberalism declined. Climate change, persisting inequality, rising unemployment and terrorism etc posed new problems, which the NPM could not solve. Only the state can do anything to mitigate these problems, not the markets. Though, some advocates of the NPM implied that it was the single best way for all states at all times. The same might be said more recently about some advocates of partnerships and networks.

## **GOVERNANCE AS GOOD GOVERNANCE:**

Governance for the World Bank is the exercise of political power to manage a nation's affairs.<sup>8</sup> The World Bank sought to encourage competition and markets; private public enterprise; reform of civil service by reducing over-staffing; introducing budgetary discipline; decentralising administration; and making greater use of non-governmental organisations.<sup>9</sup> It was argued that good, effective public governance helps to strengthen democracy and human rights, promote economic prosperity and social cohesion, reduce poverty, enhance environmental protection and sustainable use of natural resources, and deepen confidence in government and public administration. Today the World Bank in particular talks more about the importance of poverty reduction, stable institutions, civil society, and participation.

Good governance principles as enumerated by the OCED are: respect for rule of law, openness, transparency, and accountability to democratic institutions; fairness and equity in dealing with citizens, including mechanisms for consultation and participation; efficient, effective services; clear, transparent and applicable laws and regulations; consistency and cohesion in policy formulation and high standards of ethical behaviour. A pluralistic institutional structure, and a free press was emphasised.<sup>10</sup>

Adrian Leftwich identifies three strands of good governance: systemic, political and administrative. The systemic covers the distribution of both internal and external political and economic power, while the political refers to 'a state enjoying both legitimacy and authority, derived from a democratic mandate'. And the administrative refer to an efficient, open accountable and audited public service which has the bureaucratic competence to help design and implement appropriate policies and manage. Main elements of good governance may be summarised as: participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive, and follows rule of law. Good governance is NPM plus liberal democracy.

## **GOVERNANCE AND SOCIO-CYBERNETIC SYSTEM**

Governance as a socio-cybernetic system implies that there is no single sovereign authority. Instead there is a self-organising system composed of interdependent actors and institutions. System theorists distinguish between governing, which is a goal directed interventions, and governance, which is the total effect of governing interactions and institutions. It has arisen because of the centre-less society or a society with multiple centres. Jan Kooiman describes governance as the pattern or structure that emerges in a socio-political system as 'common' result or outcome of the interacting intervention efforts of all involved actors. Kooiman distinguishes

between the process of governing or goal-directed intervention and governance which is the result or the total effects of the socio-political-administrative interventions and interactions.<sup>11</sup> The socio-cybernetic approach recognises the interdependence among multiple socio-political-administrative actors; shared goals, blurred boundary between public, private and voluntary sectors; and multiplying and new forms of action, intervention and control.

### **GOVERNANCE AS SELF-ORGANISING NETWORKS**

The second wave of reforms focussed on building state capacity to manage and oversight since the state faced a growing number of cross-jurisdictional challenges and a declining ability to respond to them. Governance was conceived as a proliferation of networks' a complex set of organisations drawn from public, private, and voluntary sectors. The interdependence meant that the state now had to steer instead of issuing commands. But, state ability has declined considerably. Its main thrust was on improving coordination across agencies.

Joined-up governance promotes horizontal and vertical coordination. It held that networks offer a superior mode of coordination to both hierarchies and markets. Networks tie an enabling or facilitative leadership with greater flexibility, creativity, inclusiveness, and commitments. Fostering networks and managing them is important. Thus, networks be promoted rather than markets. Public-private partnerships are said to have a number of advantages based on their ability to combine the strengths of each other. Partnerships and joined-up governance were often advocated as ways of promoting social inclusion as well as increasing efficiency. It was claimed that involving stakeholders in policy process would build public trust in government.

### **FIVE PERSPECTIVES: RATIONAL CHOICE THEORY, THE NEW INSTITUTIONALISM, SYSTEMS THEORY, MARXISM AND INTERPRETIVE THEORY**

#### **RATIONAL CHOICE THEORY**

Rational choice theory (RCT) critiqued the concept of public interest explaining individual behaviour in terms of rational self interest. Though privileging micro-level analysis, it failed to explain the rise of institutions and perhaps their persistent stability. The question was: if the individual act in accordance with their preferences, why do not they break agreements when these agreements no longer suit them? The obvious answer is that some authority would punish them if they break agreement and they have a preference for not being punished. The answer assumes the presence of some higher authority to enforce the agreement. Some

rational choice theorists then began to explore how they might explain the rise and stability of norms, agreements, or institutions in the absence of an authority. The Rational choice theorists adopted the concept of 'governance' to refer to norms and patterns of rule that arise and persist even in the absence of an enforcing agent such as state.'

RCT hoped to reconcile self-interest with the existence of coordination in the absence of an enforcement mechanism. They explore the possibility of individuals obeying norms and rules despite the absence of a higher authority and when self-interest at least appears to be no reason for such obedience. Garrett Hardin<sup>12</sup> provides just one example of the way rational choice thinkers relate the problem of securing compliance in the absence of a higher authority to that of free-riding and the resulting threat of a tragedy of the commons. He argues that the state faces a myriad of social problems related to free-riding. He concludes that the only way to prevent the tragedies of the commons is to establish a system of mutually accepted coercion.

However, another rational choice theorist Oliver E. Williamson<sup>13</sup> suggests that the system of governance--the market, a network, or a coercive hierarchy-- best suitable for a specific transaction or exchange should depend on the transaction cost. Williamson argues in favour of relational contracting.

## **NEW INSTITUTIONALISM**

The new institutionalism adopts a broader concept of institutions that includes norms, habits and cultural customs alongside formal rules, procedures, and organisations. Apart from rational choice institutionalism, historical and sociological variants of this theoretical strand were advanced.

Rational choice institutionalism examines how institutions shape the behaviour of rational actors by creating expectations about the likely consequences of a given course of action. The historical and sociological institutionalisms eschew deductive models in which outcomes are explained by reference to rational actions. These approaches explain outcomes by comparing and contrasting institutional patterns.

Historical institutionalism through macro-level study of institutions focuses on the way past institutional arrangements shape responses to political pressures. They argue that past outcomes have become embedded in national institutions prompting social group to organise along particular lines. They concentrate on comparative study of welfare and administrative reforms across states. Historical institutionalists like Greener relying on Marxist framework explain new governance in terms of path dependency.<sup>14</sup>

Sociological institutionalists focus on values, identities, and the ways in which these shape actors' perceptions of their interests. Sociological institutionalism conceives of cognitive and symbolic schemes not as inter-subjective understandings, but as properties of organisations. Instead of reducing such schemes to relevant actors, it conceives of them as a kind of system based on its own logic. In doing so, they echo themes that are developed in system theory.<sup>15</sup> March and Olsen<sup>16</sup> criticise rational choice as a reductionist approach to the study of politics. Scharpf explores the kind of coordination offered by networks and hierarchies in the new governance.<sup>17</sup>

## **SYSTEMS THEORY**

Systems theory views governance as a product of interactions within the system being governed. Kooiman<sup>18</sup> specifies a socio-political approach to governance based on the interactions within the system. He presents several modes of governance: chaotic self-governance, co-governance, and hierarchic governance. Chaotic self-governance is found in autopoietic systems (Niklas Luhmann). Co-governance is as in networks, public-private partnerships, communication governing, or responsive regulation. He concludes that mixed modes will develop and would be most appropriate. Kooiman disaggregates his concept of socio-political governance into a number of orders of problems. The first order is composed of specific social problems within a particular subsystem; multiple actors attempt to address such problems collectively. The second order consists of problems at a structural or conditional level; actors address institutions and structures in the hope of altering interests and interactions. The third order is a kind of meta-level that is where the system becomes concerned with its governance. The meta-level stresses the importance of governability and how the system responds to its own successes and failures of governing.

## **REGULATION THEORY (MARXISM)**

Derived from Marxism, it examines how capitalism attempts to manage the instabilities caused due to capital over-accumulation or class struggle. It studies as to how instabilities are masked. It focuses on shift from Fordism to post-Fordism. Fordism refers to a combination of 'intensive accumulation' and 'monopolistic regulation'. The new post-Fordist era is associated with the globalisation of capital, neoliberal politics, contracting-out and private-public partnerships, and the regulating state. Bob Jessop<sup>19</sup> cautions that the goals, strategies and policy spheres of governance structures can clash with pre-existing state. He highlights three large trends in the transformation of the state. First, there has been denationalisation of the state. The state has been hollowed out as its capacity and power have moved

down to actors in civil society and up to international organisations. Secondly, there has been a destatisation of politics. Finally, there has been an internationalisation of policy regimes. Jessop proposes metagovernance -- the governance of governance -- which refers to the changing role of the state in regulating and stimulating negotiated decision-making. Metagovernance is about a reflexive acknowledgement of policy failures but also a willingness to persist in attempts to respond to such failure<sup>20</sup>.

## **INTERPRETIVE THEORIES**

Interpretive approaches to governance emphasise contingency. It relates the rise of neoliberalism and network theory to new relations of power, changes in the global economy or problems confronted by states.

## **APPRAISAL**

From the standpoint of public policy question arises as to how should the state try to implement its policies, given the proliferation of markets and networks within the public sector? Answer to this question leads one to seek a balance between concerns over efficiency and ethics. RCT tends to promote market solutions; its exponents typically want to reduce the role of the state in implementing policies. Institutionalists tend to concentrate on strategies by which the state can manage and promote particular types of organisations; its exponents typically offer advice about how the state can realise its policy agendas within the largely given institutional setting. Interpretive theory tends to promote dialogic and deliberative approaches to public policy; its exponents typically want to facilitate the flow of meanings, and perhaps thereby the emergence of a consensus.

Interpretive theorists like Mark Bevir resist attempt to reduce governance, and changes in governance, to allegedly fixed properties of systems, capitalism, institutions, or rationality.<sup>21</sup>

Bevir argued that the legacy of positivism has left social scientists eliding contingency behind allegedly objective social categories. Bevir contends that a decentred theory of governance explores meaningful practices in terms of traditions and dilemmas.

Nikolas Rose addresses the question as to how the liberal democracies are being governed in the age of hollow state. Rose, a post-structuralist, refers to the new form of rule as advanced liberalism. According to Rose, just as advanced liberalism entails subjects being constructed as consumer-citizens, so it presumes accountability and responsibility are separated from the State. Under the advanced liberalism, networks of partners and communities come to define norms and actions. The role of the state changes to that of facilitating consumer-citizens and

citizens as they replicate norms and entrench new forms of power.<sup>22</sup> The crisis of the state had arisen due to growing electoral expectations and fiscal burden on the state.<sup>23</sup>

Wright argues that international economic activity meant that the state could not go it alone, but rather had to pursue coordination and regulation across borders. Dilemma is this that the voters want better services and lower taxes. They wanted a more effective state but also a more transparent and accountable one. They wanted decisive leaders and yet more popular consultation and involvement.<sup>24</sup>

### **CRITIQUE OF NEOLIBERAL REFORMS**

Laurence E. Lynn Jr. raises the question of public interest in the context of new governance. He points out that the values of public services are being eroded. The worry is that formal and popular narratives of crises denigrate the public sector and worship the private sector in mistaken ways.<sup>25</sup> He argues for setting up a normative yardstick by which reforms in the name of governance may be judged. Attempts to make public sector managers behave like private ones can undermine the ethic of public service.<sup>26</sup>

Civil society emerged recently as a non-statist site of free and spontaneous association of citizens where demands of community may be reconciled with individual freedom. From Civil society perspective, form of governance based on neoliberalism contains a new system of force and compulsion. It presents alternative conceptions of a non-statist democratic order. It argues that if the power of the state has declined, the beneficiaries have been corporations. It associates the hollowing of the state with the growing power of the financial and industrial capital. They associate their alternative visions of democratic governance with civil society, social movements and active citizenship. Civil society theorists appeal to global civil society on a site of popular, democratic resistance to capital. For them, global civil society typically refers to non-government organisations associated with new social movements and relatively less formal network of activists and citizens. Questions as the representative character of these groups are responded by emphasising the democratic potential of civil society and the public sphere, deliberative democracy, and participatory democracy. Civil society theory did not just respond to the challenges posed to governance from globalisation but also helped construct aspects of governance. They inspired new organisations and new activities by existing social movements.

Thus, it is clear that recent interest in governance owes much to reforms of the late twentieth century. The meaning of governance varies according to the level of generality at which it is pitched but also the theoretical contexts in which it is used.

The neoliberal narrative of governance overlaps somewhat with rational choice theory. Both of them draw on micro-economic analysis with its attempts to unpack social life in terms of individual actions, and its attempts to explain individual actions in terms of rationality, and especially profit or utility maximisation. While neoliberals deployed such analysis to promote marketisation and NPM, rational choice theorists were often interested in exploring cases where institutions or norms were honoured even in the absence of a higher authority to enforce them.

Before discussing new institutionalism, it is imperative to give a glance at the traditional institutional approach that faced strong rebuttal from behaviouralism and rational choice theory. In public administration, the rational decision making and ecological approaches sought to explain administrative behaviour and bureaucratic performance with relatively less reference to specific institutional settings.

**Planning and Regulating:** The new governance includes expanded regimes of regulation. A growing number of agencies, commissions, and special courts enforce rules to protect competition and societal protection.

Regarding management of policy networks, there are a number of different approaches. Some approaches attempt to improve the ability of the state to direct the actions of networks by means of law, administrative rules or regulation. Others focus on the ability of the state to improve the cooperative interactions between organisations within the networks. The state can promote cooperation by altering the relevant incentive structure. Other approaches concentrate on negotiating techniques by which the state might promote incremental shifts in the dominant norms and cultures within the networks.

Ali Farazmand contends that governance arose largely due to global pressures and changing international economic trends. The role of government is progressively shifting toward providing an appropriate enabling environment for private (corporate) enterprise. In his article<sup>27</sup>, he refers to James Stever as describing the emerging trend as the end of Public Administration<sup>28</sup>. Farzamand argues that although the states are affected by globalisation, they still have the power to influence global trends. States should explore new models of governance by which they might attempt to ameliorate the social woes that were addressed by the somewhat defunct welfare state. He, however, points out that growing presence of unelected actors in new governance raises important questions about legitimacy and accountability. It is clear from the above discussion that governance is a contested concept devoid of scholarly consensus on its meaning and contents.

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# Implementation of Swachh Bharat Mission: A Case Study of Ranchi City

Amit Kumar Singh\*

## Abstract

The Swachh Bharat Mission (SBM), a flagship programme launched on 2nd October, 2014, is being implemented on war footing. But it has faced immense challenges at ground level. The present study examines the challenges faced by implementation mechanism of SBM, taking Ranchi city as a case study. After examination of Open Defecation Free in the city, it was found that initially people could not believe that it could be actually implemented. People's distrust in governmental promises, paucity of space and drainage facilities in slum areas and people's reluctance in adopting measures of SBM are the major challenges. As such, the present paper suggests to take steps for raising sustained awareness and active community participation.

**Keywords:** SBM, ODF, NBA, Slum, Ranchi

## INTRODUCTION

On 2nd October 2014, Government of India launched Swachh Bharat Mission (SBM). This Mission is being implemented by the Ministry of Urban Development (M/oUD) and the Ministry of Drinking Water and Sanitation (M/oDWS) for urban and rural areas respectively. In urban areas, Ministry of Urban Development has set out 6 Mission components. The first component aimed to make India Open Defecation Free (ODF) country by October 2019. This necessitates providing access to toilet facilities (i.e. construction of sanitary latrines – individual household toilets, community and public toilets) at every household and community level in India. As per the SBM guidelines, a city/ward can be notified/declared as ODF city/ODF city/ward if, at any point of the day, not a single person is found defecating in the open.

\* Assistant Professor, Indian Institute of Public Administration, New Delhi

When the Govt. of India was implementing SBM, there were apprehensions among the social scientist, policy makers and others that this scheme would have same fate like its predecessor schemes, such as Central Rural Sanitation Program (CRSP), Total Sanitation Campaign (TSC), Nirmal Bharat Abhiyan (NBA), etc. These plans could not achieve expected results due to some inherent shortcomings. Initially, most of the programmes focused on subsidy component and infrastructure creation. Government's effort was mainly limited to financial assistance to the States; public participation in these schemes was negligible. However, later on the schemes like TSC and NBA gave some emphasis on behavioral changes among the common masses, but at the grass root level, actual implementation was limited. Therefore, in spite of all these programmes, in 2011 Census, only 46.9 percent of households had access to toilet in India. Analysis of the total number of households without toilet facilities between Rural and Urban households highlights significant variations, e.g., only 30.7 percent rural households have toilet facility as compare to 81.4 of urban households of India. Accordingly, 18 percent of urban households were still defecating in the open.

### **STATE WISE TOILET ACCESS**

As highlighted in the table 1, the availability of toilet in rural as well as in urban households, varies significantly across Indian states. The toilet availability ranges between 95.2 percent in Kerela to 22 percent in Jharkhand. In rural areas of Jharkhand, only 7.6 per cent households had toilets. Similarly in urban areas, 67.2 percent households have toilet facility. However, situation has changed significantly after the implementation of Swachh Bharat Mission (SBM). Since last four years, availability of toilet facility at household level has steadily increased in the state. As per the SBM data, in 2014, 40.46% households of Jharkhand had access to toilets, which has increased to 62.26% on October 2, 2017 and on November 15, 2018 Jharkhand were declared free from the practice of open defecation. It is a remarkable achievement for the state which was at the bottom in sanitation condition few years ago.

**Table 1:** Availability of Toilet Facility in Selective States (2011)

All India/State/Union Territory	Total	Rural	Urban
Andhra Pradesh	49.6	32.2	86.1
Assam	64.9	59.6	93.7
Bihar	23.1	17.6	69
Chattisgarh	24.6	14.5	60.2
Gujarat	57.3	33	87.7
Jharkhand	22	7.6	67.2

Kerala	95.2	93.2	97.4
Madhya Pradesh	28.8	13.1	74.2
Maharashtra	53.1	38	71.3
Rajasthan	35	19.6	82
Tamil Nadu	48.3	23.2	75.1
Uttar Pradesh	35.6	21.8	83.1
West Bengal	58.8	46.7	85
All India	46.9	30.7	81.4

Source: Census of India, 2011

In the Swachh Survekshan results of 2019, Jharkhand got nine awards. In best performing State category, Jharkhand bagged the No. 2 spot. Another eight ULBs of State also have received award in various categories such as Cleanest City in Zone, Best Citizen Feedback, Best Innovation and Best Practices, etc. Under the citizen feedback component, the Ranchi got Best Capital Award among the all States/UTs of India (Table 2). As per the Swachh Sarvekshan Report, 2019, it is reported that the Ranchi City has been immensely successful in creating awareness among the citizens about sanitation and hygiene. About 97.73% of the respondents, who have participated in this Swachh Sarvekshan, were satisfied with the cleanliness of their city and considered it an improvement over the last year. 95.85% of respondents also acknowledged the ULB's extensive work to maintain toilets. Similarly, 3363 complaints were registered in the Swachhta app in three months i.e. November 2018 to January 2019. Out of these complaints RMC has resolved 92.25% of the complaints. It implies the active participation of citizens to make SBM successful.

Table 2

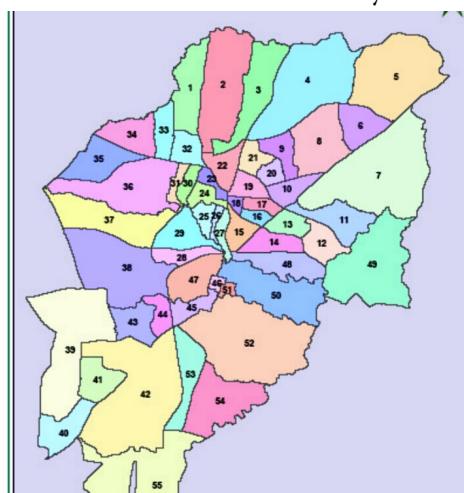
Sl. No.	Award Category	Name Of The ULB
1	India's 'Cleanest State Capital/UT'	Bhopal Municipal Corporation
2	'Fastest Mover' State Capital/UT	Chennai Municipal Corporation
3	Best State Capital/UT in 'Citizens Feedback'	Ranchi Municipal Corporation
4	Best State capital/UT in 'Innovation & Best Practices'	Greater Mumbai Municipal Corporation
5	Best State Capital/UT in 'Solid Waste Management'	Chandigarh Municipal Corporation

**Source:** Swachh Sarvekshan, 2019

In this background, the researcher selected Ranchi city as one of the model city to document the role of civil society in making SBM successful. The present research paper is the product of research and data analysis of the field visit of Ranchi City.

## **PROFILE OF RANCHI CITY**

Ranchi is the capital city of Jharkhand. It covers about 174.91 sq. km. and extends 12 km. from east to west and 18 km. from north to south. Ranchi city is situated almost at the centre of the Chotanagpur plateau at a height of 651 m. and lies between 23°25' and 23°27'N latitudes and 85°20' and 85°23'E longitudes. As per the Census, 2011 Ranchi city has a population of 1.07 million consisting of 0.55 million male population and 0.51 million female population. Census data estimates indicate that 34% of the total population of Ranchi (i.e. around 3.6 Lakhs, considering 2011 Census) resides in 215 slum locations across the city.



