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Editor
R.K. Verma

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Bihar Regional Branch, Patna

Indian Institute of Public Administration Bihar Regional Branch ,Patna

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From the Desk of the Chief Editor

I have immense pleasure to present before the readers the Vol. XVIII No. 1 2021 Issue of Bihar Journal of Public Administration. The processing (internal and external reviews, as well as computer typography) of the contributions took place amidst tough time of cataclysmic second wave of Covid-19 pandemics. As the Journal has been receiving a large number of contributions of good quality in shape of research papers, research notes, book reviews etc. from across the disciplines and the country, it becomes difficult to publish them in two issues. However, the editorial board intends to accommodate the new ideas and issues of our focus area of research. We have endeavoured to provide space for new ideas, related to Public Administration, like inclusive digitalisation, equality to women and position of women in matrilineal society, right based approach to development, comparative analysis of Nigerian Civil Service, governance, PDS, aspects of Kashmir issues, and such other issues.

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

Prof. S.P. Shahi
Chief Editor

Editorial

I feel pride to present before the readers the first Issue of Volume XVIII 2021 of Bihar Journal of Public Administration (BJPA) which has been brought out in amidst tough conditions of unprecedented devastating second wave of Covid-19 pandemic. Thanks to the digital equipments that facilitated us to complete the venture. We feel sorry for not accommodating all the quality research papers due to paucity of space. We had a number of quality contributions in shape of research papers dealing the policy issues of Corona virus pandemic which we could not ignore. Hence a supplement on the subject has been brought out separately as No. 1 A.

The present number of BJPA encompasses very relevant issues like a) Comparative public administration - Chinese and Nigerian systems b) Governance - in the context institutions and digital inclusiveness c) Local self-government, especially PRIs in the light of e-governance, challenges in J&K and working in tribal societies. d) Public Distribution System - in the light of neoliberalism and right based approach e) Feminism - feminist constitutionalism, gender equality and women's political participation in the context of general and specific social milieus of tribes, tea garden women workers and matrilineal society. f) Child development g) Administrative and political developments in J&K h) Indian Traditional wisdom in context of governance and local governments. In addition to these, the Issue covers the impressionistic notes of working bureaucrats and book review. Further, the empirical attempts, particularly concerning Bihar and Jharkhand have been accommodated in the issue with emphasis on highlighting emerging issues and ideas.

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

R.K. Verma,
Editor

Contents

From the Desk of Chief Editor	iii
Editorial	iv

ENGLISH SECTION

1. Internet Broadband for an Inclusive Digital Society: A Study of India's Bharat Net Project	1-14
<i>T. Sadashivam</i>	
2. Gender Equality Illusion in Bihar	15-29
<i>Anil Kumar Singh Jha</i>	
3. Analysis of Chinese Corporate Performance, Managerial ties and Social Responsibilities	30-38
<i>Manoj Kumar Mishra and Waqgari Negari</i>	
4. Rights based Approach to Development & Right to Food in India in Digital Age: A Critical Analysis	39-52
<i>Smriti Saurabh Singh</i>	
5. Kingship in Ancient India: Reflections on Functional Peripheries in Sanskrit Texts	53-65
<i>Sanjeev Kumar Sharma and Ansuiya Nain</i>	
6. Wage Increase and the Nigerian Civil Service: An Unending 21st Century Demand	66-74
<i>Vikrant Kumar Sharma, Nasiru Modibbo and Umar Adamu</i>	
7. Proactive Disclosure of Information Under RTI Act 2005 in Village Panchayats of Goa	75-88
<i>Ravaji Gaunkar</i>	
8. Women's Impression with Regards to SHE Teams: An Empirical Study Towards Women Safety and Security in Hyderabad	89-103
<i>A. Kumara Swamy</i>	
9. Local Government in Ancient India: Some Facets with Reference to Modern Times	104-111
<i>Renuka Nath</i>	