The first municipality of Ranchi city was formed in 1869 with 1617 households, and the city zone covered an area of 7.02 square km. The area gradually increased to 43.44 sq km in 1965, 175.29 sq km in 1985 and to 177.19 sq km in 2004. Finally, in 1979, the Ranchi Municipal Corporation (R.M.C.) was established and many new areas were included in R.M.C. So this resulted in a further expansion of area and the city spread over 172.09 square kilometers. At present there are 55 municipal wards in Ranchi city.

## **METHODOLOGY**

The nature of this case study required in-depth study and analysis of the ODF activities completed by Ranchi Municipal Corporation under the Swachh Bharat Mission. For the same, both quantitative and qualitative methods have been used. For quantitative analysis, a semi-structured questionnaire was used for conducting interview of city managers, representatives of RMC, discussions with the Ward Councilor, Members of SHGs, and Slum Dwellers. For qualitative analysis the participatory observation was done at the ground level. In addition to this, analysis

of available secondary data and documentation has also been conducted to identify the main drivers of ODFs mission at the city level.

### **IMPLEMENTATION OF SWACHH BHARAT MISSION IN RANCHI CITY**

On examining the Census data of Ranchi Municipal Corporation, it was found that 82.9 percent households had toilets in their premises and another 2.7 percent households were using community/public toilets. On the whole, 85.6 percent of Households (HHs) in city had access to toilets as compared to national figure of 88.4 percent. Consequently, open defecation in RMC was 14.4 percent which was higher than the national average of 11.6 percent. Therefore, before the implementation of SBM, the challenge before the RMC was to identify the houses which did not have toilets.

The civic body of RMC had planned to execute the SBM's ODF mission in a ward-wise manner. In October 2015, RMC started the selection process of NGOs to conduct a base line survey across the municipal wards for Swachh Bharat Mission (SBM). The Baseline Survey had to identify the open defecator households in the city and look into the most effective strategy and approach focusing on each and every enabling person within the formal system with citywide similar level of basic amenities. As many as 37 thousand households across 55 wards of RMC had applied for subsidy to construct toilets to stop open defecation till 2017. Out of those, 34 thousand applications were accepted. Considering the number of houses, that require toilets, it was decided to identify two wards every month and work towards making them ODF. It was estimated that the civic body will need about 28 months to ensure all wards are ODF.

**Table 3:** Toilet facility in Ranchi City

No. of HHs	Availability of Toilets (In %)		Alternative source (In %)	
	HHs having latrine facility	HHs not having latrine facility	Public latrine	Open
207,636	82.9	17.1	2.7	14.4

**Source:** Census of India, 2011

After the field survey and discussions with Locals, Ward Councilor, SHGs, City Mangers of RMC and Adarsh Gram Vikas Sansthan, the following issues came up with regard to ODF.

- Before the camp, most of the people were not aware of the severity of open defecation.
- People have been used to open defecation for years, so they thought that their life could go without toilet and not having toilets in their houses was not a big issue for them.

- Many of them believed that defecation in open keeps their stomach clean and make their life healthy.
- In few cases even in homes where toilets were installed, many people still preferred to go outside to ease out.
- In those houses, where the toilets were made, they used to get money from other persons for their use.
- It was informed that there has been problem of mosquito-borne disease in these areas, but people were not aware that many kinds of diseases occurs due to defecation in the open.
- Earlier the outskirts of most of the low income group colonies and slums, were used to be filled with stools. Therefore, open defecation was a serious threat to sanitation, contamination of water bodies and health of city-dwellers.
- Women of the low income group colonies had to face different types of health related problems due to open defecation. In the past, defecating at the isolated places also exposed women and girls to high risk of sexual attack, especially during evening hours.
- People also had feeling that using toilet means waste of water.
- Many people think that having a latrine within or near the house would be not good for them. In fact there are some religious beliefs behind this apprehension and also some health related doubts.

### **BEST PRACTICES IN ODF IN RANCHI CITY**

In February 2016, Ranchi Municipal Corporation launched a cleanliness drive (Swachhta Pakhwada). Mayor of the RMC, Adarsh Gram Vikas Sansthan (PMC) and the SBM Organizer Committee collectively led the cleanliness drive on the city's road. They encouraged citizens to participate in Swachh Bharat Abhiyaan and keep their city clean. People were made aware about the necessity to use toilet. People were also informed how to get benefits from this program. A variety of activities such as, rallies, prabhat pheris, door to door campaign, street plays, distribution of pamphlets, public talk and other community activities Nukkar Natak, etc. were undertaken in all 55 wards to get the public attention need for cleanliness and hygiene. Few innovative ideas have also been adopted by RMC to attract the attention of common masses regarding Swachh Bharat Mission.

- The Ranchi Municipal Corporation used some memorable dialogues from popular Hindi movies such as Sholay, Deewar, Dabangg, Mr India, etc. to campaign against open defecation. Till June, 2017, RMC placed such hoardings at 42 important places of the city. Each hoarding quoted a dialogue with a 'clean - twist' to convey the Swachh Bharat message. In one of the hoardings, inspired by the Hindi Film 'Sholay', Gabbar asks Samba how much fine the government

has kept against littering. In reply Samba says “poore paach hazar” (a full Rs 50,000).

- Children of government school were also involved by the Ranchi Municipal Corporation (RMC) to spread awareness about Swachh Bharat Mission (SBM). They were asked to spread the cleanliness message in their own locality. Certainly it brought a very positive impact on the residents of slums. These children were able to convince their parents about the importance cleanliness, necessity of the toilet and its construction.
- RMC, under its Swachh Bharat Mission, has painted a number of city walls with beautiful paintings. It has got a positive response from the citizens. It was been observed that wherever walls have been painted and beautified, there is less garbage. The outer boundary walls of airport, railway station, governor's house, kuchahri road, and some other places have been painted with local themes, especially the Sohrai Murals.
- Under the Swachh Bharat Mission, extensive mobilization efforts had been done on to help individuals and communities to understand the health risks of open defecation and to build millions of toilets. Governments at various levels are spending huge resources, upgrading their machineries, using innovative techniques and mobilizing civil societies group such as NGOs, SHGs and students to end open defecation by 2019. These initiatives were taken up by Ranchi Municipal Corporation on a war-footing to makse the city ODF by 2019.
- At the initial stage, the lack of awareness and the apprehension about the release of government grant to the local people were the major hurdles in the construction of toilets. But door to door advocacy and campaign programmes conducted by the City Managers, Adarsh Gram Vikas Sansthan and few SHGs motivated the residents to make this ward ODF. However, the work of women Self Help Groups in few wards has brought very positive result in the Swachh Bharat Mission.

## **IMPACT OF THE CHANGE**

Table 4 indicates that Ranchi city has made commendable progress in providing sanitation facilities at the household and community level. In 2011, there were 31,705 such families in the city, who were used to defecate in open, but now the number of such families is negligible. Likewise, in 2011, out of 207636 households of Ranchi city, only 1,75,931 HHs had pit latrines. Now after five years, when Swachh Bharat Abhiyan was launched in 2014, the coverage of sanitation has reached to 100 per cent HHs. Some positive aspects of this mission have also emerged, which are as follows:

**Table 4:** Progress of ODF in Rachi City

Particulars	As per 2011 Census	Projected up to 2019	Current Status
No. of HHs restoring to Open Defecation	31705	0	0
No. of HHs having Pit Latrines	175931	207636	207636
No. of HHs having Insanitary Latrines	2705	0	0

**Source:** Swachh Survekshan, 2019

- Before SBM implementation, unhygienic conditions were prevailing in the city. Most of the road sides, drains, ponds and streams were filled with human excreta and entire surrounding was stinking. Now after the ODF action, to some extent, streets become freer from unsanitary condition than earlier.
- Earlier people were ignorant of the adverse impact of children's faeces. They did not know that even children's faeces can be harmful and has toxins. Therefore, people used to leave children's faeces in the open or threw these in the nullah, ponds or garbage. That way they were contaminating water which further caused diarrhea and other diseases in children. Now children are using toilets at their home and people are ensuring the safe disposal of faeces. Therefore, not only the hygiene and health of the children are improving but also other members of the household are becoming safer.
- Now women and old age people are feeling safe and secure because they have stopped going out for defecation particularly at nights. Level of confidence among women has also increased.

### **BARRIER FACED IN IMPLEMENTATION**

- At the earlier stage, households did not come forward to fill the application form for grant to construct Individual Household Latrines (IHHLs) as they were apprehensive of receiving SBM funds post construction.
- Some people believed that the grant would be available only in the form of loan.
- People were taking this Swachh Bharat Campaign very lightly; they had misconception that once they apply for the construction of toilets, their land will be taken by the government.
- People were not ready to believe that the toilet could be built for Rs.12000.
- While visiting slums, it was also observed that most of them did not have proper drainage facilities, therefore, constructing toilets at mass scale was challenging task.
- It was been found that few households, which built toilets in their premise, one or more members of the households, specially the children, still resort to open

defecation. Such person needs to be identified. In this the role of 'Swacchagrahis' becomes very important. They can go to these person's homes, talk to them and encourage them to join the campaign fully. It will have a far reaching impact.

## **LESSONS LEARNT**

- As stated earlier that the act of defecation is very personal, however, it has become the subject of a social and national concern. Therefore it is important to engage every section of the society so that 100% toilet coverage is obtained.
- Sustained awareness generation programmes about the benefits of Open Defecation Free (ODF) would be very helpful. Involvement of local resource persons drawn from various cultural groups, artists, NGOs, etc is essential in this social movement. Ranchi Municipal Corporation has shown that using of various IEC methods such as: wall paintings, hoardings at strategic places, nukkad nataks and films related to sanitation are important methods for dissemination of information.
- It is necessary that message should be disseminated to each and every corner of the country as it helps in creating demand and promoting ODF practices. Therefore, mass media campaigns and partnerships with local media and socio-cultural groups need to be strengthened.
- Community participation is required at the every level in the ODF mission. The community ownership would enhance the need of cleanliness and it can spread the awareness among the slum dwellers as well.

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# Strategic Management of Intellectual Property Rights vis-à-vis-Globalization

**Sunil Kumar Padhi\***  
**Binayak Patnaik\*\***

## Abstract

Intellectual property rights (IPR) of an individual is the right given to him over the creation of his mind. Although IPR has a long history, yet it acquired greater significance in the rapidly growing international trade, particularly after globalisation. The fierce competition in trade lured traders to access creative works and scientific knowledge for considerable economic import, resulting into piracy. As such, the present paper intends to examine the concept, history, practices and legal provisions of IPR in context of the new world economic order. It finds that the situation makes it necessary that the IPRs are properly recognized and managed in the country. National protection of IPRs is not adequate to safeguard these rights which can be easily pirated or copied by nationals of other countries and exploited in their own market or even in international market. Therefore international remedies for such infringement are necessary and the provisions of the Trade Related Intellectual Property Rights (TRIPS) agreement are a step towards such international protection of IPRs besides protecting and enforcing IPRs at affordable cost. The corporate management must focus on integrating intellectual property into business strategy. Intellectual Property Rights must be consistent with human dignity and interest of the society and provisions of scientific progress.

**Keywords:** IPR, IPR-Laws, TRIPS, Globalisation, Trade, India

## INTRODUCTION

Intellectual Property Right (IPR) is a right in property which is the product of the intellect of a person. For example, an invention where the inventor has solved a problem by his invention, a monograph or a software where the author has

\* Dr Padhi (M.A, M.Phil, L.L.P.M & Ph.D.) is Reader & Head, Department of Social Science, F M University, Balesore, Odisha

\*\* Director, Shri Vaishnav Institute of Law, Indore, Madhya Pradesh.  
Contact E-mail: sbppubliclibrary@gmail.com, Mob.:

expressed his thoughts, ideas and experiences, a trademark under which the seller sells his goods and services, a design where a designer has created a lay-out design appealing to aesthetic sense. The World Trade Organization (WTO) conveys the message that "Intellectual Property Rights are rights given to the people over the creation of their minds". It further states that "creators can be given the right to prevent others from using their inventions, designs or other creations". These rights are known as "Intellectual Property Rights".

The Trade Related Intellectual Property Rights (TRIPS) agreement introduced intellectual property law into the international trading system for the first time and remains the most comprehensive international agreement on intellectual property to date. The Rights which are recognized under TRIPS agreement as Intellectual Property Rights are copy rights and related works, rights of traders in their trademarks, rights of inventors, rights of designers for their distinctive industrial designs, rights of manufacturers and producers for geographical indications in relation to such productions. As everyone has a right to protect his property so also he or she has a right to protect his intellectual property. Protection of property is easy as it is tangible but protection of intellectual property is difficult because it is intangible. On the eve of infringement of such intellectual property rights, the law provides remedies to the owner/holder of such intellectual property. But the crux of the problem is that the intellectual property may belong to a particular person but this property is available easily to the general public-locally, nationally and globally and therefore it is easy to steal such intellectual property and this has resulted in commercial piracy all over the globe. However, efforts are being taken to enforce such rights at national as well as global level.

## **GLOBALIZATION AND INTELLECTUAL PROPERTY RIGHTS**

The legal principles governing intellectual property have been evolved since 19th Century with the increase of international commerce. The formulation of two major agreements that provided international standards, were the Paris Convention of 1883 for industrial property (patents and trademarks) and the Berne Convention of 1886 for the protection of literary and artistic works (copyright or author's rights). Both the conventions were merged to form a United International Bureau for the Protection of Intellectual Property which was eventually superseded by the World Intellectual Property Organization.

The 1970s marked the development of technologies for patenting living matters, which laid the foundations for the evolution of biotechnology patent law. This occurred in several ways. Like restrictions and limitations which previously excluded specific types of subject-matter from patenting have been eliminated. The patenting of biological entities constituted one example. Prior to 1980, some 200 years of legal doctrine conceptualized life-forms as 'products of nature' rather than a

human invention. These standards were reversed by a landmark US Supreme Court judgment in 1980. In Diamond vs Chakrabarty, the court ruled that a man-made, oil-eating bacterium could also be patented. This case led to the expansion of rights to own living organisms and instituted greater certainty into the development of commercial biotechnology.

In the 20th Century, intellectual property regimes became globalized and the scope of the subject-matter has also been expanded. In the new global economy of ideas, access to creative works and scientific knowledge had considerable economic import, which gave to strong competition over intellectual and creative works. Thus, intellectual Property occupied an important place in the current economic order and the protection of intellectual Property Rights (IPRs) occupied a pivotal place for the scientific development of the country. IPRs require utmost protection and fair environment to function. Stringent and effective laws to protect and preserve IPRs provide an incentive to the inventors/creators to invent/create freely and thus contribute towards the overall development.

The globalization of IPRs posed new challenges in different fields ranging from seeds to medicine. The rapid expansion of intellectual property rights reduced access to essential crops and life-saving medicines. IPR regimes threatened food security in several ways. Even though promising advances in biotechnology enhanced the nutritional content of basic crops, access to those critical developments is endangered by current regulatory trends TRIPS extends patent rights to wide variety of agricultural biotechnology innovations, including pharmaceutical products, pesticides and plant varieties. It is important to question “which public interests these rights serve”? While the patent system appears to have stimulated the development of new products and technologies in a few sectors, such as pharmaceuticals, in other sectors patents are often considered to have anti competitive effects and may even slow the pace of innovation. Large number of developing countries decided to accede to TRIPS so as to attract foreign investment and to be considered eligible for technology transfers. Now developing countries are considering that it is no in their economic interests to implement stronger patent laws.

The national implementation of the TRIPS and its implications on technological development plant variety protection, geographical indications and biological diversity and the associated indigenous knowledge are the important areas which need to be studied. Efforts to promote compliance with the TRIPS agreement should be accompanied by measures that address public interest challenges such as health, nutrition and environmental conservation in developing countries. Therefore, addressing these issues will require policy and institutional innovations in the developed and developing countries.

The relationship between the incentive granted through the patent system and its broader impact on society were only superficially addressed. The basis of patent regime should strike a balance between the large interest of the society in the technological and economic development and rights granted to individual inventors. Socio economic concerns constitute an integral part of patent laws and treaties. This emphasis on socio economic concern is limited by the context within which they are the facts that there has always been a conflict inherent in the patent system between the promotion of competitiveness for economic development in capitalist economies and the introduction of near monopoly rights to ensure similar aims in certain specific fields. The relationship needs to be examined to specially to assess the impact of intellectual property rights on the realization of human rights such as the right to health which have become much more visible following the adoption of the TRIPS agreement.

The Doha declaration is a WTO statement that clarifies the scope of TRIPS, stating for example that TRIPS can and should be interpreted in light of the goal “to promote access to medicines for all”. In particular, concerns had been growing that patent rules might restrict access to affordable medicines for populations in developing countries in their efforts to control diseases of public health importance, including HIV, tuberculosis and malaria. The declaration responds to the concerns of developing countries about the obstacles they faced when seeking to implement measures to promote access to affordable medicines in the interest of public health in general, without limitation to certain disease. While acknowledging the role of intellectual property protection “for the development of new medicines”, the Declaration specifically recognizes concerns about its effects on prices.

The Doha declaration affirms that “the TRIPS agreement does not and should not prevent members from taking measures to protect public health”. The Doha declaration refers to several aspects of TRIPS, including the right to grant compulsory licenses and the freedom to determine the grounds upon which licenses are granted, the right to determine what constitutes a national emergency and circumstances of extreme urgency, and the freedom to establish the regime of exhaustion of intellectual property rights. WHO has publicly advocated and advanced over the years, namely the re-affirmation of the right of WTO members to make full use of the safeguard provision of the TRIPS agreement in order to protect public health and enhance access to medicines for poor countries. Further, the declaration directs the TRIPS Council to examine “the relationship between (TRIPS) and the convention on biological diversity, the protection of traditional knowledge and folklore, and other relevant new developments raised by members.”

The long-standing debate on the relationship between IP rights and human rights concluded that IP rights are not human rights. Moreover, it has opened the scope of protection of the right to “benefit from the protection of the moral and

material interests resulting from any scientific, literary or artistic production of which he is the author" under article 15(1)(c) ICESCR to indigenous communities and cultural minorities, whilst explicitly excluding legal persons.

### **THE INTELLECTUAL PROPERTY LAWS IN INDIA:**

The Copy Right Act, 1911 was applicable to all British Colonies including British India which continued till 1957. This Copy Right Act, 1957 was amended several times in 1983, 1984, 1992, 1994 & 1999. This Act covered several areas to protect the holders of this copy right such as authors, artists, computer programmers, cinematography of films and sound recording, etc. According to sec. 51 of the Act any work is deemed to be infringed when any person does anything to the exclusive right that is conferred upon owner of the copyright. The remedies available are civil, criminal and administrative.

The Trade Marks Act, 1999 defines that a trademark can be any word, slogan, design, sound, symbol, color, smell, configuration or a combination of these different categories. The trademark serves as a source identifier of goods and services of one person and distinguishes it from goods & services of others.

It is necessary that a person using the mark should reveal his identity. The trademark must be of a printed or visual representation of the mark. The registration of the trade mark confers on the proprietor of a trademark a kind of monopoly right over the use of the mark. Any member of the public who wants to object the registration of a trademark is permitted to do so. Remedies are available to the registered owner of the mark in case of infringement. For unregistered trademarks remedies are available under general law.

In India patents are protected by the Patents Act, 1970. Patent is granted for an invention which must fulfill three conditions namely, novelty, utility & inventive step. Patent protection in India is further qualified by requiring that the alleged invention should not fall within the purview of section 3(d) and Section 4 of the Patent Act. The objective behind such restriction is to discourage false claim as invention and to protect the public interest.

The Patent Act was amended in 2005 to include process and product patents in all fields of technology as required under TRIPS agreement.

Section 3(d) of the Act which was introduced in 2005, restricts 'ever greening' by limiting the patenting of new form of old medicines unless the new form exhibits a significant enhancement of efficacy. The legal implications of this provision were the subject matter of Maharashtra High Court Judgment in Novartis Vs. Union of India.

In India the Designs Act, 1911 protects the rights of the designer who creates the industrial designs of various shapes, features, configurations and patterns to attract the customers. The particular design created by the designer must be registered under the Act because unless the design is registered no protection can be given to the designer from the hands competitors who try to exploit.

The Geographical Indications of Goods (Registration and Protection) Act, 1999 (GIS) protects the goods having geographical indications. ACC to Sec. (2) of the Act "The Geographical Indication", in relation to goods means an indication which identifies such goods as agricultural goods, natural goods or manufactured goods as originating, or manufactured in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristics of such goods is essentially attributed to its geographical origin, and in case where such goods are manufactured goods one of the activities of either the production or of processing or preparation of the goods concerned takes place in such territory, region, or locality as the case may be. The protection can be given to those geographical indications which are registered under the Act (S.3-10). There is penalty for falsely representing a geographical indication as registered item u/s 42.

## **THE ROLE OF JUDICIARY IN THE ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS IN INDIA**

The IPRs like any other right are enforced by judiciary. The Indian law on IPRs have made various provisions for the enforcement of such rights which may be civil and /or criminal. The courts in India have found it easy to grant interim injunction in civil matters and bail in criminal matters while enforcing the IPRs. But it takes much time on the part of judiciary to deliver the final judgment. As a matter of fact in the disposal of intellectual property cases delay is the main issue which is difficult to avoid.

However, it is observed by judiciary that delay can be avoided if the parties are allowed to lead evidence by affidavit and cross-examination will be allowed only when circumstances of the case warrant and accordingly there should be amendment in the provisions of the intellectual property statutes.

The judges in the process of interpreting the statutes should also evolve new principles and develop the existing ones. If necessary the judiciary may develop the judge made law to deal with new situations for which there is no provision in the existing statutes. The role of judiciary is to give justice to right party taking into account the cause of action of both plaintiff and defendant and apply judicial discretion when necessary.

## **MANAGEMENT STRATEGIES OF INTELLECTUAL PROPERTY RIGHTS**

As already discussed the TRIPs agreement is a major step towards protection of IPRs worldwide. However, business success cannot be ensured only by international agreements only. The main concern is that the business systems have to allow protection and enforcement of IPRs at affordable costs. The challenge before the company is to turn the creation or invention into sales promotion of goods as well as services.

It is a well known fact that IPRs cost much to register and to enforce. Besides this business know-how can quite often be protected by keeping it secret or by fast product development making it impossible for competitors to initiate new developments. It is observed that many small and medium entrepreneurs prefer to depend on their know-how or dispense with innovation altogether specially for patents for the following reasons.

- Necessarily business patents do not grant business successes
- It is considered costly and an unprofitable investment
- The patent maintenance framework does not absolutely stop imitation

Since the cost factor to register IPRs has become a major concern to small, medium as well as large companies it is hoped that the govt. could contribute to reduce the cost by reducing formalities and facilitating central registration system expedite the process of registration. In this regard the WIPO treaties play an important role.

Companies can also reduce their costs for protection of their IP by choosing a different country as basis for an international registration depending acc to need, organizing patent & trademarks deptts properly, continuous review of co-operation with external attorneys and services. In the ultimate analysis following formula can be adapted by the companies

- Making the system of the company efficient at affordable cost by following WIPO treaties
- Ensuring adequate legal protection according to TRIPs agreement

As enforcing IPR may be very costly and involve complex process it is important to prepare a litigation strategy and in this context the alternate dispute resolutions particularly mediation and arbitration can offer valuable services and reduce the negative aspects.

The quick result on the market is important to the profit line of a company. It is always important to maintain the market share and the price stability.

IT is very important to watch whether or not the products offered by competitors do violate the IPR of company. The enforcement strategy has to be integrated in the business strategy. For the support of management it is very vital in enforcing the

IP rights particularly when advanced techniques such as arbitration or mediation techniques are used.

Managing intellectual property portfolio (when a company possesses multiplicity of IP Rights) of the company is as important as managing the business of the company. Scientifically developed and managed Intellectual Property program helps a company to identify, protect and perfect the IP Rights the company possesses and enables the company to develop and expand such rights and helps finally to leverage such rights to their best and potential use. When a company possesses more than one IP rights which is commonly known as IP portfolio, it is important to organize and manage those rights to maximize their value that can be derived from them for the company. For example IP portfolio may be developed for the whole company, which may include trademarks for the company's name and logo, copy rights for the company's marketing, materials and patent protection on a product owned by the company (when the company is based on marketing a single main product). Sometimes companies develop IP portfolio around a single product. For example if a company develops a product which has a software component the company may build an IP portfolio that is circumscribed to IP Rights relating to that particular product. In this context the IP portfolio may contain patent rights related to that product and the software, trademark rights related to the product name and product logo, copy rights related to the object code and the script of the software.

It is always desirable that the company should possess a strong and comprehensive intellectual property protection on a product which can be highly valuable to a company which will prevent competitors from entering into the commercial space of the company. A well planned patent portfolio can create a space of protection in the relevant field that others are prohibited from entering. The barriers to entry created by an IP portfolio can be attractive to investors because it shows that the company has an exclusive space in the market. The investors always like to see that a company takes much care about their business and product to obtain IP rights to protect the company.

The message for a successful business is that the management of IPR has to be integrated in to the business strategy. This mandates a thorough analysis of the business situation of the company and the IPR position. One has to decide both in terms of business strategy and IPR strategy whether an offensive or defensive strategy is suitable. The IPR strategy requires proper vigilance and regular update of business position in the market which includes market needs, structure of competition and distribution, forecasting long term technological development and acquire technological and financial strength.

## **CONCLUSION**

The rapidly growing international trade makes it necessary that the IPRs are properly recognized and managed in the country. National protection of IPRs is not adequate to safeguard these rights which can be easily pirated or copied by nationals of other countries and exploited in their own market or even in international market. Therefore international remedies for such infringement are necessary and the provisions of the TRIPS agreement are a step towards such international protection of IPRs besides protecting and enforcing IP rights at affordable cost. The corporate management must focus on integrating intellectual property into business strategy Intellectual Property Rights must be consistent with human dignity and interest of the society and provisions of scientific progress.

The ultimate test to resolve the issues arising out of intellectual property rights is to discern as to whether “it is the defendant who is trying to ride upon the reputation of the plaintiff’s good will or it is the plaintiff who is to make an attempt to wipe out the competition”.

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# Dalits' Identity and Migration: A Study of Contradictions in Bihar Milieu

Vijay Kumar\*

## Abstract

Dalits or Scheduled Castes in India have been deprived of resources and dignity and are ill treated by the rest of the society. Dalits, in Bihar society, are generally assetless and landless. So they have to depend, by and large, on wage labour or agricultural labour or traditional occupation for their subsistence. But, with passage of time, average land holding size in rural Bihar has shrunk to nearly 0.5 hectares, resulting into reduction of the employment opportunities in agriculture. Further, the various schemes like MNREGS have also been insufficient to provide adequate opportunity for their livelihood. The situation forced them to migrate to other places outside state or urban centres within the state. The present paper finds that Dalit, as the migrant workers, feel dignified by working outside, away from their native social set up.

**Keywords:** Dalits' Identity, Mahadalit, Discrimination, Migration, Labourers, Bihar

## INTRODUCTION

Social stratification, based on caste, class or ethnic groups, is a universal phenomenon. People belonging to lowest social strata in the given society often pushed into disadvantageous situation as compared to other sections. Caste based discrimination is more acute among SCs in a society like India in general and in Bihar in particular who have been subjected to deprivation, subjugation and oppression by the affluent sections. They have been meted out with inhuman treatment. This has been perpetuated through institutionalised methods in India for the centuries. Despite constitutional provisions and governmental measures for their amelioration, they still face the discriminatory treatment by rest of the society that impinges on their civil, political, religious, socio-economic and cultural rights.

\* Research Scholar, Faculty of Social Sciences, Magadh University, Bodh Gaya;  
Contact E-mail: vijaydgvm@gmail.com

'Dalit', a word of Sanskrit origin, refers to the 'broken and downtrodden' which has been used to denote Scheduled Castes of India. An American NGO Human Rights Watch has also termed them as 'Broken People of India' (HRW:1997). Dr. Babasaheb Bhimrao Ramji Ambedkar (Ambedkar:1948) often described the Scheduled Castes or 'Untouchables' as broken people. The Dalits are socially weak, economically crippled, and politically powerless, despite the protective policies followed by the government under the provisions of the Constitution (guaranteeing the educational concessions and scholarships, employment and reservations policy and socio-economic welfare benefits). The terms 'Dalit' thus describes a condition of underprivileged and deprived being of basic rights and refers to people who suppressed are on the ground of their lowly birth (Massey:1995). The word 'Dalit' is a descriptive word evocative of bondage and agony, the anguish and frustrated aspirations of a vast victimized section of the Indian population for the ages (Thorat:2009).

### **SCHEDULED CASTES AND THEIR IDENTITY**

Such castes, mainly untouchables, were first identified in 1935 by enlisting them in a Schedule, hence Scheduled Castes (SCs). There are hundreds of castes marked as SCs in India. The office of Registrar General of India had brought out a Parliamentary Appraisal of the Scheduled castes in India in 1963-64, which enumerates 471 castes in the category of SCs. So far Bihar is concerned, it has 23 castes notified in SC list which are as follows:

- |              |             |               |            |            |
|--------------|-------------|---------------|------------|------------|
| 1. Bantar    | 2. Bauri    | 3. Bhogta     | 4. Bhuiya  | 5. Bhumij  |
| 6. Chamar    | 7. Chaupal  | 8. Dabgar     | 9. Dhobi   | 10. Dom    |
| 11. Dusadh   | 12. Ghasi   | 13. Halalkhor | 14. Mehtar | 15. Kanjar |
| 16. Kurariar | 17. Lalbegi | 18. Musahar   | 19. Nat    | 20. Pan    |
| 21. Pasi     | 22. Rajwar  | 23. Turi      |            |            |

Most of the Scheduled Castes of Bihar have been identified as Mahadalits (extreme dalits), by State Government in order to facilitate them on priority basis. Only one caste namely, Dusadh or Paswan has been kept out of the mahadalit circle. This classification has been done by Bihar Government (GoB:2009), in order to target them for faster pace of development among these castes and provide them with larger welfare benefits and also raising political awareness among them.

What important phenomenon can be found is the issue of some contradictions between the traditional identity and the changing identity (Shah:2002). However, at the same time, many behavioural manifestation remains at the same. The SCs, in their native social set up, are not only deprived of the resources but their social and religious entity. This will be evident from fact that they are deprived of worshipping.

If one asks an old man in rural Bihar, 'do you worship' – if the man stares into the sky or hesitates and says, – no or does not reply; it can be easily guessed that he is Dalit, culturally imbued with the submissiveness and with inculcated norms of present days' perception as 'destiny- exclusion' by birth's pollution; who do not have the courage to migrate for the occupational change and the humanitarian respect. Dalits' movements and global economic growth has not touched their (Dalits') social and cultural disrespect. But a young Dalit might be radically opposite, segregated but enthusiastic, still alienated but worship religious, calling often his Dalit tola a village and name (Khatoura in West Champaran) symbolically-ideal, who worship universal Hindu God and tend to gain the cultural and economic respect by migration.

### **MIGRATION AND THE CHANGING IDENTITY**

Dalits are mostly labourers while few are, still indulged in traditional occupations because of their role-relevance in the present market too. Dalit is a special social category of caste structure in India, which is induced to great social repulsion in traditional social structure that deprived them of the natural resources and the intrinsic human dignity. Although culturally depressed, yet they are active by mind and psyche that enable them to interpret the situation and apply their own imagination to act. Migration is a process of physical as well as social and economic shift of the actors from one geographical place to the other. Disquieting over the context of discussion, they do not prefer to quit the context of reference, i.e., the native village but envision to migrate single to far off places to translate the acculturate dimensions to the local community and the family. As a mechanism of interface of perceptive change of the said local Brahminical superiors, submissive learner -- the Dalits tends to migrate with a view to earn respect at their native place where they return with some economic gain better than that they had earlier in the native social context. Migration has been a matter of social and political concern in the recent past. Land is the chief means of subsistence in the rural Bihar where agriculture is the main enterprise for survival.

### **SHRINKING LAND HOLDING SIZE AS CAUSE OF MIGRATION**

According to report of NABARD for the year 2015-16, the average landholding size in Bihar is 1.1 ha. of which one third farmers have land parcels smaller than 1 ha. 37 percent farmers have land holding size of 0.4 ha. Thus, the small and marginal farmers have no opportunity to offer work for landless dalit workers. The following table reveals the status of landholding size in comparison to the nation as whole:

**Table 1:** Number and area of operational holdings

	Bihar	Bihar share as% of India	India
Number	104365	9.787	1066344
Holding area	61167	4.241	1442206
Avg. holding area per number	0.586	-	1.352

Source: All India report on agriculture census 2001.

The distribution of growth witnessed is quite unevenly. This is concerned with finding out cost of living with the corresponding wholesale price of the inflationary market in response to different occupational category. The economics ultimately rests on the fact how much is the per capita income and finding its relation with the subject – how evenly it is shared among the social groups? For humanitarian perspective, it therefore needed is to correlate one's income with the wholesale price and cost of living to find out the status of social groups, occupation groups, and society as a whole – to the level of subsistence. The link factor for agriculture labourer is 5.8 against the existent 3 in the case of India as a whole (EPW: 2006).

In the state of Bihar, agricultural labourers' position is worst on the economic front. This simply concludes that the agricultural labourers in the state are in the bad economic condition and particularly Dalits in Bihar are in sub-human conditions. Moreover, Very high migration out of the state in Bihar is evident through reliable sources. It can be used as an indicator of human cry as the state shares 47.86% out migration of the national figure. There is positive relationship with the outmigration from the state and the explosive population growth in the state. The incidence of out migration from the state has grown by 125% in last 10 years (Hindustan: 2005).

Continuous squeezing of operational land sizes in agriculture has limited the scope of agricultural labourer. Absentee landlordism has prevented investment on land and adoption of new technology. The operational system of land has changed largely but the discrimination of interaction pattern obeyed by cultural values remained the same. In spite of global development, the national economic development could not reach the south inhabitation of the villages in Bihar. The traditional social and economic linking mechanism, the 'Jajmani' is no longer economically viable and socially vibrant to maintain the cohesive hierarchy of caste-norms and resilient over consensus disturbances. Population explosion, migration of the land owning class from the villages and growing road linkages are the main reasons of village indebtedness to the towns, self-dependence of the village is lost. The process of new generation communication and diffusion provides an opportunity to cope with the local deprivation and high repulsion. Approximately

sixteen percent of Dalit population remained alienated and excluded in the rural social and economic interaction structure.

## **CONCLUSIONS**

The whole gamut of above discussions lead us to the conclusion that dalits of rural Bihar have been losing job opportunities in agriculture owing to declining average size of operational landholdings. Besides, the economic conditions of Bihar is such that it compels dalits to migrate out from Bihar for livelihood. But on the other hand, the migrated workers of dalit community feel more dignified in their native social milieu when they return to their native villages. Thus, it can be said that the distance and space of migration depends on the effects of economic and social variances. It entails 'attainment wills' to gain pride out of acculturation with a greater culture.

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# Measuring Financial Inclusion and Digital Banking: A Study in Context of Suitability of Normalized Weighted Score

**Tanu Tiwari\***

**Alpana Srivastava\*\***

**Surendra Kumar \*\*\***

## Abstract

Financial Inclusion (FI) programs across the globe target to bring everyone under mainstream of banking and finance. Regulatory bodies periodically report the extent of performance in terms of financial inclusion index. These agencies consider only one or two key attributes in their reports and miss the impact of other financial parameters. Also, measures from two different agencies are not comparable. This study aims to propose a simple weighted scoring method over four key financial services to obtain a robust measure of FI. Weights are obtained from the data itself using relative frequency approach and normalized to range between zero and one. Results show that 60% are fully or partially under FI, among which only 10.71% are fully included. The result also portray that 21.27% are completely excluded. The findings of this study could be used by policymakers to estimate FI at individual level and prioritizing the policies. Using data driven weights the scores could be compared from two different measures. Further, the method and findings could be extended to logit and classification methods such as C4.5 or CART for one to one scoring as well as segmentation for further study.

**Keywords:** Financial Inclusion, Weighted-Score, CD-Ratio, Digital-India, DFI, Measure, Index

## INTRODUCTION

World Bank defines FI as “Financial inclusion means that individuals and businesses have access to useful and affordable financial products and services

\* Research scholar, Amity University, Lucknow, UP. She is a postgraduate in financial management.

\*\* Professor and Area Head (Statistics, Economics and Operation Management), Amity University, Lucknow Campus, UP, India

\*\*\*Professor and Head, H R Department, BBD University, Lucknow, UP, India

Contact E-mail: tanutiwari@student.amity.edu , Mob. No. 8174046888

that meet their needs – transactions, payments, savings, credit and insurance – delivered in a responsible and sustainable way”(World Bank, 2018 ). Reserve Bank of India (RBI), the banking regulatory body of India has promoted FI in its terms “Financial inclusion may be defined as the process of ensuring access to financial services and timely and adequate credit where needed by vulnerable groups such as weaker sections and low income groups at an affordable cost”(SIDBI, 2008). India is primarily being an agrarian economy and 50 per cent of its adults directly or indirectly involved into agriculture or related activities. These peoples have monthly income of **6426 INR** with approximately 94 dollar equivalent. Majority of these people along with other low income strata, do not have access to any formal banking and financial institutions.

Indian government has initiated many schemes to connect these low income strata and downtrodden into main stream of banking and finance. No-Frills account in the name of Pradhan Mantri Jan DhanYojna (PMJDY) is the most popular and highly accepted among these schemes. PMJDY has managed to open 31.83 crore saving bank accounts within a stretch of 4 years (**2014 to 2018**) and thus has surpassed 80 percent bank account penetration from **53 per cent** in the year **2014** (Jain, 2018). Necessity of bank accounts cannot be ignored as they are very helpful in Direct Benefit Transfer (DBT) of funds under various subsidy and social benefit schemes and thus bank accounts are important for every citizen in their own right. However, when it comes to FI, we often adhere to its narrow definition of having bank account rather than its broader aspect of being banked through all kind of financial services like access to debt facilities, being insured as well as being able to use recent innovative digital technologies adopted by banks and promoted as Digital Financial Inclusion (DFI) under Digital India programme. Having such a low income, does these people need merely a bank account for making transactions without enough money.

FI is a major concern globally and apart from under-developed and developing countries, even well developed nations are facing challenges in this line. The 2014 Global Findex report (Demirguc-Kunt, Klapper, Singer, & Oudheusden, 2014) reveals that 38 percent of the world population is still without access to any financial service. Only 27 per cent have formal saving and 11 per cent have borrowing among those with a typical saving account (Global Partnership for Financial Inclusion, 2018). However, in the period of 2011 to 2014, we have been able to include 700 million people within the banking sphere: a figure to make us happy. But its flipside, 2 billion of the world population is striving without any financial assistance from any agency or institution is enough to make us fateful by marking our under performance in terms of financial inclusion. Uniform offering of financial services is one side of FI, its access at individual level and use is rather restricted for females within the country.

The inclusive financial system mobilizes more resources for productive purposes leading to higher economic growth, better opportunities and reduction of poverty. FI can foster labor and firm formalization, helping, in turn, boost government revenues and strengthen social safety nets. Financial inclusion will enable the Government to provide social development benefits and subsidies directly to the beneficiary bank accounts, thereby drastically reducing leakages and pilferages in social welfare schemes. It could be an instrument to provide monetary fuel for economic growth and is critical for achieving inclusive growth. Many individuals and households remain out of financial markets due to unawareness about the existence of financial products, which we term as 'involuntary non-inclusion'. The households remain out of financial market consciously despite knowing the availability of the financial product in the market which we term as 'voluntary non-inclusion'.

When assessing and quantifying FI we often miss the true picture. We do not adopt a comprehensive approach to measure the FI by incorporating all of its determinants. Considering only bank account as an indicator of financial inclusion is neither correct nor justifiable. We need to adopt a holistic approach in measuring the FI index. For this purpose we must give due consideration to major financial instruments mainly bank account, access to loan and debt services, being insured (personal as well as business and property). A recent attribute, access to digital technology for financial operations cannot be missed while supplying any FI index. These variables should be given due importance with properly assigned weights.

A comprehensive measure of financial inclusion should be able to incorporate information on several dimensions (dimensions) of financial inclusion. Such a measure can be used to compare the levels of financial inclusion across economies and across states/provinces within and between countries at a particular time point. It can be used to monitor the progress of policy initiatives for financial inclusion in a country over a period of time.

The study of financial inclusion presupposes the exclusion component and it becomes very important to do a profiling exercise of those that are excluded rather than go out and measure the extent of inclusion using an index (CAFRAL, 2012). Financial exclusion from the supply side essentially takes place when institutions that are expected to include vast sectors of poor in India do not actually achieve this. This study aims to give a true measure of financial inclusion through use of four basic determinants of financial inclusion, viz., ownership of a bank account, access to loan requirements, being insured and access to digital banking.

## **Review of Literature**

The study called for an extensive search of literatures covering the methods and techniques used for estimation of financial inclusion and its indexing. Relevant

literatures in this particular line are summarized (see Table: 1) in a chronological order citing the major developments. Various distinct variables/factors are listed along with their key findings.

**Table 1**

<b>Author(s)</b>	<b>Variables/Factor Studied</b>	<b>Key Findings</b>
Honohan(2005)	Payments, savings mobilization, monitoring of users of funds, transforming risk	There is less evidence that access of financial services is causally related to poverty reduction.
Beck, Kunt&Peria (2007)	Access and possibility of use, actual use	The authors take care of the issue of qualitative use of financial services by adding 'use' as an indicator.
Sarma (2008)	Depth, availability, usage	Large numbers of economies, including several industrial economies have low levels of financial inclusion.
Mehrotra et al.(2009)	Number of rural offices, number of rural deposit accounts, volume of rural deposit and credit from banking	Financial exclusion is indeed a reflection of social exclusion, as countries having low GDP per capita, relatively higher levels of income inequality, low rates of literacy, low urbanization and poor connectivity appear to be less financially inclusive.
Chakravarty & Pal (2010)	Axiomatic measurement approach	The social-banking policy has played crucial role to foster financial inclusion
Kunt & Klapper (2011)	Access to financial services, penetration of the financial services and the utilization of the services	Wealthier adults make greater use of formal financial services, even after controlling for other individual characteristics and country fixed effects.
Venkataramani, Gupte& Gupta (2012)	Outreach (penetration and accessibility), usage, ease of transactions and cost of transactions	The greater the number of locations to open deposit accounts or to submit loan application, the greater the Ease of transactions.
Rahman(2013)	Convenient accessibility, Take up rate, responsible usage and satisfaction level	The results showed that low income customers have a lower score for IFI compared to the general population in Malaysia.
Global Findex (2014)	Saves, borrow, make payments, and manage risk	The share of adults in developed economies with an account at a formal financial institution is more than twice the corresponding share in developing economies.

<b>Author(s)</b>	<b>Variables/Factor Studied</b>	<b>Key Findings</b>
Sriram & Sundaram (2015)	Access, availability and usage of financial system	Lack of income due to unemployment, financial illiteracy, complexity in documentation for account opening and lack of help desk to guide the people with doubt on banking transaction
Ambarkhane, Singh, & Venkataramani (2016)	Population growth, law and order situation and corruption	Financial inclusion has its roots in development of demand, supply and infrastructure factors
Wang & Guan (2017)	Individual's income, education and use of communications equipment	Developed for European and North American countries enjoy higher levels of financial inclusion than the less developed countries of Africa and most of Asia.

## **RESEARCH GAP**

The extensive review of literature reveals that different studies have suggested different parameters for measurement of FI Index. Majority of methods have incorporated access to financial services, its penetration, utilization, income, inequality, literacy, urbanization, physical infrastructure for connectivity and information, number of rural offices, deposit accounts, volume of deposit and credit, axiomatic measurement approach, banking outreach using distance-from-average method, payments, savings mobilization, monitoring of users of funds. Transforming risk, branch penetration, credit and deposit penetration, number of depositors and borrowers are considered more important determinants of FI index. Both developed and developing economies around the globe exhibits disparity in calculation and usage of FI indicators. There is no unified method to measure FI within a country or any international standard. Lacking to it different institutions and regulatory bodies report FI which shows a great disparity and ambiguity. In this study, a unified data driven weighted scoring method has been proposed which is comparable across the economies and over the time.

## **Methodology**

This is a descriptive correlational study. In this study it has been tried to formulate a weighted scoring method using four attributes considered to be most important in literature as well as by domain experts and focus group. The weights for each variable have been obtained by calculating the relative frequency of 'Yes' category (user of the particular services). These weights are actually probabilities of respective services opted. The individual weights has been normalized so that aggregated

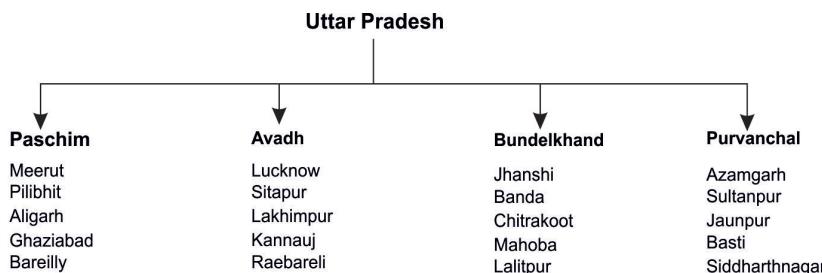
weighted score ranges between zero and one, in order to interpret it in terms of probability.

## Data

Using standard questionnaire, primary data has been collected from randomly selected locations from provinces of Uttar Pradesh, India. The questionnaire is based on extensive literature review, expert's opinion as well as recommendations from a focus group to ensure its content validity. Using a pilot study over 67 records the data was validated and Cronbach's  $\alpha$  was found to be 0.71. This value is a good indication of reliable data and assures reliability and validity of the proposed study. The questionnaire was supplied in both Hindi and English to cater linguistic bias. Altogether data was collected from 20 districts accounting 691 responses in all.

## Sampling Framework

The data has been collected from four zones of Uttar Pradesh East (Purvanchal), West (Paschim), Central (Awadh) and Bundelkhand regions. From each zone five districts were selected on the basis of demography, infrastructure development and national indexing of districts by NITI Aayog.



## ANALYSIS

Altogether 691 records have been analyzed and the aggregate weighted score for each respondent has been calculated. Considering the importance of Bank Account and Debt Facilities the combined score of these two attributes has been proposed as the cut-off point for deciding whether an individual is financially included or excluded. Table 2 shows the different statistics for each category. The percentage column shows how many people are under each category of weighted score. The cut-off weighted score of two attributes is 0.5785, so the respondents whose weighted score is equal to or more than our cut-off point (0.5785) value is considered as financially included otherwise financial not included.

**Table 2:** Weight Assignments

<b>Weights</b>	<b>Bank A/c</b>	<b>Insurance</b>	<b>Loan Access</b>	<b>Digital Payment</b>
Actual	0.7106	0.3314	0.3835	0.4660
Normalizing Factor (X) = 0.5287				
Normalized	0.3757	0.1752	0.2028	0.2464

The new (Normalized) weights range between zero and one and also their sum equal to one. The aggregate of bank account and loan access has been taken as benchmark for calculating the inclusion of respondents. This is what literature review and domain experts suggest as priority variables for measuring FI.

The computations revealed the presence of 14 distinct scores. A frequency count, their cumulative frequency, percentage and 95 per cent confidence interval is tabulated (see Table: 3).

**Table 3:** Summary Statistics

<b>Value</b>	<b>Frequency</b>	<b>Cum_Freq</b>	<b>Percentage</b>	<b>95% CI</b>	
				<b>LCL</b>	<b>UCL</b>
0	147	147	0.2127	0.1838	0.2449
0.1752	3	150	0.0043	0.0015	0.0127
0.2028	2	152	0.0028	0.0008	0.0106
0.2463	45	197	0.0651	0.0490	0.0861
0.3757	77	274	0.1114	0.0901	0.1371
0.3780	2	276	0.0028	0.0008	0.0106
0.4491	1	277	0.0014	0.0002	0.0082
0.5509	14	291	0.0202	0.0121	0.0338
0.5785	74	365	0.1070	0.0861	0.1325
0.6220	60	425	0.0868	0.0680	0.1102
0.7537	112	537	0.1620	0.1364	0.1915
0.7972	23	560	0.0332	0.0222	0.0496
0.8248	56	616	0.0810	0.0629	0.1038
1	75	691	0.1085	0.0874	0.1340

## Profiling

The respondents based on their overall score, were categorized into five groups each representing a different inclusion class. This classification was meant for

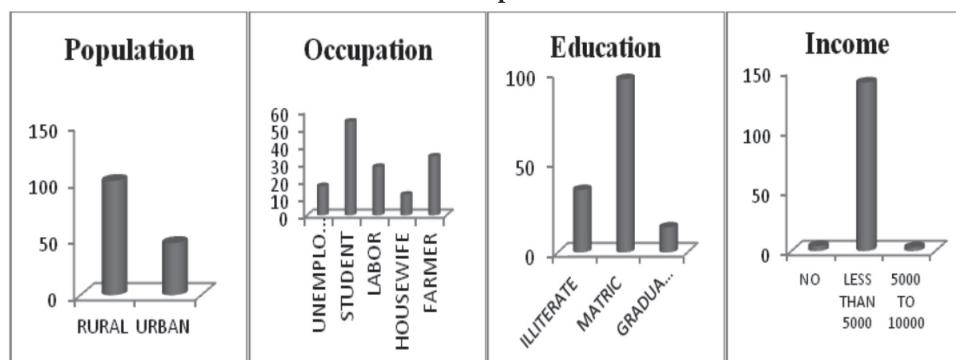
user profiling in order to visualize which strata and economic class is included or excluded in particular.

Table 4

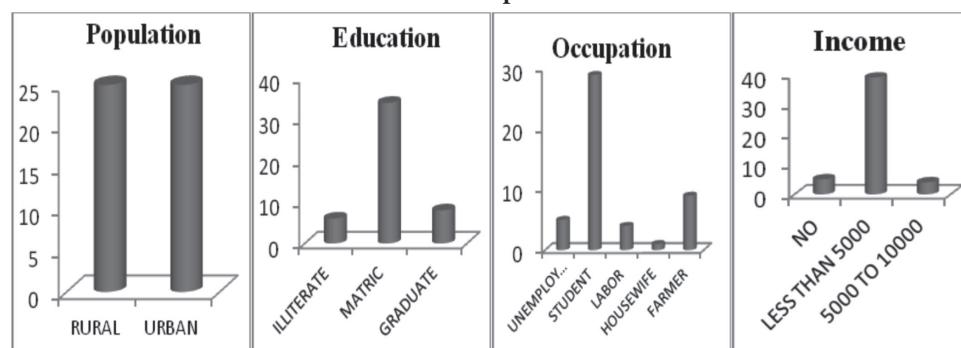
<i>Group</i>	<i>Score range</i>	<i>Category</i>
1	0	No FI
2	0.1752 to 0.2463	WeakFI
3	0.3757 to 0.6220	Average FI
4	0.7537 to 0.8248	Strong FI
5	1	Complete FI

Completely excluded class mainly comes from rural habitat predominantly illiterate or below matric in education. This particular class includes students (non-earners) along with labors farmers and unemployed people mainly earning less than INR 5000 a month. This indicates that low earners and low education group is lesser inclined towards banking and financial services.

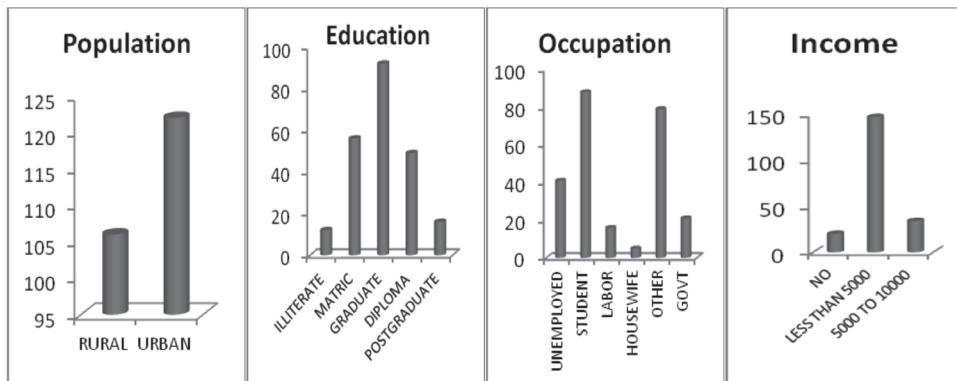
Group 1



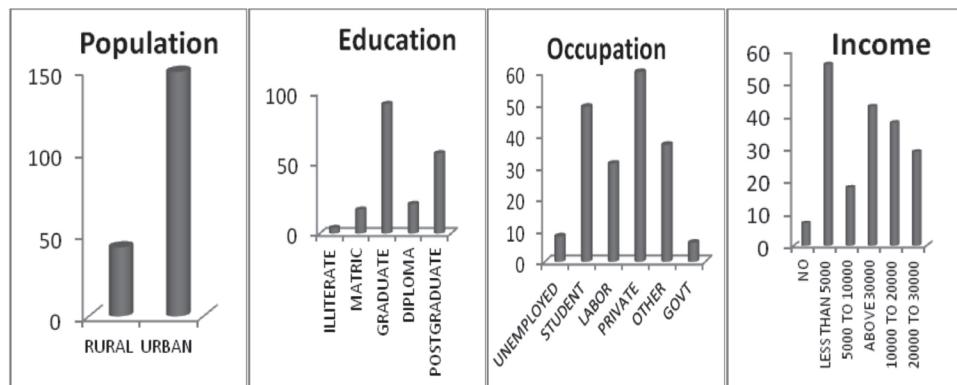
Group 2



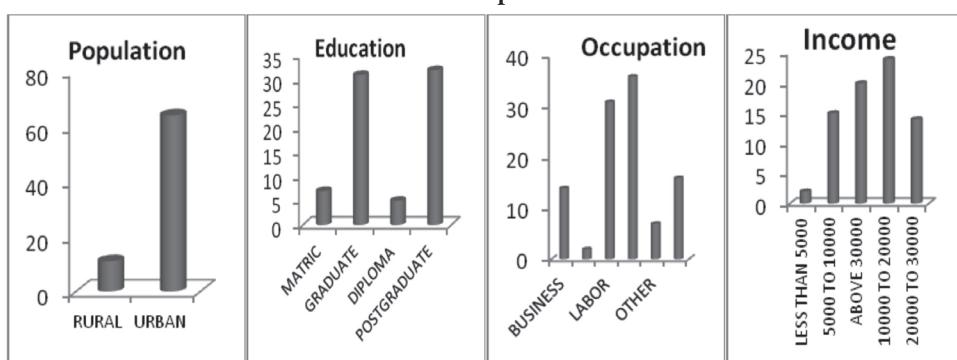
**Group 3**



**Group 4**



**Group 5**



Completely included group (Score = 1) mainly includes urban residents with an educational attainment of matric or above. Most of them are in business or salaried jobs having monthly income above INR 20000 on an average. Group 2 in close proximity to excluded group is dominated by somewhat educated but low

earners while Group 4 is dominated by educated and salaried employees earning substantially. Group 3 lying in between shows a mixed profile with varied education, income and occupation.

## **RESULTS AND DISCUSSION**

According to the normalized weighted score methodology, a benchmark is defined as weighted score of parameter which have major contribution in Financial Inclusion index. The aggregate of bank account and loan access (0.5785) has been taken as benchmark for deciding the inclusion of respondents. This is what literature review and domain experts suggest as priority variables for measuring FI. The total number of respondents is 691 out of which **59.91%** have scored equal to or above the benchmark, which means they are financially included. Out of these only **10.71%** of total respondents are completely financially included with weighted score **one**, and **49.20%** people are weakly included. Remaining **40.09%** people are perceived to be financially excluded. In this exclusion class **21.27%** are completely excluded (weighted score = 0) and other **18.82%** people are weakly excluded in the Indian economy. Measuring financial inclusion index with defined attributes shows an alarming picture. The Crisil Index for financial inclusion states that 53 per cent of Indian population is financially inclusive but, the reality is different. Results suggest that bank account and loan are highly correlated with financial inclusion accessibility and also for digital financial services and insurance. Thus, these are two major determinants in measurement of financial inclusion index. Merely opening a bank account is not financial inclusion, but making account operative by facilitating them to earn and then transact. There are other demographic attributes which affect financial inclusion, like income, education, employment, financial literacy. These variables create hurdles in financial inclusion progress. There is a strong relationship between education and account penetration. Measurement is a key to understanding financial inclusion and identifying opportunities to remove the barriers that may be preventing people from using financial services.

## **CONCLUSION**

Fortunately, the need for improving access to financial services and building inclusive financial systems are increasingly at the core of policymakers' agendas. Hence, making formal and affordable financial services available for the unbanked would definitely have positive consequences on the lives of these people. The paradox of access and use of banking services clearly show that only access criteria are not sufficient to measure the level of financial inclusion as the probability of having a bank account, a payment option, or credit line is not enough to enable an individual to lead a normal life in society with dignity. The data show wide gaps in account penetration between high income and developing countries and between

the poor and the rich within countries. By enabling policymakers to identify segments of the population excluded from the formal financial sector, the result could help in providing insights for the design and prioritization of reforms.

## **RECOMMENDATION**

The study suggests that using the percentage of bank account holders as an indicator of financial inclusion is a vague practice. In order to get a clear and precise measure, we should first identify the basic components of financial inclusion and give due weight to each. Apart from the four dimensions incorporated in this study, more orthogonal variables could be fitted into the process. The authors further recommend that to measure financial inclusion, we should follow a norm which is unified and universally accepted. This will result in a measure or index which is comparable for two different values from different countries.

## **SCOPE FOR FURTHER STUDY**

Though, in this study it has been tried to establish a method of quantifying the financial inclusion in more realistic and in a comprehensive way, the final scores are much helpful for further studies. Ranging between zero and one, they can be interpreted in terms of probability. These scores can be fed as an outcome variable into many sophisticated algorithms and statistical methods to compute the FI score at individual level. The scope for such studies comprises fitting a linear or logistic regression, classification methods such as C4.5 or CART (classification and regression tree).

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## Hindi Section

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# बिहार में मतदान-व्यवहार की प्रवृत्ति : विगत लोक सभा चुनावों के संदर्भ में सीवान संसदीय क्षेत्र का एक वैयक्तिक अध्ययन

शशि प्रताप शाही\*

## सार संक्षेप

प्रस्तुत शोध-आलेख में यह जानने का प्रयास किया गया है कि सीवान लोक सभा क्षेत्र में मतदान-व्यवहार किन-किन निर्धारक तत्वों से प्रभावित हुआ है और किसी उम्मीदवार विशेष अथवा राजनीतिक दल के प्रत्याशी विशेष के पक्ष में होने के कौन-कौन कारक जिम्मेवार रहे हैं? बिहार के मतदाताओं का मतदान-व्यवहार सामान्यतः राजनीतिक दल के प्रति निष्ठा, उम्मीदवार का व्यक्तित्व, जाति, धर्म, ज्वलंत मुद्दे, चुनावी वायरे एवं नारे आदि तत्वों से प्रभावित होता रहा है। 1967 के आम चुनावों से 1977 तथा पुनः 1989 से 1998 तक जातीय धारणा, चुनावी कदाचार, काला धन का प्रयोग तथा बाहुबल का प्रयोग आदि तत्वों से प्रभावित होता था। मानवीय पहलुओं के जिन विशिष्टताओं का प्रतिनिधित्व भारत एक लोकतांत्रिक देश होने के कारण करता है, उनका समग्र दर्शन बिहार राज्य में भी होता है। इसलिए मतदान-व्यवहार की सभी विशिष्टताएं बिहार में भी प्रतिबिम्बित होती रही हैं। प्रस्तुत शोध-आलेख लेखक के यू.जी.सी. प्रयोजित शोध-परियोजना का एक उपोत्पाद है, जो शोध के दौरान प्राथमिक स्रोतों से संकलित किए गए तथ्यों पर आधारित है। तथ्यों के विश्लेषण से निष्कर्ष निकलता है कि 2009 के पूर्व सीवान क्षेत्र के शहरी और ग्रामीण मतदाता अधिकांशतः मतदान हेतु स्वस्फूर्त प्रेरित नहीं होते थे बल्कि परिवार के सदस्यों, गांव के गणमान्यों तथा स्थानीय नेतृत्व से प्रेरित होते थे परन्तु इक्कीसवीं सदी में सीवान के मतदाता विकास एवं सुशासन के मुद्दे से मतदान हेतु प्रेरित हुए। उनमें मतदान हेतु जनमत का निर्माण विज्ञापनों, सभा-गोष्ठियों तथा आपसी चर्चा आदि कारणों से हुआ। उल्लेखनीय है कि यहां तथ्यों का विवरण न देकर केवल निष्कर्षों का प्रस्तुतिकरण किया गया है।

**विषय-मूल्यक पदावली :** मतदान व्यवहार, मतदान-प्रेरक, लोक सभा चुनाव, सीवान, लोकतंत्र

## प्रस्तावना

भारत जैसे विश्व के सबसे बड़े लोकतांत्रिक देश में चुनाव एक महापर्व की तरह मनाया जाता है। मतदान किसी भी लोकतांत्रिक शासन व्यवस्था की आधारशिला है। मतदान-व्यवहार किसी

\* प्रोफेसर एवं प्रचार्य, राजनीति विज्ञान विभाग, पाटलीपुत्र विश्वविद्यालय, पटना

Contact e-mail <profspshahi@gmail.com>, मो.- 9431012332

लोकतांत्रिक देश के नागरिकों के उस व्यवहार को कहा जाता है, जिसके कारण वह किसी दल विशेष के उम्मीदवार या प्रत्याशी विशेष को अपना मत देते हैं अथवा उनके पक्ष में अपने मताधिकार का प्रयोग करते हैं। बिहार में आमतौर पर विधान सभा चुनाव में मतदाता लोक सभा चुनाव के मुकाबले अधिक मतदान करते हैं। इसके पीछे जातिगत एवं क्षेत्रीय समीकरण होते हैं। साथ ही राज्यस्तरीय दलों का प्रभाव भी होता है।<sup>1</sup> लोक सभा और विधान सभा चुनावों में लोग अलग-अलग किस्म से मतदान करते हैं। वहीं उपचुनावों में स्थानीय मुद्रे अधिक हावी होते हैं। इसके पीछे का बड़ा कारण यह है कि उपचुनावों के जरिये न तो सरकार बनती है और न ही बिंगड़ती है। ऐसे चुनावों में आपसी रिश्ते फलदायी और सामुदायिक बोट लामबंद होते हैं।<sup>2</sup>

पिछले एक दशक के दौरान होने वाले विभिन्न चुनावों में बिहार का मतदान-प्रतिशत काफी परिवर्तनशील रहा है। बिहार में 2004 के लोक सभा चुनाव में मतदान का प्रतिशत 58.02 प्रतिशत रहा, वहीं 2009 के लोक सभा चुनाव में बिहार का मत-प्रतिशत मात्र 44.4 प्रतिशत रहा। इस चुनाव में बिहार के मतदाताओं की चुनाव में सक्रियता काफी कम रही।<sup>3</sup> वे मतदान केन्द्र पर अपना मत देने अपेक्षाकृत कम गए। हालांकि वर्ष 2014 के लोक सभा चुनाव में केन्द्र की सत्ता में परिवर्तन की लहर, चुनाव आयोग के द्वारा चलाए गए विशेष जागरूकता कार्यक्रमों एवं दिए गए सुविधाओं के कारण बिहार के मतदाताओं का मत-प्रतिशत बढ़कर 56.5 प्रतिशत हो गया।<sup>4</sup> बिहार के सीवान लोक सभा क्षेत्र के मतदाताओं के मतदान-व्यवहार का अवलोकन करना अपेक्षित है।

### मतदान-व्यवहार : अवधारणा

व्यस्क नागरिकों द्वारा मतदान करना उनके राजनीतिक प्राथमिकताओं, सरकार की नीतियों, निर्णयों तथा कार्यक्रमों के प्रति उनकी सहमति-असहमति एवं विभिन्न राजनीतिक दलों तथा उनके जनप्रतिनिधित्व के लिए संघर्षरत उम्मीदवारों की स्वीकार्यता-अस्वीकार्यता का निर्धारक होता है। संक्षेप में, मतदान के निम्नलिखित प्रकार्य हैं – 1. शासकों एवं उनकी नीतियों के प्रति व्यक्तिगत विकल्प की अभिव्यक्ति, 2. व्यक्तिगत मतदाताओं का जनप्रतिनिधियों के साथ परस्पर प्रभावों का विनियम, 3. वर्तमान संवैधानिक शासन में परिवर्तन या निरंतरता के लिए व्यक्तिगत अभिव्यक्ति, 4. मतदाताओं का वर्तमान संवैधानिक शासकों के प्रति विश्वास-अविश्वास का प्रकटीकरण, तथा 5. मतदाताओं का शासन व्यवस्था के प्रति भावनात्मक लगाव या विलगाव का परिलक्षण एवं राजनीतिक परिणाम।

मतदान व्यवहार का अध्ययन व्यवहारवादी क्रान्ति के फलस्वरूप बीसवीं सदी के मध्य में लेजार्सफेल्ड<sup>5</sup> द्वारा प्रारंभ किया गया परन्तु पहली बार इस पदावली का सैद्धान्तिक विवेचन सैमुएल जे. एल्डर्सवेल्ड<sup>6</sup> ने 1951 में अपने आलेख 'थ्योरी एण्ड मेथड इन बोटिंग बिहेवियर रिसर्च' में किया। उसके अनुसार यह मात्र मतदान सांख्यिकी का संकलन, गणन, तथा रूझानों का प्रस्तुतिकरण तक सीमित नहीं है बल्कि यह राजनीतिक परिघटनाओं को परिलक्षित करने वाली अवधारणा है। इसके तहत मतदान सांख्यिकी के साथ-साथ मतदाताओं द्वारा किसी खास

उम्मीदवार को मतदान करने की प्रवृत्ति, उसका कारण, मतदान प्रवृत्ति में परिवर्तन, मतदान नहीं करने के कारण तथा तत्कालीन राजनीतिक परिवेश का अध्ययन भी करता है। इसमें व्यक्तिगत मनोवैज्ञानिक प्रक्रियाओं तथा भावनाओं (जैसे - समझ, भावनाओं और अभिप्रेरण आदि) का राजनीतिक क्रिया तथा सांस्थिक प्रतिमानों से संबंध तथा चुनावों में उसके प्रभाव को भी दर्शाता है। मुनष्य एक विवेकशील प्राणी है परन्तु वह आर्थिक एवं राजनीतिक व्यवहार में अपने विवेक से ज्यादा भावनाओं, प्रेरणाओं एवं परिस्थितियों के अनुरूप व्यवहार करता है जिसके अध्ययन के बिना मतदान व्यवहार का अध्ययन समुचित नहीं होगा। प्लाना एवं रिग्स ने भी कहा कि यह अध्ययन का वह क्षेत्र है जिसका संबंध लोगों के चुनावों में मतदान की प्रवृत्ति तथा उनके कारणों पर प्रकाश डालता है कि उन्होंने ऐसा ही क्यों किया या क्यों नहीं किया?

इस प्रकार मतदान व्यवहार केवल मतदान सांख्यिकी का अध्ययन नहीं है अपितु लोगों की प्रवृत्ति उसमें आने वाले परिवर्तनों को चिन्हित करना भी है। यह आनुभविक शोध का मार्ग प्रशस्त करता है या यूं कहा जाय कि मतदान-व्यवहार का अध्ययन केवल प्राथमिक स्रोतों से संकलित आंकड़ों के आधार पर ही किया जा सकता है। बिहार राज्य में मतदान-व्यवहार के अध्ययन समय-समय पर किए गए हैं। 1960 के दशक में लोक प्रशासन संस्थान, पटना विश्वविद्यालय<sup>7</sup> 1990 के दशक में आर.के. वर्मा<sup>8</sup> तथा इक्कीसवीं सदी में सी.एस.डी.एस. के तत्वावधान में राकेश रंजन<sup>9</sup> के अध्ययन उल्लेखनीय हैं। इन अध्ययनों में चुनाव क्षेत्र विशेष के अलावा वृहद् स्तरीय मतदान व्यवहार का आनुभविक अध्ययन किया गया है। केवल चुनाव सांख्यिकी का विश्लेषण तथा रूझानों का अध्ययन एवं एकिट पोल आदि को हम मतदान व्यवहार का अध्ययन नहीं कह सकते। इसे सेफॉलॉजिकल स्टडी का नाम दिया जाता है।

### **सीवान लोक सभा क्षेत्र में मतदान व्यवहार ( द्वितीयक स्रोत )**

स्वतंत्र भारत में बिहार राज्य के सीवान लोक सभा क्षेत्र के निर्धारण के बाद पहली बार लोक सभा का चुनाव वर्ष 1957 में हुआ। इस चुनाव में भारतीय राष्ट्रीय कांग्रेस के उम्मीदवार झुलन सिंह चुनाव में विजयी हुए। उन्हें 66,147 मत प्राप्त हुए। वर्ष 1962 में सीवान लोक सभा क्षेत्र में हुए लोक सभा चुनाव में भारतीय राष्ट्रीय कांग्रेस के प्रत्याशी मोहम्मद युसूफ 78,030 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1967 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से पुनः भारतीय राष्ट्रीय कांग्रेस के प्रत्याशी मोहम्मद युसूफ 98,206 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1971 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से पुनः भारतीय राष्ट्रीय कांग्रेस के प्रत्याशी मोहम्मद युसूफ 98,206 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1977 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से भारतीय राष्ट्रीय कांग्रेस के प्रत्याशी मोहम्मद युसूफ पराजित हुए एवं भारतीय लोक दल के उम्मीदवार मृतंजय प्रसाद वर्मा 3,25,030 मत प्राप्त कर विजयी घोषित हुए।<sup>10</sup>

वर्ष 1980 के लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से पुनः भारतीय राष्ट्रीय कांग्रेस के प्रत्याशी मोहम्मद युसूफ 1,31,297 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1984 में

हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से पुनः भारतीय राष्ट्रीय कांग्रेस के प्रत्याशी अब्दुल गफूर 2,50,235 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1989 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से भारतीय जनता पार्टी के प्रत्याशी जनार्दन तिवारी 3,34,637 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1991 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से जनता दल के प्रत्याशी वृष्ण पटेल 3,15,336 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1996 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से जनता दल के प्रत्याशी मो. शहाबुद्दीन 3,26,351 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1998 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से पुनः राष्ट्रीय जनता दल टिकट प्राप्त कर प्रत्याशी मो. शहाबुद्दीन चुनाव लड़े एवं 3,27,341 मत प्राप्त कर विजयी घोषित हुए। वर्ष 1999 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से पुनः राष्ट्रीय जनता दल टिकट प्राप्त कर मो. शहाबुद्दीन चुनाव लड़े एवं 3,85,069 मत प्राप्त कर विजयी घोषित हुए। वर्ष 2004 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से पुनः राष्ट्रीय जनता दल टिकट प्राप्त कर मो. शहाबुद्दीन चुनाव लड़े एवं 3,17,511 मत प्राप्त कर विजयी घोषित हुए।<sup>11</sup>

वर्ष 2009 में हुए लोक सभा चुनाव में सीवान लोक सभा क्षेत्र से निर्दलीय प्रत्याशी ओम प्रकाश यादव को 2,36,194 मत प्राप्त हुआ एवं सीवान लोक सभा सीट पर जीत दर्ज की। यह एक अप्रत्याशित चुनाव परिणाम था। कई चुनाव विश्लेषक एवं विभिन्न राजनीतिक दल इस लोक सभा चुनाव के परिणाम के गहन विश्लेषण में जुट गए। पहली बार सीवान लोक सभा चुनाव क्षेत्र से कोई निर्दलीय उम्मीदवार विजय घोषित हुआ। इसलिए सीवान लोक सभा क्षेत्र के मतदाताओं के मतदान-व्यवहार को जानना एवं समझना अति आवश्यक है। वहाँ वर्ष 2014 के लोक सभा चुनाव में भारतीय जनता पार्टी ने नरेन्द्र मोदी को अपना प्रधानमंत्री उम्मीदवार घोषित किया।<sup>12</sup> नरेन्द्र मोदी के लहर में भी भारतीय जनता पार्टी ने अपने दल के किसी उम्मीदवार को सीवान लोक सभा चुनाव क्षेत्र से चुनाव लड़ाने की बजाय पूर्व के लोक सभा चुनाव में जीते हुए निर्दलीय प्रत्याशी श्री ओम प्रकाश यादव को अपने दल में शामिल कर लिया एवं भारतीय जनता पार्टी के टिकट पर पुनः ओम प्रकाश यादव सीवान लोक सभा क्षेत्र से चुनाव के मैदान में उतरे। एक बार पुनः सीवान लोक सभा क्षेत्र के मतदाताओं ने श्री ओम प्रकाश यादव के प्रति अपना विश्वास प्रकट किया एवं अपना मत दिया। वर्ष 2014 के लोक सभा चुनाव में पुनः श्री ओम प्रकाश यादव 3,72,670 मत प्राप्त कर सीवान लोक सभा क्षेत्र से विजयी हुए।

### **सीवान लोक सभा क्षेत्र में मतदान व्यवहार (प्राथमिक स्रोत)**

लेखक द्वारा संचालित शोध-परियोजना के अन्तर्गत बिहार राज्य के सीवान संसदीय क्षेत्र के मतदान-व्यवहार के अध्ययन के दौरान सूक्ष्म स्तर पर साक्षात्कार के माध्यम से सर्वेक्षण सम्पन्न किया गया जिनसे संकलित तथ्यों के विश्लेषण एवं वर्गीकरण के आधार पर प्राप्त निष्कर्षों को निम्न रूप में प्रस्तुत किया जा सकता है-

- तथ्यों के विश्लेषण से यह स्पष्ट होता है कि भारत के सीवान संसदीय क्षेत्र के ज्यादातर

ग्रामीण मतदाताओं को भारत में होने वाले चुनाव के बारे में जानकारी है। साथ ही चुनाव प्रक्रिया एवं इसके फायदे को भलीभाँति समझते हैं।

- प्राप्त तथ्यों के विश्लेषण से यह पता चलता है कि सीवान लोक सभा चुनाव क्षेत्र में मतदान केन्द्र के अधिक दूरी पर स्थित होने के कारण ग्रामीण मतदाता चुनाव में मत देने नहीं जाते हैं।
- इस शोध-परियोजना से यह पता चलता है कि शहरी मतदाताओं में चुनाव की समझ ग्रामीण मतदाताओं की तुलना में कहीं अधिक देखा गया।
- तथ्यों के विश्लेषण से यह भी स्पष्ट होता है कि सीवान संसदीय क्षेत्र के ग्रामीण मतदाताओं द्वारा किसी न किसी राजनीतिक दल के नियमित कार्यकर्ता के रूप में चुनाव में सक्रिय भागीदारी निभाते हैं।
- तथ्यों के विश्लेषण से यह प्राप्त होता है कि सीवान संसदीय क्षेत्र के शहरी मतदाताओं की अपेक्षा ग्रामीण मतदाताओं ने किसी न किसी राजनीतिक दल के पोलिंग एजेंट के रूप में कार्य किए हैं।
- तथ्यों के विश्लेषण से यह पता चलता है कुछ शहरी एवं ग्रामीण मतदाता ऐसे हैं जो चुनाव में दैनिक रोजगार के रूप में सक्रिय भागीदारी निभाते हैं।
- तथ्यों के विश्लेषण से यह प्राप्त होता है कि सीवान संसदीय क्षेत्र के शहरी मतदाताओं में बोट नहीं देने की प्रवृत्ति ग्रामीण मतदाताओं से अधिक पाई जाती है।
- सीवान संसदीय क्षेत्र के कुछ ग्रामीण मतदाता अपने मित्र के कहने पर मतदान करने के लिए प्रेरित होते हैं, तो कुछ अपने घर के मुखिया के कहने पर मतदान करने के लिए प्रेरित होते हैं, कुछ ग्रामीण मतदाता अपने जीवनसाथी के कहने पर मतदान करने के लिए प्रेरित होते हैं।
- सीवान संसदीय क्षेत्र के महिलाओं में यह देखा गया कि वे अपने पति के कहने पर किसी खास उम्मीदवार के पक्ष में मतदान करती हैं। अपनी इच्छा से वे अभी मतदान नहीं करती हैं। ग्रामीण क्षेत्र की महिलाओं में तो सामाजिक सशक्तिकरण आया है, लेकिन आज भी वे राजनीतिक निर्णय अपने पति के कहने पर ही लेती हैं।
- चुनाव प्रचार के विभिन्न साधनों का ग्रामीण एवं शहरी मतदाताओं के मतदान-व्यवहार पर गहरा प्रभाव पड़ता है।
- सीवान संसदीय क्षेत्र के ग्रामीण एवं शहरी दोनों क्षेत्रों के मतदाता मतदान केन्द्र पर की गई बेहतर व्यवस्था एवं प्रदान की गई समुचित व्यवस्था से मतदान करने हेतु मतदान केन्द्र तक पहुँचने के लिए प्रेरित होते हैं।
- सोशल मीडिया किसी उम्मीदवार की छवि को बेहतर बनाने में मदद करता है। साथ ही वह किसी उम्मीदवार की छवि को बिगाड़ने का भी काम करती है। येन-केन-प्रकारेण सोशल मीडिया किसी उम्मीदवार की छवि को धूमिल करने का कार्य बड़ी ही सरलता

एवं सहजतापूर्वक करती है। इससे मतदाता के मतदान-व्यवहार की प्रवृत्तियां प्रभावित होती हैं।

- कुछ ग्रामीण मतदाताओं ने यह माना कि टी.वी. पर दिखाए जाने वाले विभिन्न राजनीतिक दलों के विज्ञापन को देखकर वे किसी राजनीतिक दल अथवा उम्मीदवार विशेष के प्रति मतदान करने को प्रेरित होते हैं।
- ज्यादातर मतदाता समाचारपत्रों में दिए जाने वाले विभिन्न राजनीतिक दलों एवं प्रत्याशियों के विज्ञापनों से प्रभावित होते हैं।
- प्रस्तुत शोध-परियोजना से यह पता चलता है कि बूथ लेवल ऑफिसर की भूमिका भी ग्रामीण मतदाताओं को काफी प्रभावित किया।
- सीवान लोक सभा क्षेत्र के शहरी मतदाताओं पर मतदानकर्मियों, सुरक्षाकर्मियों, मतदान केन्द्रों पर व्यापक सुरक्षा की व्यवस्था एवं विभिन्न राजनीतिक दलों के पोलिंग एजेंटों का काफी सहयोग मिला, जिससे वे मतदान करने के लिए प्रेरित हुए।
- बहुत ही कम ग्रामीण मतदाता ऐसे हैं जो विभिन्न राजनीतिक दलों की नीतियों से प्रभावित होते हैं, वहीं ग्रामीण मतदाताओं की अपेक्षा शहरी मतदाता राजनीतिक दलों की नीतियों से ज्यादा प्रभावित होते हैं।
- लेकिन ग्रामीण मतदाताओं पर विभिन्न राजनीतिक दलों द्वारा किए गए चुनावी मुद्दों एवं वायदों का प्रभाव पड़ता है।
- तथ्यों के विश्लेषण से यह पता चलता है कि ग्रामीण एवं शहरी मतदाताओं के मतदान-व्यवहार पर महांगाई का काफी प्रभाव पड़ा। साथ ही, मतदाताओं के मतदान-व्यवहार पर भ्रष्टाचार जैसे मुद्दे का व्यापक प्रभाव पड़ता है।
- सीवान संसदीय क्षेत्र के ज्यादातर ग्रामीण एवं शहरी मतदाता अपने जाति के उम्मीदवार या प्रत्याशी को ही अपना मत देना पसंद करते हैं। वे जाति की भावना से प्रभावित होकर मतदान करते हैं। साथ ही, वे चुनाव में अपने धर्म के उम्मीदवार या प्रत्याशी को ही मत देना अपना कर्तव्य समझते हैं।
- ग्रामीण एवं शहरी दोनों क्षेत्रों के मतदाता केन्द्र में स्थाई एवं सुदृढ़ सरकार की आकांक्षा में मतदान करते हैं।
- ग्रामीण मतदाता विकास एवं सुशासन के मुद्दे से काफी प्रभावित हो रहे हैं। यह प्रवृत्ति देखी गई कि मतदाता करिश्मा प्रधान नेतृत्व के आवाहन से ज्यादा प्रभावित होते हैं।
- तथ्यों का विश्लेषण करने पर यह ज्ञात होता है कि सीवान संसदीय क्षेत्र के ग्रामीण मतदाताओं को शहरी मतदाताओं के अपेक्षाकृत कम नोटा (NOTA) के बारे में जानकारी है।
- एक चौंकाने वाली प्रवृत्ति यह उभरकर सामने आई कि कुछ मतदाताओं ने यह बताया कि वे पहले चुनाव में मतदान देने नहीं जाते थे, क्योंकि उन्हें कोई उम्मीदवार अथवा प्रत्याशी पसंद नहीं होता था। चुनाव में वे मतदान करने इसलिए गए क्योंकि उन्हें नोटा

(NOTA) के बारे जानकारी मिली। इससे पता चलता है कि नोटा (NOTA) भी मतदाताओं के मतदान-व्यवहार को प्रभावित करने लगा है।

### निष्कर्ष

उपर्युक्त तथ्यों के आधार पर यह कहा जा सकता है कि वर्तमान समय में सीवान लोक सभा क्षेत्र के मतदाता काफी सजग एवं जागरूक हो चुके हैं। उन्हें अब किसी प्रत्याशी या उम्मीदवार अथवा राजनीतिक दल के द्वारा ठगा नहीं जा सकता है। लेकिन यह अजीब विडम्बना है कि मतदाता यह तो चाहती है कि उसका जनप्रतिनिधि ईमानदार, कर्मठ, जनसेवक, समाजसेवक, राष्ट्रसेवक हो। लेकिन स्वयं कितना ईमानदार है, इस पर नहीं सोचती है।<sup>13</sup> आज बहुत कम मतदाता ऐसे हैं जो किसी नेता के निःस्वार्थ सेवा, बलिदान, विचारधारा, दल आदि के लिए उसका समर्थन करते हैं। वह इस बात की परवाह नहीं करता है कि उसके चुने हुए प्रतिनिधि राज्य की राजनीति में क्या करते हैं और वे किसी व्यवहार-आचरण संहिता का अनुसरण करते हैं।<sup>14</sup> इस तरह, सीवान लोक सभा क्षेत्र के मतदाताओं के मतदान-व्यवहार में समरूपता का अभाव है। जाति, धर्म, भाषा, क्षेत्रीयता जैसे तत्वों के प्रभाव में उनके मतों का विभाजन होता रहता है। मतदाताओं का 'नोटा' के बटन के प्रति जिज्ञासा, उम्मीदवारों एवं विभिन्न राजनीतिक दल के अपेक्षाओं पर खड़ा नहीं उतरने के कारण आकर्षित कर रहा है।

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## बिहार की शक्ति संरचना में दलितों की भागीदारी

मीना कुमारी\*

### सार संक्षेप

बिहार में आजादी के पूर्व लोकतांत्रिक प्रयोगों के प्रारंभ से ही राजनीतिक दलों के लिए दलितों (अनुसूचित जातियों) को अपने पाले में रखने का प्रयास आवश्यकता बन गई। फलस्वरूप दलित वर्गों से नेतृत्व को राजनीतिक सत्ता में स्थान देने की प्रवृत्ति का विकास हुआ। स्वतंत्रता प्राप्ति के बाद चुनावी राजनीति ने इस प्रवृत्ति को और मजबूती प्रदान की। दलितों की स्थिति में सुधार की नीतियों के अलावा राजनीतिक शक्ति संरचना में उनको सम्मिलित किया जाने लगा परन्तु यह केवल सांकेतिक ही रहा। 1990 के बाद, खासकर गठजोड़ की राजनीति के दौर के शुरू होने के पश्चात्, दलितों को राजनीतिक शक्ति संरचना में महत्वपूर्ण स्थान दिया जाने लगा। प्रश्न है कि क्या उन्हें बिहार की शक्ति संरचना में समुचित हिस्सेदारी मिली? प्रस्तुत लेख में दलितों के वास्तविक हिस्सेदारी के आकलन के लिए मंत्रिपरिषद् तथा दलीय संगठनों में उनकी स्थिति का आकलन किया गया है। बिहार की शक्ति संरचना में 1990 के बाद उनकी हिस्सेदारी बढ़ी है।

विषय-सूचक पदावली : दलित, शक्ति-संरचना, मंत्रिपरिषद्, दलीय-संगठन, बिहार

### भूमिका

प्रजातांत्रिक प्रयोगों (बीसवीं सदी के प्रथम दशकों को छोड़कर) के सूत्रपात से लेकर स्वतंत्रता प्राप्ति तक भारतीय राजनीति पर परंपरागत आधिपत्य वाली जातियों का दबदबा बना रहा। परन्तु राजनीतिक परिवर्तन चक्र में खासकर 1967 के पश्चात् दूसरे मध्यमवर्गीय जातियों एवं निम्न जातियों का राजनीतिक प्रक्रिया में समावेश हुआ। अर्थात् राजनीतिक भागीदारी में उनका योगदान बढ़ा।<sup>1</sup> स्वतंत्रता प्राप्ति के बाद अधिक संख्या वाली जातियों का चुनावी राजनीति में महत्व बढ़ गया तथा राजनीतिक दलों ने अपनी नीतियों में उनके हितों को स्थान दिया। स्वतंत्रता प्राप्ति के

\* एसिस्टेंट प्रोफेसर, राजनीति विज्ञान विभाग, विस्थापित कॉलेज, बालाडीह, बोकारो, झारखण्ड

संपर्क सूत्र - ई-मेल- meenakumari3029@gmail.com, मो. - 6202074894

पूर्व से ही अनुसूचित जातियों के राजनीतिक महत्व को समझा जाने लगा था। गाँधीजी के प्रयासों एवं कांग्रेस के दबाव से गवर्नमेंट ऑफ इण्डिया एक्ट 1935 में तथा बाद में भारतीय संविधान द्वारा उनकी विधिक अस्तित्व का निर्माण किया गया। स्वतंत्रता प्राप्ति के बाद तो राजनीतिक दलों का ध्यान अनुसूचित जातियों की तरफ केन्द्रित हुआ। बिहार की कुल जनसंख्या का 14 प्रतिशत आबादी अनुसूचित जातियों का है। इसलिए सभी राजनीतिक दलों ने इनमें अपनी चुनावी संभावनाएं देखी। जिसका प्रतिफल भी देखने को मिलता है<sup>2</sup> बिहार में जगजीवन राम, जगलाल चौधरी, रमई राम, पीताम्बर पासवान, कमल पासवान, फगुनी राम, नथुनी राम चमार आदि नेताओं को राजनीतिक दलों ने प्रतिष्ठित किया। जगजीवन राम अपनी क्षमताओं के बल पर राष्ट्रीय स्तर के नेता बने। बाद में बिहार राजनीति से राष्ट्रीय स्तर तक जाने वाले नेता में रामविलास पासवान का नाम लिया जा सकता है। सभी पार्टियां किसी अ.जा. नेता को प्रतिष्ठित कर उनके हितैषी होने का दावा करती हैं।

### **बदलती परिस्थितियां**

भूमण्डलीकरण के चलते राज्य की प्रकृति में परिवर्तन आया है जिसमें राज्य न केवल कल्याणकारी नीतियों से हाथ खींचता है अपितु दुर्बल भी हुआ है। किसी वर्ग के भविष्य का प्रश्न उसके वर्तमान के संकट से निकलता है, भविष्य की चिन्ता स्वाभाविक भी है और उचित भी। सन् 1991 के बाद भारत के शासक वर्ग ने विश्व व्यापार संगठन, अन्तर्राष्ट्रीय मुद्रा कोष और विश्व बैंक की मुख्यता तिकड़ी द्वारा निर्देशित भूमण्डलीकरण, उदारीकरण और निजीकरण की नीतियों को अपनाया। इन नीतियों का राज्य व समाज की संस्थाओं पर व्यापक प्रभाव पड़ा है। समाज के कुछ सीमित वर्ग मालामाल हुए हैं, तो अधिकांश जनता पामाल हुई है। अमीर देशों के अमीर लोगों और गरीब देशों के अमीर लोगों को लाभ पहुंचाने वाली इन नीतियों ने दलितों के भविष्य पर प्रश्नचिह्न लगा दिया है। यद्यपि भारतीय शासन सत्ता पर बड़े भू-स्वामियों और पूंजीपतियों का नियंत्रण रहा है, इसलिए दलितों-पीड़ितों को विकास का उत्थान के उचित अवसर नहीं मिले।

स्वतंत्रतोत्तर काल की दूसरी पीढ़ी में बिहार से राष्ट्रीय अ.जा. नेताओं की सूची में रामविलास पासवान और श्रीमती मीरा कुमार का नाम प्रमुख है। इनके अतिरिक्त लोक सभा के लिए चुने गए सांसदों में महेन्द्र बैठा, दसई चौधरी, सुखदेव पासवान, जोरावर राम, छेदी पासवान, मुन्नी लाल, पीताम्बर पासवान, आदि के नाम उल्लेखनीय हैं। ऐसे सभी अ.जा. नेता चमार, दुसाध, पासी तथा धोबी जाति से ही आते हैं। धोबी तथा पासी जाति की जनसंख्या उनके प्रतिनिधित्व के अनुरूप नहीं है। डोम, मुसहर वर्ग से नेतृत्व का उदय नहीं हुआ है<sup>3</sup> संसद तथा विधान सभा में दलितों के लिए आरक्षित सीटों की स्थिति निम्न प्रकार है (सारणी-1)

### मीना कुमारी

**सारणी-1 : संसद और विधान सभा में अ.जा. के सुरक्षित सीटों की संख्या**

वर्ष	बिहार से लोक सभा के कुल सीट	अ.जा. के आरक्षित सीट	विधान सभा के कुल सीट	अ.जा. के लिए सुरक्षित
1952	55	7	330	43
1957	55	7	318	40
1962	53	7	318	40
1967	53	7	318	45
1971	53	7	318	45
1972	-	-	324	46
1977-2000	54	8	324	46
तक				

स्रोत : एलेक्सन रिपोर्ट्स, मुख्य चुनाव अधिकारी, बिहार द्वारा समय-समय पर प्रकाशित।

बिहार राजनीति में जनसंख्या और मतदाताओं की संख्या के हिसाब से अनुसूचित जातियाँ बहुत ही महत्वपूर्ण स्थान रखती हैं। सारणी-1 में बिहार विधान सभा और लोक सभा (बिहार से) में अ.जा. के लिए आरक्षित सीटों का विवरण दिया गया है। 1967 से 1995 तक की सूची से पता चलता है कि कौन-कौन व्यक्ति बार-बार चुना जाता है। बिहार में उनकी राजनीतिक भूमिका के दो पक्ष स्पष्ट होते हैं - पहला, वे मतदाता वर्ग का एक बड़ा हिस्सा हैं तथा राजनीतिक एवं चुनावी महत्व रखते हैं परन्तु दूसरा शक्ति संरचना और दलीय संगठन में उन्हें वही स्थान प्राप्त नहीं होता जो उनका मतदान-बल में है<sup>14</sup> सन् 2000 एवं 2005 के विधान सभा चुनावों एवं 1998, 1999 तथा 2004 के लोक सभा चुनावों के बाद स्थिति में परिवर्तन आया। इनमें उन जातियों के बीच वैसी अनुसूचित जातियों को स्थान मिला जो अनुसूचित जातियों के अधिजन वर्ग के नहीं थे और नए चेहरों को राजनीति में अवसर मिले। परन्तु कुछ नए दलित चेहरे बिहार की राजनीति पर उद्दित हुए। 2010 विधान सभा चुनावों के परिणाम बताते हैं कि जीतनराम मांझी जैसे अपरंपरागत प्रभुत्व वाली दलित जातियों के नेतृत्व का उदय हुआ। 2015 का चुनाव जो महागठबंधन के लिए जाना जाता है, में परिवर्तन की लक्षण नजर आए।

### राजनीतिक दलों के प्रति झुकाव

अब प्रश्न उठता है कि अब तक अनुसूचित जातियों का झुकाव किस दल की तरफ रहा है? पिछले कुछ दशकों के आंकड़ों से यह निष्कर्ष निकलता है कि उनका सुझाव ज्यादातर सत्तारूढ़ दल से ही रहा है। 1967 के पूर्व अनुसूचित जातियों पर कांग्रेस का पूर्ण कब्जा था परन्तु गैर-कांग्रेसवाद और बाद में 1989 के आम चुनावों के बाद कांग्रेस का दबदवा टूट गया और अनुसूचित जातियों का झुकाव विभिन्न दलों की तरफ चला गया। सारणी-2 से विदित होगा कि 1967 के बाद समाजवादी की ओर उनका झुकाव बढ़ा। 1989 के पश्चात् जनता दल ने उन्हें अपनी तरफ आकर्षित कर लिया। सारणी-2 से स्पष्ट है कि 64.3 प्रतिशत अ.जा. नेतृत्व 1995 में जनता दल (एवं अन्य समाजवादी दलों) की तरफ हो गया जबकि 1952 में मात्र 9.3

प्रतिशत ही अ.जा. नेतृत्व समाजवादी दलों के साथ था। 1967 के चुनावों के दौरान उनका सम्मान कांग्रेस से हट कर वामपंथी दलों के पक्ष में मुड़ा था। पिछले एक दशक में जनता दल-वामपंथी दलों के गठबंधन ने कांग्रेस का अ.जा. में समर्थन आधार को लगभग खत्म ही कर दिया। यह इस बात से सिद्ध होता है कि 1990 में जहाँ कांग्रेस के 12.5 प्रतिशत अ.जा. नेताओं की जीत मिली थी वहीं 1995 में मात्र 4.1 प्रतिशत को चुनावी जीत हासिल हुई। निम्नलिखित सारणी-2 में विवरण स्पष्ट है।

सारणी-2 : अ.जा. का विभिन्न दलों के प्रति रुझान (1995 तक)

चुनाव वर्ष	समाजवादी पार्टीयाँ (एल.एस.पी./जनता पार्टी/लोकदल/जनता दल)	कांग्रेस	जनसंघ/ भाजपा	वामपंथी दल	स्वतंत्र एवं अन्य
1952	4(9.3)	35(81.4)	-	-	4(9.3)
1957	4(0.0)	34(85.0)	-	-	2(5.0)
1962	8(20.0)	32(80.0)	-	-	-
1967	13(28.0)	23(31.1)	5(11.1)	3(6.7)	1(2.3)
1985	8(16.6)	33(68.7)	3(6.3)	2(4.2)	2(4.2)
1990	27(56.3)	6(12.6)	6(12.5)	7(14.6)	2(4.1)
1995	31(64.5)	2(4.1)	5(10.5)	7(14.6)	3(6.3)

नोट - जिन वर्षों के आंकड़े नहीं हैं या उपलब्ध नहीं हो सकते हैं उन्हें खाली छोड़ दिया गया है।

सन् 2005 के बाद अ.जा. का झुकाव जद(यू) तथा भाजपा जैसी सत्तारूढ़ राजनीतिक दलों के प्रति रहा। विडम्बना यह रही है कि इक्कीसवीं सदी में भी कोई भी अ.जा. उम्मीदवार अनारक्षित सीटों से न तो जीत पाए न ही राजनीतिक दलों ने उन्हें अनारक्षित सीटों से उम्मीदवारी ही दी। परन्तु 2015 के विधान सभा चुनावों में कांटी सामान्य विधान सभा सीट से एक निर्दलीय दलित जाति का उम्मीदवार विजयी हुआ। वर्तमान बिहार विधान सभा में कुल 39 दलित विधायक हैं जिसमें 13 सीटों पर चमार, 11 सीटों पर पासवान (दुसाध), तथा पासी एवं मुसहर जाति के 6-6 सीटों पर विजय प्राप्त हुई। जबकि 2 सीटों पर धोबी जाति तथा एक सीट पर मेहतर जाति के उम्मीदवारों ने जीत दर्ज की। दलितों का 2015 के चुनावों में राजनीतिक दलों के प्रति रुझान को निम्न सारणी से स्पष्ट किया जा सकता है-

सारणी-3

जाति/दल	भाजपा	राजद	जद(यू)	कांग्रेस	अन्य	कुल
चमार	2 (15.4)	5 (34.5)	2 (15.4)	3 (23.0)	1 (माले)	13 (100)
पासवान	1 (9.1)	4 (36.4)	4 (36.4)	1 (9.1)	1 (RLSP)	11 (100)
मुसहर	1(16.7)	2 (33.3)	2 (33.3)	0	1 (हम)	6 (100)
पासी	0	3 (50.0)	1(25.0)	1 (25.0)	1 (नि.)	6 (100)
धोबी	0	0	1(50.0)	0	1 (नि.)	2 (100)
मेहतर	1(100)	0	0	0	0	1(100)

नोट- कोष्ठक के अंक प्रतिशत के द्योतक हैं।

यदि अनुसूचित जातियों के विभिन्न जातियों में राजनीतिक दलों के प्रति झुकाव का अध्ययन किया जाय, तो एक रुचिपूर्ण परिवर्तन धारा दृष्टिगोचर होती है। सारणी-3 से पता चलता है कि 1990 और 1995 के विधान सभा चुनावों में दुसाध जाति का अधिकतम झुकाव जनता दल की तरफ रहा। 1990 में 75 प्रतिशत दुसाध जनता दल में थे जबकि 1995 में बढ़कर 92.3 प्रतिशत हो गए। 1990 में 16.6 प्रतिशत दुसाध कांग्रेस में, जबकि 1995 में 5.4 प्रतिशत ही रह गए। चमार जाति का रुज्जान बिखरा हुआ प्रतीत होता है। 1990 में 50 प्रतिशत चमार जनता दल के साथ थे जो बढ़कर 1995 में 30 प्रतिशत हो गए। 8.4 प्रतिशत चमार 1990 में कांग्रेस के साथ थे जो 10 प्रतिशत 1995 में कांग्रेस के साथ हो गए। जो चमार 1990 में 16.6 प्रतिशत भारतीय जनता पार्टी के साथ थे वे 1995 में भाजपा के साथ 20 प्रतिशत हो गए। यही चमार 1990 में वामपंथी दलों के साथ मात्र 16.6 प्रतिशत जबकि 1995 में 40 प्रतिशत चमार वामपंथी दलों के साथ हो गए। पासी जाति का झुकाव भी समाजवादी दलों की ओर ज्यादा है। 1990 में 50 प्रतिशत पासी जनता दल के साथ थे जो 1995 में घटकर 40 प्रतिशत हो गए। साथ ही कांग्रेस से भी इनका विलगाव हुआ। 1990 में 33.3 प्रतिशत पासी कांग्रेस के साथ थे जो 1995 में घटकर 20 प्रतिशत हो गया। दूसरी तरफ पासी का झुकाव 1990 में वामपंथी दलों के साथ 16.7 प्रतिशत था जो 1995 में बढ़कर 20 प्रतिशत हो गया। अर्थात् दुसाध का झुकाव साम्यवादी दलों की तरफ तथा गैर जनता दल की तरफ रहा। 1996, 1998 के चुनावों से पता चलता है कि मोटे तौर पर अनुसूचित जातियों का झुकाव ज्यादातर राष्ट्रीय जनता दल की तरफ रहा। परन्तु सन् 2000 से 2010 तक के चुनावों के परिणाम कुछ अलग ट्रेण्ड बताते हैं। 2005 में हुए दो चुनावों में माह फरवरी के चुनाव को त्रिशंकु विधान सभा होने के कारण निरस्त किया गया। पुनः अक्टूबर-नवंबर में हुए चुनावों के नतीजों में अ.जा. जाति का झुकाव धीरे-धीरे जद(यू) तथा भाजपा अथवा एनडीए की तरफ सरकता दिखता है। हाल ही में समाप्त हुए 2010 के विधान सभा चुनावों में अ.जा. का लगभग पूरा रुज्जान एनडीए की तरफ हो गया। यह भी उल्लेखनीय है कि अ.जा. श्रेणी ने निर्वाचित उम्मीदवारों दुसाध + पासी की संख्या अधिकतम है जो पूर्व के चमार जाति के वर्चस्व को समाप्त करता है।

### सत्ता संरचना में हिस्सेदारी (मंत्रिपरिषद् में)

जहाँ तक उच्च सत्ताधारी पदों यथा मुख्यमंत्री तथा नेता विरोधी दल, अध्यक्ष, बिहार विधान सभा, उपाध्यक्ष बिहार विधान सभा तथा सभापति बिहार विधान परिषद् का प्रश्न है, अनुसूचित जातियों को नगण्य अवसर दिए गए हैं। 1947 से सन् 2000 तक 12 व्यक्तियों ने अध्यक्ष बिहार विधान सभा का पद सुशोभित किया जिसमें एक भी अनुसूचित जाति का सदस्य नहीं रहा। उपाध्यक्ष बिहार विधान सभा के पद पर 1947 से सन् 2000 तक की अवधि में चौदह व्यक्ति आसीन हुए परन्तु इसमें मात्र एक अवधि (30.07.1985 से 14.11.1989) तक श्री शिवनंदन पासवान, उपाध्यक्ष पद पर अनुसूचित जाति के सदस्य के रूप में आसीन हुए।

मुख्यमंत्री पद पर आसीन होने वाले व्यक्तियों में मात्र तीन व्यक्ति श्री भोला पासवान शास्त्री (तीन बार अल्पावधि के लिए), रामसुन्दर दास (डेढ़ वर्षों के लिए) तथा जीतन राम मांझी

कुछ महीनों के लिए) मुख्यमंत्री बने। प्रथम बार 1968 में तीन महीने, दूसरी बार 1969 में 15 दिनों तथा तीसरी बार 1971-72 में लगभग 7 महीनों के लिए श्री शास्त्री तथा राम सुन्दर दास 1979-80 में बिहार के मुख्यमंत्री बने। शेष अवधि (1937 से सन् 2000 के दौरान) में उच्च जाति या पिछड़ी जाति के व्यक्ति मुख्यमंत्री बने। जहाँ तक नेता विरोधी दल का प्रश्न है बिहार विधान सभा में 14 व्यक्तियों ने यह पद संभाला, जिसमें श्री भोला पासवान शास्त्री भी एक हैं जिन्होंने 18.03.69 से 15.03.70 तक इस पद से अपनी भूमिका निभाई।<sup>6</sup>

जहाँ तक बिहार मंत्रिपरिषद् में उनकी भागीदारी का प्रश्न है, स्वतंत्रता के पूर्व 1937 में जो मंत्रिपरिषद् बना था उसमें चार मंत्रियों में एक (श्री जगलाल चौधरी) तथा 8 संसदीय सचिवों में एक (श्री जगजीवन राम) अनुसूचित जाति के सदस्य थे।<sup>7</sup> आजादी के बाद प्रारंभिक वर्षों के आँकड़े उपलब्ध नहीं हो सके हैं। सन् 1997 से उपलब्ध आँकड़ों के अनुसार राज्य मंत्रिपरिषद् का आकार बड़ा रहा है अर्थात् लगभग 75 सदस्य रहे हैं जिसमें एक मुख्यमंत्री, 37 कैबिनेट मंत्री तथा 38 राज्यमंत्री। आँकड़े बताते हैं कि तीन कैबिनेट मंत्री तथा चार राज्य मंत्री अनुसूचित जाति के सदस्य थे। 1999 में राष्ट्रपति शासन लागू होने के बाद जिस मंत्रिपरिषद् का गठन हुआ उसमें चार कैबिनेट मंत्री अनुसूचित जाति के बनाए गए थे। यदि प्रतिशत के हिसाब से देखा जाय तो 1997 में श्रीमती राबड़ी देवी के नेतृत्व में 7.9 प्रतिशत कैबिनेट में तथा 10.5 प्रतिशत राज्य मंत्री स्तर पर अनुसूचित जाति के सदस्य बनाए गए। यदि सम्मिलित रूप से देखा जाय तो निर्वतमान मंत्रिपरिषद् में 10.5 प्रतिशत अनुसूचित जाति के मंत्री थे। 2015 के चुनावों के बाद नितीश मंत्रीमण्डल में प्रारंभ में चार तथा बाद में 3 मंत्री अनुसूचित जाति के हैं। 2019 के लोक सभा चुनावों के बाद कई मंत्रियों के लोक सभा के लिए निर्वाचित होने के कारण 8 नए मंत्रियों में 2 अनुसूचित जाति से लिए गए हैं।

### सत्ता संरचना में हिस्सेदारी (दलीय संगठन में)

राजनीतिक दलों के संगठन में भी उच्च पद अर्थात् प्रदेश अध्यक्ष के पद पर अनुसूचित जाति से सदस्य को स्थान बहुत ही कम मिला है। 1990 के दशक में जनता दल और राष्ट्रीय जनता दल ने एक परिपाठी बना ली कि दल अ.जा. को ही प्रदेश अध्यक्ष बनाएंगी। उदाहरणार्थ – दल के प्रदेश अध्यक्ष के रूप में रमई राम, पीताम्बर पासवान, कमल पासवान तथा उदय नारायण चौधरी को चुना गया। परन्तु कांग्रेस, भाजपा, समता आदि में यह परिपाठी नहीं दिखाई दी। इक्कीसवीं सदी में राजनीतिक दलों के संगठन में अनुसूचित जातियों को वह सम्मान नहीं मिला जो जनता दल (वर्तमान राजद) ने 90 के दशक में दिया था। भाजपा, जद(यू), राजद तथा कांग्रेस जैसे प्रमुख दलों में भी अनुसूचित जाति को अध्यक्ष पद या कार्यकारी पद नहीं प्राप्त हुए। एल.जे.पी. ही एक ऐसा दल था जिसमें अ.जा. का बोलबाला था। परन्तु 2010 एवं 2015 के विधान सभा चुनावों के परिणामों से ऐसा प्रतीत होता है कि अ.जा. मतदाताओं ने इस दल को पर्याप्त समर्थन नहीं दिया। वर्तमान समय में बिहार राजनीति पर अ.जा. का प्रभाव कम हुआ है।

## निष्कर्ष

2014 के बाद चिन्ता की बात यह है कि इस सत्ता प्राप्त करने की राजनीति पर ब्राह्मणवादी किस्म का राजनीतिक अवसरवाद हावी है, जो दलितों को ही आहत कर रहा है। इसके उदाहरण मिल जाएंगे कि समय-समय पर दलित कही जाने वाली जातियों के लोगों में राजनीतिक एकता तो हो जाती है, लेकिन सामाजिक एकता नहीं हो पाती। दलितों के साथ शेष सामाजिक वर्गों द्वारा उनके अपमान या प्रताड़ना की घटनाएं बढ़ गई हैं। यद्यपि ऐसी घटनाएं अन्य राज्यों की तुलना में बिहार में कम हुई हैं फिर भी दलितों में असुरक्षा की भावना का विकास हुआ है।<sup>1</sup>

दलित नेतृत्व और आन्दोलन इस ऐतिहासिक जिम्मेदारी को लेता है या नहीं – इस पर निर्भर करता है दलितों का भविष्य। अकेले दलितों का भविष्य सुनहरा नहीं हो सकता, समस्त समाज के भविष्य के साथ ही उनका भविष्य जुड़ा है। सभी की मुक्ति में ही दलितों की मुक्ति निहित है। दलितों को भूमंडलीकरण की जन-विरोधी नीतियों के खिलाफ आन्दोलन को नेतृत्व देने की जरूरत है, क्योंकि आन्दोलन का नेतृत्व जिन वर्गों के हाथ में होता है वही वर्ग उसके फलों का स्वाद भी चखते हैं। जिस वर्ग ने स्वतंत्रता आन्दोलन का नेतृत्व किया, उसी को सबसे अधिक लाभ मिला। समाज में महासंग्राम छिड़ा हुआ है, जिसमें सभी को कोई न कोई पक्ष अवश्य लेना होगा। यदि दलित आन्दोलन समाज के अन्य संघर्षशील व जुझारू वर्गों की पहचान करके उनकी महत्वाकांक्षाओं को वाणी देता है तो न केवल दलितों का भविष्य उज्ज्वल है बल्कि पूरे समाज का भविष्य उज्ज्वल होगा।

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## खाद्य सुरक्षा एवं बिहार में सार्वजनिक वितरण प्रणाली

मुना कुमार सिंह\*

### सार संक्षेप

संयुक्त राष्ट्र संघ द्वारा निर्धारित विकास लक्ष्यों के आलोक में सभी सदस्य राष्ट्रों ने खाद्य सुरक्षा को सुनिश्चित करने का उत्तरदायित्व लिया। जहां तक भारत का प्रश्न है, यहां खाद्य सुरक्षा को वैधानिक स्तर पर लागू करने हेतु 2009 से कबायत शुरू हुई जो अंततः 2013 में खाद्य सुरक्षा कानून के रूप में हमारे समक्ष है। परन्तु उसे लागू करने का उत्तरदायित्व पहले से चले आ रहे खाद्य प्रशासन को सौंपा गया। इसके कार्यान्वयन का मुख्य आधार स्तंभ सार्वजनिक वितरण प्रणाली ही रहा है जबकि यह प्रणाली पहले से ही आलोचनाओं के घेरे में रहा है। फिर भी अधिकार स्वरूप गुणवत्तापूर्ण एवं पर्याप्त, पोषण सामग्री ससमय तथा सभी को उपलब्ध कराने हेतु इसी पर निर्भर करता है। ऐसी परिस्थिति में बिहार, जहां गरीबी का दर (इन्सिडेन्स ऑफ पार्टी) अधिक है, में खाद्य सुरक्षा के कार्यान्वयन में सार्वजनिक वितरण प्रणाली (PDS) की भूमिका का परीक्षण करना लोक प्रशासन के विद्यार्थी को स्वाभाविक रूप से प्रेरित करता है। जमीनी स्तर संकलित तथा सरकारी आंकड़ों के आधार पर प्रथम द्रष्ट्या निष्कर्ष यह सामने आता है कि विगत सात आठ वर्षों में पी.डी.एस. के कार्यकरण में काफी सुधार हुआ। फिर भी अनेक दोषों के बावजूद आमजन इस प्रणाली को बरकरार रखना चाहते हैं परन्तु इसमें अधिक अनुशासन तथा कठोत नियंत्रण की आवश्यकता है।

विषय-सूचक पद- खाद्य-सुरक्षा, खाद्य-प्रशासन, पी.डी.एस., बिहार, उपभोक्ता

समस्त विश्व ने यह स्वीकार किया कि सभी नागरिकों को पर्याप्त, गुणवत्तापूर्ण एवं ससमय खाद्य एवं पोषण उपलब्ध कराना राज्य की प्राथमिक जिम्मेवारी है। इसी धारणा के तहत संयुक्त राष्ट्र संघ ने इक्कीसवीं सदी में मिलेनियम डेवलपमेंट गोल्स (MDGs) तथा ससटेनेबल डेवलपमेंट गोल्स (SDGs) में खाद्य सुरक्षा को सम्मिलित किया है। विडम्बना यह है कि बढ़ती आर्थिक वृद्धि के बावजूद भारत को गरीबी एवं कुपोषण का उन्मूलन के लक्ष्य को प्राप्त करने में पर्याप्त सफलता नहीं मिली है। यद्यपि 2019 में जारी संयुक्त राष्ट्र संघ के मल्टी डाइमेंसनल पॉर्टर्टी

\* शोध अधिकारी, राजनीति विज्ञान विभाग, बी.आर.ए. बिहार विश्वविद्यालय, मुजफ्फरपुर  
संपर्क सूत्र - मो. - 9006075676

रिपोर्ट में बताया गया है 2005-06 से 2015-16 के दौरान भारत में गरीबी-दर को आधा समाप्त कर दिया गया है और इसमें बिहार, उत्तर प्रदेश, मध्य प्रदेश एवं झारखण्ड अग्रणी हैं, फिर भी खाद्य वितरण प्रणाली में वांछित सुधार नहीं आया है। यद्यपि अकालग्रस्त क्षेत्रों में भूख से मरने वालों की संख्या पर विजय तो मिली परन्तु सामान्य तौर पर भुखमरी या कुपोषण पर नियंत्रण नहीं पाया जा सका है। भुखमरी और कुपोषण के शिकार लोगों में सामाजिक रूप से सीमान्त समूह, जैसे - अ.जा., अ.ज.जा. की हिस्सेदारी अधिक है।<sup>1</sup> लेखक द्वारा पीएच.डी. की उपाधि हेतु किए गए शोध में ग्रामीण क्षेत्रों के सर्वेक्षण के परिणाम यह प्रदर्शित करते हैं कि लोगों की सार्वजनिक वितरण प्रणाली पर निर्भरता अत्यंत क्षीण है।

खाद्य सुरक्षा एक वैश्विक परिघटना है जिससे विकसित, विकासशील एवं अविकसित देश प्रभावित हैं। अमेरिका जैसा सबसे बड़ा खाद्य उत्पादक देश में भी हर छठा व्यक्ति खाद्य असुरक्षा के घेरे में आता है। विकाशशील एवं गरीब देशों में खासकर दक्षिण एशिया में विश्व के गरीबों की एक तिहाई से अधिक जनसंख्या गरीबी रेखा के नीचे जीवन बसर करती है। यहां खाद्य सुरक्षा का अवधारणात्मक स्पष्टीकरण आवश्यक प्रतीत होता है।

## खाद्य सुरक्षा की अवधारणा

खाद्य सुरक्षा में निहित है - खाद्य असुरक्षा की स्थिति। पहले इस पर प्रकाश डालना चाहिए। सीमित या अनिश्चित एवं अपर्याप्त पोषण तथा सामाजिक रूप से स्वीकृत खाद्य पदार्थों की अनुपलब्धता ही खाद्य असुरक्षा है। दूसरे शब्दों में खाद्य पदार्थों का पर्याप्त मात्रा में समय पर उपलब्ध न होना, सुरक्षित खाद्य पदार्थों (सुपाच्य एवं ग्रहणीय) तथा सामाजिक रूप से स्वीकार्य योग्य तरीके से न मिलना ही खाद्य असुरक्षा की स्थिति है। खाद्य सुरक्षा खाद्य असुरक्षा की विभिन्न स्थितियों पर प्रहार करने से भी संबंधित है। उन विभिन्न परिस्थितियों को चार श्रेणियों में रख सकते हैं - (1) दीर्घकालिक खाद्यान्नों की अनुपलब्धता, (2) खाद्यान्नों में मानक गुणवत्ता का अभाव, (3) खाद्य पदार्थों का उपभोक्ता द्वारा अवशोषण की अपर्याप्त परिस्थितियां तथा (4) अस्थाई या संक्रमणीय असुरक्षा। दीर्घकालिक खाद्य असुरक्षा के तत्वों में लम्बे समय से चले आ रहे खाद्यान्नों की अपर्याप्त उपलब्धता, उनमें न्यूनतम खाद्य पोषण तत्वों की अनुपलब्धता तथा वित्तीय संसाधनों की अपर्याप्तता प्रमुख है।<sup>2</sup> इसके अलावा दीर्घकालिक विकास कार्यक्रमों का वांछित फल प्राप्त नहीं होना भी खाद्य असुरक्षा का कारक है। वहीं अस्थाई या असुरक्षा के तत्वों में खाद्य पदार्थों के उत्पादन में अचानक कमी आय, आपदा-जनित खाद्यान्नों की कमी, परिवार की आमदनी में अचानक कमी, खाद्यान्नों की कीमतों में अचानक बढ़ाव तथा इसका आशातीत परिस्थितियां महत्वपूर्ण है। इसके अतिरिक्त किसी-किसी मौसम की अनिश्चितता के कारण खाद्यान्नों की कमी हो जाने को भी इसी श्रेणी में रखा जाता है। आपूर्ति के संदर्भ में यहाँ यह उल्लेख करना आवश्यक है कि इन कारणों से खाद्यान्नों की उपलब्धि में कमी आ जाती है, जैसे - घरेलू खाद्य उत्पादों एवं आयातीत खाद्यान्नों में कमी, तथा दोषपूर्ण सार्वजनिक जनवितरण प्रणाली जिससे खाद्य पदार्थ खुले बजार में लीक हो जाते हैं। खाद्य असुरक्षा का दूसरा पहलू इसके मांगों से संबंध रखता है। देखा जाए तो खाद्यान्नों के मांग पर कई कारकों

का प्रभाव पड़ता है, जैसे - जनसंख्या का अत्यधिक विस्तार, कार्यशक्ति में कमी या पारिवारिक स्तर पर आय की कमी, खाद्यान्नों की कीमतें तथा उस पर मिलने वाली सब्सिडी और सहायक सामाजिक कार्यक्रमों, जैसे - ICDS, Mid Day Meal, Food for Work, RWEP आदि का विस्तार एवं प्रभावकारिता महत्वपूर्ण है।

## खाद्य सुरक्षा

खाद्य सुरक्षा का सूत्रपात 1974 के विश्व खाद्य सम्मेलन में हुआ<sup>3</sup> परन्तु इसके अवयवों का निरन्तर विस्तार होता रहा और 1996 में कुछ नए आयाम जोड़े गए जिसमें इस बात पर जोर दिया गया कि स्वस्थ जीवन के लिए आवश्यक खाद्य एवं पोषक पदार्थों की उपलब्धता सुनिश्चित की जाय। उसके अनुसार, “Food security exist when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and for preferences for an active and healthy life.”<sup>4</sup>

खाद्य सुरक्षा को समय-समय पर भिन्न-भिन्न प्रकार से समझने का प्रयास किया गया। काल एवं परिस्थितियों के आलोक में इसे परिभाषित किया गया। दो विश्व खाद्य सम्मेलनों (1974 एवं 1996) के दौरान खाद्य सुरक्षा की अवधारणा में खाद्य पदार्थों की उपलब्धता और आवश्यक खाद्य पदार्थों की मूल्यों में स्थिरता के सार तत्वों से शुरू होकर यह खाद्य पदार्थों की गुणवत्ता, ग्राह्यता तथा परिस्थितियों के अनुकूलन इसमें सम्मिलित हो गए। इसे व्यक्तिगत स्तर से लेकर विश्व स्तर तक के परिषेक्ष्य में देखने की वकालत की गई। 1990 के दशक में यह अवधारणा एक बहुआयामी रूप पकड़ता गया और इसका दायरा विस्तृत होता गया। इस अवधि में अभिवंचित एवं गरीब वर्गों के बीच खाद्य पदार्थों का उपभोग (consumption) पर अधिक जोड़ दिया जाने लगा। अमर्त्य सेन ने व्यक्तियों एवं परिवारों के लिए खाद्य सुरक्षा को अधिकार स्वरूप (entitlement) प्राप्त करने पर विशेष बल दिया।

खाद्य सुरक्षा की अवधारणा को कई दृष्टिकोणों से विवेचित किया गया है जिसमें जैविक दृष्टिकोण, समाजशास्त्रीय दृष्टिकोण, आर्थिक दृष्टिकोण तथा राजनीतिक दृष्टिकोण प्रमुख हैं।<sup>5</sup> खाद्य सुरक्षा को गरीबों, अपर्गों, वृद्धों, बीमारों तथा आपदा पीड़ितों के लिए एक सुरक्षा कवच में देखा गया। खाद्य सुरक्षा का एक अन्य पहलू बच्चों एवं महिलाओं के सम्बन्ध में भी दृष्टव्य है। यूनीसेफ की एक रिपोर्ट के अनुसार विश्व के गरीब बच्चे मौसम परिवर्तन के कुप्रभावों से सबसे ज्यादा ग्रसित होते हैं। खासकर अफ्रीका एवं एशिया देशों के बच्चे खाद्य पदार्थों की आपूर्ति तथा शुद्ध पेयजल की अनुपलब्धता के कारण कुपोषण एवं बीमारी का शिकार हो जाते हैं। यानि खाद्य सुरक्षा का सन्दर्भ बच्चों के प्रति ज्यादा संवेदनशील है। 2019 में बिहार में चमकी बुखार से सैकड़ों गरीब बच्चों की मौत इस बात का प्रमाण है कि वे कुपोषण के शिकार थे। गरीब वर्गों की महिलाएं भी जेण्डर विभेद के कारण खाद्य असुरक्षा की शिकार होती हैं। एक आकलन के अनुसार विश्व की लगभग 60 प्रतिशत महिलाएं एवं लड़कियां दीर्घकालीन खाद्य असुरक्षा से ग्रसित हैं और सामाजिक कारणों से खाद्य अधिकारों से वंचित हैं।<sup>6</sup>

## बिहार में खाद्य सुरक्षा कार्यान्वयन की स्थिति

बिहार में खाद्य असुरक्षा की स्थिति भयावह रही है। कई अध्ययनों के निष्कर्षों से पता चलता है कि 2010 तक बिहार में लोगों में गरीबी और भुखमरी का परिमाण अन्य राज्यों और भारतीय औसत की तुलना में अधिक रहा है। भारत की बात करें तो हरित क्रांति के बाद खाद्य पदार्थों की उपलब्धता में निर्भरता आई परन्तु उसकी गुणवत्ता में परिवर्तन नहीं आया। एक अंतर्राष्ट्रीय रिपोर्ट (वर्ल्ड फुड प्रोग्राम के ग्रॉस हंगर इन्डेक्स) के अनुसार 79 विकासशील देशों में भारत का स्थान 65वां था। विश्व के एक तिहाई कुपोषित बच्चे भारत के थे, 35 प्रतिशत आबादी खाद्य असुरक्षा की परिधि में थे तथा लगभग 50 प्रतिशत भूखी आबादी भारत में ही थी। जहां तक बिहार का प्रश्न है 2011 में 55 प्रतिशत आबादी गरीबी रेखा के नीचे थी, जबकि भारत में मात्र 36 प्रतिशत थी जिसमें ग्रामीण क्षेत्र में 30 प्रतिशत से अधिक थी। ग्रामीण क्षेत्रों में 42 प्रतिशत गरीब पी.डी.एस. तक पहुंच चुकी थी जबकि भारत में 50 प्रतिशत थी। बिहार में पी.डी.एस. अनाज का उपभोग मात्र 17 प्रतिशत था जबकि भारत में 20 प्रतिशत।

परन्तु 2011 के बाद से बिहार में खाद्य सुरक्षा की स्थिति में अप्रत्याशित सुधार हुआ है। बिहार का एन.एफ.एस.ए. सर्वे 2014 के अनुसार 74 प्रतिशत परिवारों के पास प्रायरिटि कार्ड उपलब्ध हो गए। परिवारों का औसत आकार 5.5 व्यक्ति था। 66 प्रतिशत परिवारों के पास अन्त्योदय कार्ड हो गए थे जिसमें 29 प्रतिशत को प्रायरिटि कार्ड भी प्राप्त हो गया। परन्तु इन कार्डों के उपयोग में ग्रामीण लोग पिछड़ गए। सितम्बर 2014 तक 96 प्रतिशत कार्डधारियों को राशन नहीं प्राप्त हुआ था परन्तु अक्टूबर-नवम्बर 2014 में 18.8 प्रशित ने पी.डी.एस. से अनाज प्राप्त किया था। अनाज ग्रहण करने वालों में 55 प्रतिशत ने खाद्यान्नों की गुणवत्ता को सही पाया जबकि शेष ने ऐसा नहीं पाया।<sup>7</sup> 2015 के एक अन्य अध्ययन के अनुसार एन्टाइटेलमेंट में (पात्रता में) वृद्धि हुई, खाद्य पदार्थों की गुणवत्ता में सुधार आया, पी.डी.एस. अनाजों के लीकेज में कमी आई, खाद्य सुरक्षा कानून बनने के बाद गरीबों के पी.डी.एस. के आच्छादन एवं वितरण में बढ़ोत्तरी हुई तथा मांग एवं आपूर्ति के बीच खाई कम हुई। इस अध्ययन के अनुसार यद्यपि बिहार का पी.डी.एस. सबसे खराब हालत में था फिर भी 2011 के बाद इसमें महत्वपूर्ण सुधार हुआ। इस कानून के बाद राजनीतिक नेतृत्व के कारण ग्रामीण आबादी का बड़ा भाग इसके परिधि में आ गया। हलांकि अध्ययन में यह भी कहा गया है कि अभी बिहार में खाद्य सुरक्षा को भरोसेमंद, पारदर्शी तथा भ्रष्टाचारमुक्त करने के लिए लंबा प्रयास करना होगा।<sup>8</sup>

## खाद्य सुरक्षा कानून एवं कार्यान्वयन तंत्र

खाद्य सुरक्षा कानून 2013 बिहार में 2014 में लागू हुआ। इस कानून के निम्नलिखित मुख्य बिन्दु हैं-

- राज्य सरकारों को पात्रता निर्धारित करने की जिम्मेवारी
- केन्द्रीय सरकार द्वारा आवश्यक धन उपलब्ध कराना
- 75% ग्रामीणों एवं 50% शहरी आबादी को नाम मात्र के दर से खाद्यान्न उपलब्ध कराना

- गर्भवती एवं दूध पिलाने वाली माताओं के लिए 600 कैलोरी अधिकार स्वरूप उपलब्ध कराने की व्यवस्था
- बच्चों एवं महिलाओं का पोषण सुनिश्चित करना
- राज्यों को खाद्य पदार्थों के आवंटन की सुनिश्चितता की गारंटी
- लाभान्वितों को खाद्य पदार्थ नहीं मिलने पर नकदी उपलब्ध कराना
- जनवितरण प्रणाली में सुधार लाना
- राज्य एवं जिला स्तर पर शिकायत निवारण की व्यवस्था कराना।

**सामान्यतः** खाद्य उत्पादन प्रोक्युरमेंट, परिवहन, भण्डारण, उठाव तथा वितरण जैसे प्रक्रियाओं में सरकारी तंत्र का होना जरूरी है। साथ ही खाद्य पदार्थों के विनिमयात्मक गुणों के कारण यह आर्थिक तत्व बन जाता है जिसके माध्यम से यह मुनाफे का स्रोत भी होता है। खाद्य उत्पादन, विनिमय तथा उपभोग की प्रक्रियाएं, दलालों, व्यापारियों अधिकरण एजेंटों तथा बिचौलियों की भूकिएं होती हैं जिसमें मूल्य एवं मुनाफा का तत्व समाहित होता है। इसलिए सरकार को इसकी पारदर्शिता तथा भ्रष्टाचारमुक्तता सुनिश्चित करने के लिए भी विशेष तंत्र की आवश्यकता है। खाद्य पदार्थों के उपलब्ध होने के बावजूद यह गरीबों के लिए अनुपलब्ध हो जाता है। इसलिए जनवितरण प्रणाली का महत्व बढ़ जाता है। खाद्य पदार्थ शक्ति का भी एक स्रोत बन जाता है जिसके चलते वास्तविक लाभान्वित को परेशानियां होती हैं।

चूंकि खाद्य पदार्थ अपने स्रोत से सीधे जरूरतमंद उपभोक्ताओं को प्राप्त नहीं होता। इसमें आहरण, संग्रहण एवं वितरण प्रक्रिया सम्मिलित होती है। इसलिए इसमें प्रशासन की भूमिका बढ़ जाती है। खाद्यान्नों की खरीद, भण्डारण, वितरण तथा लक्षित समूहों की पहचान की जिम्मेवारी लोक प्रशासन का एक प्रकार्य (function) है। वृहत् रूप में यह वितरण प्रणाली, मूल्यों तथा बाजार की संरचना पर प्रभाव डालती है। जो भी हो इसमें प्रशासन की भूमिका बढ़ जाती है। मूल्य नियंत्रण के क्रम में सरकारी छूटों का सुप्रभाव एवं कुप्रभाव दोनों पड़ता है। इस प्रक्रिया में लोगों की एक नए कोटि का उदय होता है, वे हैं - जिनका खाद्य पदार्थों पर नियंत्रण होता है, जैसे - आपूर्ति विभाग के कर्मचारी एवं पदाधिकारी, भण्डार गृहों के प्रबंधक एवं जनवितरण प्रणाली के दुकानदार, सरकार द्वारा खाद्य पदार्थों के आहरण एवं वितरण हेतु जो तंत्र संलग्न होता है, उसे हम खाद्य प्रशासन कहते हैं। इस पद में (term) नीति निर्माण, कार्यान्वयन एवं अनुश्रवण, भण्डारण, आवंटन तथा उपभोक्ताओं का वितरण समाहित है। इस प्रकार वृहद् स्तर पर एवं सूक्ष्म स्तर पर उपरोक्त प्रकार्यों को संपन्न किया जाता है और इन दोनों स्तरों पर सरकारी कर्मियों की व्यवस्था की जाती है जिसे हम खाद्य नौकरशाही के नाम से भी पुकारते हैं। यद्यपि सरकारी तंत्र का कार्य खाद्य पदार्थों को जनवितरण दुकानों तक ही पहुँचाने का कार्य है फिर भी इसके वितरण के क्रम में संभावित परिस्थितियों के लिए भी प्रशासन तंत्र की आवश्यकता पड़ती है जिसमें आपूर्ति निरीक्षक, पुलिसकर्मी आदि भी सम्मिलित होते हैं।

विगत कुछ वर्षों में यह आलोचना की जा रही है कि राज्य अथवा लोक प्रशासन का हस्तक्षेप विकास विरोधी स्वभाव का हो गया है और खाद्य प्रशासन भी इस प्रवृत्ति का हो गया

है। यह विचार इस बात की ओर इंगित करता है कि राज्य के प्रतिनिधि के रूप में सरकारी पदाधिकारी, राजनीतिज्ञ या सार्वजनिक कार्यालयों से सम्बद्ध लोगों द्वारा लिए जाने वाले लाभ से संबंधित होता है। वे अपने आमदनी को इसी माध्यम से बढ़ाते हैं अर्थात् नौकरी, ऋण, खाद्य पदार्थों का ठेका से सम्बद्ध संसाधनों से अपनी आमदनी बढ़ाते हैं जिसमें व्यापार हेतु लाइसेंस, धमकाने के अधिकार एवं सुविधाओं के कारण अतिरिक्त आमदनी की बसूली करते हैं अर्थात् वे सार्वजनिक संसाधनों का व्यक्तिगत उपयोग में दुरुपयोग करते हैं। खाद्य प्रशासन भी इस परिघटना के लिए एक संभावित क्षेत्र है। इस परिस्थिति के कारण निगरानी तंत्र की आवश्यकता पड़ती है जिसे खाद्य नौकरशाही में ही रहना चाहिए। परन्तु यह देखा गया है कि खाद्य नौकरशाही में निगरानी तंत्र निगरानी के लक्ष्य को ही असफल कर देता है। शायद इसीलिए सहभागी निगरानी तंत्र की व्यवस्था भी खाद्य प्रशासन का महत्वपूर्ण अंग है। जिसमें स्थानीय उपभोक्ताओं, सामाजिक कार्यकर्ताओं, पंचायत प्रतिनिधियों आदि को मनोनीत किया जाता है। परन्तु ऐसे लोग भी अपने व्यक्तिगत लाभ के प्रति प्रवृत्त हो जाते हैं।<sup>9</sup>

## सार्वजनिक वितरण प्रणाली<sup>10</sup>

सार्वजनिक वितरण प्रणाली का दारोमदार बिहार राज्य खाद्य एवं असैनिक आपूर्ति निगम लिमिटेड के ऊपर होता है। निगम कम्पनी एक्ट 1956 के तहत 2 अप्रैल 1973 को स्थापित किया गया। यह राज्य सरकार का उपक्रम है तथा इसका अधिकारिक शेयर कैपिटल 10 करोड़ रुपए और इसका पेडअप कैपिटल 43.599 करोड़ का है। निगम, पी.डी.एस. का नोडल एजेन्सी है, खाद्य वितरण में पारदर्शिता बरतने, गड़बड़ी रोकने तथा पी.डी.एस. खाद्य पदार्थों के कालाबाजारी पर रोक लगाने के लिए भी उत्तरदायी है। विगत कुछ वर्षों से ई-पी.डी.एस. को लागू किया गया है। इसके अंतर्गत सभी जिला प्रबंधक कार्यालय, 57 भारतीय खाद्य निगम डीपो एवं 534 जनवितरण प्रणाली भण्डारों को जोड़ा गया है। निगम की निम्नलिखित मुख्य जिम्मेवारियां हैं-

- सरकारी दर पर अनाज का प्रोक्युरमेंट
- स्वसंचालित भंडार हेतु निर्गतादेश जारी करना
- सार्वजनिक वितरण प्रणाली के दुकानदारों द्वारा भुगतान का बैंक खाते का संधारण
- सही तौल सुनिश्चित करने हेतु इलेक्ट्रोनिक तौल की व्यवस्था
- राष्ट्रीय खाद्य सुरक्षा अधिनियम की धारा 12(2) के तहत परिवहन की समुचित व्यवस्था
- लाभन्वितों को खाद्यान्वयन वितरण से संबंधित एस.एम.एस. द्वारा जागरूक करना
- शिकायत निवारण
- खाद्य सुरक्षा कानून की धारा 14 के तहत कॉल सेन्टर तथा हेल्पलाईन की व्यवस्था करना।

खाद्य एवं उपभोक्ता संरक्षण बिभाग, बिहार सरकार का भारत का सबसे बड़े पी.डी.एस. में से एक बिहार का पी.डी.एस. बन गया है जिसके द्वारा 45,000 से ज्यादा राशन दुकानों में अनाज का वितरण किया जाता है और 8.57 करोड़ जनता को लाभान्वित किया जाता है।

सार्वजनिक वितरण प्रणाली, सस्ते दाम पर खाद्य की उपलब्धता, खाद्य सुरक्षा एवं उपभोक्ता को ससमय उपलब्धता के लिए मुख्य उपकरण है। इससे संबंधित केन्द्रीय कार्यक्रमों यथा - अन्नपूर्णा योजना, अन्त्योदय योजना आदि के तहत आवश्यक खाद्य सामग्री, जैसे - चावल, गेहूं, चीनी, नमक आदि का उचित या सस्ते दर पर वितरण इसी तंत्र के द्वारा होता है। संकट या आपात के समय दाल, व्याज, खाद्य तेल, एवं अन्य सूखा खाद्य का वितरण किया जाता है। इसके लिए विभिन्न प्रकार के राशन कार्ड, जैसे - बी.पी.एल., ए.पी.एल., अन्त्योदय, अन्नपूर्णा आदि के माध्यम से वितरित किया जाता है। इन सभी के लिए जनवितरण प्रणाली के दुकानदारों को उठाव और वितरण का लेखा जोखा रखना अनिवार्य है। नेशनल सैम्पुल सर्वे संगठन तथा सूक्ष्मस्तरीय ग्रामस्तरीय सर्वेक्षण के आंकड़ों से विदित होगा कि सार्वजनिक वितरण प्रणाली के कार्यकरण में काफी सुधार आया है। इसके अतिरिक्त अनाज के उपभोग और कैलोरी गेन में भी पी.डी.एस. की उपलब्धि सराहनीय है। साथ ही साथ कमजोर तबकों को लाभ पहुंचाने में भी सफलता मिली है।

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## विचारोत्तेजक टिप्पणी

# राज्यपाल एवं राजनीति

अशोक कुमार\*

ब्रिटिश काल में कहे जानेवाले “लाट साहब” अब गणतंत्र काल में राज्यपाल जाने जाते हैं जो हर प्रान्त के कार्यपालिका और विधायिका प्रमुख की भूमिका में सिद्धान्तः अंगीकार किए गए हैं। लोकतंत्र के व्यावहारिक प्रणाली में इन्हें रबर स्टाम्प और केंद्र का एजेंट कहे जाने के कारण इस पद के विसर्जन की मांग गाहे-बगाहे उठती रही है। खासकर संविधान की धारा 356 का दुरुपयोग हुआ है। कई दलों ने राजभवन को राजतंत्र के परिवर्तित स्वरूप में भी परिभाषित करने की चेष्टा की है लेकिन साक्ष्य बताते हैं कि राज्यपाल केन्द्र सरकार और राज्य सरकार के मध्य एक सबल सेतु के रूप में व्याख्यायित हुए हैं। भूतकाल में घटित अनगिनत साक्ष्य हैं। जब राज्यपाल के निर्णयों को विवादित मानते हुए उच्च और उच्चतम न्यायालय ने कड़ी टिप्पणी करते हुए उनके निर्णय को निरस्त कर न्यायिक प्रतिमान स्थापित किया है। 1980 के दशक तक राज्यपाल के पाँच वर्षीय कार्यकाल अधिकांश राज्यों में पूरे किए जाते रहे हैं। इसके बाद उनके कुल कार्यकाल को खंडित कर कई राज्यों में पूरे करने का जो अध्याय शुरू हुआ है वह अभी भी जारी है। वर्तमान केन्द्रीय सरकार में भी पदस्थापित विभिन्न राज्यपालों में शायद ही किसी ने अपनी अवधि एक राज्य में पूरी की हो। कभी-कभी तो एक राज्यपाल तीन-तीन राज्यों के प्रभार में रहे हैं और सरकार चुनाव के पूर्व भी अपनी सुविधा और अनुकूलता की दृष्टि से इन पदों पर राज्यपाल विभिन्न राज्यों में भेजे हैं। संभवतः नव नियुक्त महामहिम को भी ज्ञात नहीं होता कि वे जहाँ भेजे जा रहे हैं वहां उन्हें कितने दिन रहना है। कभी स्थापित परम्परा में राज्य में नियुक्त होने वाले राज्यपाल की औपचारिक सहमति सम्बंधित राज्य के मुख्यमंत्री से प्राप्त कर अधिसूचना निर्गत की जाती थी। लेकिन काल के कपाल पर दम तोड़ती मान्यताएं अब चिरनिद्रा में लीन हैं। विगत चार वर्षों के आंकड़े गवाह हैं कि बिहार में 5 राज्यपाल बदले गए हैं। हर राज्य की अपनी राजनैतिक, सामाजिक, शैक्षणिक और सांस्कृतिक हालात अलग-अलग होती

\* डॉ. अशोक कुमार, बिहार राज्य विश्वविद्यालय सेवा आयोग के सदस्य हैं।

है। जब नए राज्यपाल किसी प्रदेश में आते हैं तो वहां की समस्त स्थिति और कार्य संस्कृति समझने में उन्हें न्यूनतम 3 से 4 माह व्यतीत होते हैं जिसमें निपुणता ग्रहण कर जब वे अपने ढंग और विद्या से कार्य संचालन की रूपरेखा रचकर चलना प्रारम्भ करते हैं तब उनका तबादला हो जाया करता है। सरकार आखिर प्रथमतः यह क्यों नहीं तय करती कि अमुक व्यक्ति किस राज्य हेतु उपयोगी होगा और तदनुसार उन्हें उस राज्य में पूरी अवधि हेतु नियुक्त किया जाना यथेष्ट होता। बिहार के राज्यपाल महोदय जिन्होंने अन्य कार्यों के अतिरिक्त शैक्षणिक क्षेत्र में अपने अथक और निरन्तर प्रयास से अपने पदस्थापन काल से ही लगे-भिड़े रहे जिसका सार्थक और सृजनात्मक परिणाम आना भी शुरू हो गया था, अचानक उनके स्थानांतरण से एक ठहराव की परिस्थिति उत्पन्न हो गई है। बुनियादी सवाल है कि संवैधानिक पदों पर चयनित जब राष्ट्रपति, उपराष्ट्रपति, प्रधानमंत्री, मुख्यमंत्री विशेष परिस्थिति छोड़कर अपना कार्यकाल एक स्थल पर पूरा कर सकते हैं तो फिर राज्यपाल क्यों नहीं? हाँ, यदि कोई महामहिम यदि अपने कर्तव्य धरा पर पूर्णतः असफल होते हैं तो फिर उन्हें बड़े राज्य से हटाकर लघु राज्यों में भेजे जाने का औचित्य भी समझ से परे है। होना तो यह चाहिए कि ऐसे व्यक्ति को दुबारा दायित्व दिया ही नहीं जाना चाहिए। बीजेपी ने 75 वर्ष की आयु सीमा के बाद लोक सभा का टिकट अपने दल के किसी व्यक्ति को प्रतिबंधित कर दिया तो इस आयु वर्ग से ऊपर के व्यक्ति राज्य सभा और गवर्नर के पद के लिए किस मापदंड पर खरे उत्तर रहे हैं - यह भी विचारणीय है। नूतन भारत में भी यदि वही होगा जो पूर्व में हुआ है तब आचरण के आँगन को सिद्धांत के झाड़ू से बुहारना हास्यास्पद और निरर्थक ही कहलाएगा। राजनीति सिर्फ राजनीति है, उसमें सक्रिय और निष्क्रिय राजनीति में उम्र सीमा का भेदभाव करना अस्वस्थ शंकाओं को जन्म देगा जो लोकतंत्र के मंदिर की उपासना पद्धति के प्रतिकूल होगा।



## Book Review

Reviewed by Bipin Kumar Rai\*

Shashi Bhushan Kumar and Umesh Kumar, *Naxalism and Caste Militancy in Bihar*, Delhi: Saad Publications, 2017, pp. 224, Rs 895.

A society which is stratified on the basis of social and economic exploitation coupled with political ambition of a political elite bent upon conflagrating social unrest armed with a violence-provoking ideology like left extremist Maoism, is bound to face violence and counter-violence. Traditional caste based Bihar with potential socio-economic animosity presented a futile ground for igniting agrarian unrest suitable for politicians to fish in the troubled water. It had come to the surface that some of the big politicians of mainstream political parties have invented caste, cash and political power to create social divide and being majority section in their own fold.

The book under review is a nice attempt to analyse the factors leading to the agrarian unrest in Bihar. The very title, *Naxalism and Caste Militancy in Bihar*, attracts attention because 'Naxalism' in political lexicon, is considered to be ideologically a class phenomenon erupted on left extremism even beyond established Marxism of CPI and CPI(M). The agrarian unrest that sparked off on 23rd May 1967 in Naxalbari (West Bengal), the epicentre wherefrom the movement derived its nomenclature, was an armed protest by sharecroppers, tenants, small and marginal peasants and agricultural labourers which appeared as storm not just against landowners, but also against state power itself, the character it still held good. This violent upsurge which broke away from the then ruling CPI(M), was later organised as CPI(ML) under the leadership of Charu Majumdar in 1969 as an all India organisations, spreading over to other states such as Andhra Pradesh, Assam, Punjab, Odisha and even undivided Bihar.

\* Associate Professor, Department of Political Science, B R A Bihar University, Muzaffarpur (Bihar).  
Contact E-mail: bipinrai400@gmail.com, Mob. No. 8544027630

The dynamics of democratic politics in India has compelled politicians to encircle numerically larger sections of rural society in their favour. This process raised their consciousness to exploit their numerical and physical strength which, in turn, had impact on rural social formations in general and agrarian structure in particular. However, even now historically disadvantaged castes/classes find themselves alienated from the democratic institutions, which, they think, are beyond their reach. Their discontent and frustration got reflected in their proclivity towards struggle waged by leftists providing ideological moorings interwoven with Marxist Leninist and Mao Zedong thought. For their emancipation, they liked to follow the path of radical agrarian movement leading to a trail of violence and challenged the very basis of feudal domination. On the flipside, traditionally influential castes/classes find it difficult to maintain their hegemony because democratic institutions have their own mode of functioning and logic of articulation. Hence, they have launched their respective caste senans (armies) to maintain status quo. In Bihar, the battle has been drawn between the hitherto marginalised section or underdogs and the so called influential castes/classes left alone to face the music, and the state chose to play an umpire.

The authors have truly apprehended that in the Naxal afflicted part of Bihar the schism between landowning and landless castes led Naxalism to assume caste dimension, and thereupon caste militancy became a problem to reckon with. Thus the authors laid bare the cause of intense infighting in Bihar between Naxals and caste militancy. Ashwani Kumar in his book, *Community Warriors: State, Peasants and Caste Armies in Bihar* (2008) has raised the similar issue, but ignored to acknowledge the Marxist explanation of class struggle or the crucial factor to analyse the emergence of radical peasant assertion and subsequent emergence of private caste armies. Most Marxist authors assert that it is due to the growing intensity and magnitude of the peasant radicalism that has forced the landed elites to form their own caste armies in order to maintain their hitherto domination. Actually, Naxals, without paying much heed to class struggle, found favourable to exploit caste contradictions between lower and upper castes. The analysis of caste factor is something akin to the views on caste expressed by Rajni Kothari, M.N. Srinivas, Rudolph and Rudolph, etc. as an important factor in Indian federal politics.

The authors have closely observed the phenomenon as they are part of the same society. It is a politico-sociological study of rural social transformation of present day Bihar wherein, on the basis of their actual observation of flaming fields of agrarian Bihar, the duo have tried to analyse the complex dynamics of interplay of caste, class and state power and also the emerging social formations in rural Bihar. The book is divided into six chapters including 'Introduction' and 'Conclusion'.

The first chapter, ‘Introduction’ analyses theoretical perspectives on the emergence of radical peasant struggle under the guidance and directions of different splinters of Maoist Communists groups. This led to low profile of law and order situation in the state where peasants and landowners of particularly higher castes were badly exposed to security problem. The state initially failed to coup with this challenge. Many police stations could not perform due to Naxal phobia. Out of this crisis of governance caste private armies emerged to protect their caste men and face the situation with strong hands. This is a long chapter covering almost 44 pages wherein on pages 47 and 48, the authors have presented major caste militant groups including Ranvir Sena in form of table.

The second chapter of this book deals in detail with the history of Naxal movement in Bihar. However, instead of reaching the incidence of Jagdish Mahato episode of Ekbari village of the then Shahabad District, the authors starts from discuss on the weakening of the Naxal movement and that of the social bases of the anti-Naxals forces. However, they have failed to analyse the impact of Mianpur carnage of Aurangabad District wherfrom the phenomenon of mass killing initially disappeared because the third force which was operating in mass killing was detected and suffered thereby. It is also a paradox that when at the national level the Naxal movement was not so strong during 1990 and 2005 when in Bihar Lalu-Rabri regime worked, whereas after 2005 onwards when at the National level the left extremism was so strong that the PM Manmohan Singh saw in it “the gravest internal security threat” to be contained forthwith, but in Bihar under Nitish regime it virtually disappeared as a struggle between Naxalism and caste militancy. This paradigm shift in Naxal movement should have been delved deep.

The authors have devoted a complete chapter four on the discussion on RanvirSena which was successfully launched to counter violence triggered by the Naxal groups. They have also analysed the changes in the sociological perspectives of caste militant groups. They have systematically concluded the book through the concluding chapter. While concluding the book the authors lay emphasis on the neglect of the regimes to tackle the land and agricultural reforms problem. They also transpire the common understanding of the Naxal problem that the latter is not only a law and order problem, but also a socio-economic one. The authors find it strange that although Bihar was the first state to enact jamindari abolition as a logical corollary of agrarian struggle waged by Swami Sahajanand Saraswati, it could not do much to implement land reforms which authors consider as a crucial factor for Naxal struggle in Bihar.

Finally, the book appears to be useful and worth preserving for students of political sociology of Bihar milieu.

## Glimpses of Activities of the IIPA Bihar Regional Branch