10. Women's Political Participation At Grassroots Level: Exploring the Role of Voluntarism and Social Capital	112-119
<i>Vijay Kumar and Anita Kuamri</i>	
11. Feminist Constitutionalism: Women in Making and Working of Constitution	120-132
<i>Alisha Dhingra</i>	
12. Women Empowerment in Matrilineal Society of Meghalaya: A Study in the Context of the Key Parameters	133-143
<i>Rita Biswa</i>	
13. Disarray in the Institutions of Governance: An Analysis of Indian Democracy	144-155
<i>Iqbal Singh and Prabhjot Kaur</i>	
14. Women Participation in Tribal Self Governance – A Critical Analysis of Panchayats Extension to Scheduled Areas of Jharkhand	156-167
<i>Sachchidanand Prasad and Nagendra Ambedkar Sole</i>	
15. Child Labour in India: A Review of Causes and Rmedies	168-176
<i>Daisy Sharma</i>	
16. Neoliberalism and Public Distribution System: Challenges and Response of Kerala	177-189
<i>Sudheesh. K. M.</i>	
17. Revival of Political Process in Jammu and Kashmir: Post Article 370 Abrogation	190-198
<i>Mudasir Ahmad Qazi</i>	
18. India's Policy Towards South-East Asia: Positive Changes in Modi Regime	199-207
<i>Sohan Lal and Raghvendra Pratap Singh</i>	
19. Political Participation of Tea Garden Women Workers in Assam	208-216
<i>Kalpana Borah</i>	
20. Labour Reforms in Rajasthan: An Empirical Analysis	217-230
<i>Ashish Meena</i>	
21. Utilization of Integrated Child Development Services in Combating Child Malnourishment in Bihar: Evidences from NFHS-4, 2015-16	231-245
<i>Swastika Satyam and Abodh Kumar</i>	
22. Global Governance: A Study in the Context of Non-Proliferation	246-257
<i>Seema Narain</i>	

BOOK REVIEW

23. Sinha, Shakti (2020), Vajpayee: The Years that Changed India, Vintage Books, New York City, London, 24 December, pp. 368, Price Rs. 599/- ISBN: 9780670093441 258-261
Ahmed Raza

HINDI SECTION

24. बिहार में ग्राम सभाओं का कार्यकरण : सीतामढ़ी जिला के विशेष संदर्भ में एक अनुभवपरक अध्ययन 265-274
चन्दन कुमार
25. भारतीय लोकतंत्र एवं मीडिया 275-281
अंजनी कुमार घोष
26. नैराश्य नभ में न्यायतंत्र 282-283
अशोक कुमार
27. 15वीं वित्त आयोग एवं सघीय व्यवस्था : एक टिप्पणी 284-285
अशोक कुमार शर्मा



INTERNET BROADBAND FOR AN INCLUSIVE DIGITAL SOCIETY: A STUDY OF INDIA'S BHARAT NET PROJECT

T. Sadashivam*

Abstract

The dawn of 21st Century has witnessed the need of establishing knowledge based society for which ICT (Information and Communication Technology) proved to be most potent instrument. Internet has been in prolific use throughout globe, especially India having the largest number of users. However, there is a great Digital Divide when we take it in terms of rural-urban divide, male-female divide and poor-rich divide. Rural and poor people have lesser access to internet. In order to address this digital divide, the Government of India initiated a project called 'BharatNet' which aims to provide broadband connectivity to the rural areas of the country. With this assumption in mind, the present paper intends to examine the implementation of the BharatNet project in the context of ascertaining the nature of digital in its progress in achieving the goals of Digital India.

Keywords: ICT; BharatNet; Internet; Wi-Fi; Digital India, Universal Service Obligation Fund

INTRODUCTION

The digital infrastructure becomes a very important component in any society. In the past, especially in the developing countries, the main focus of the governments are to provide basic services to citizens in the form of health and education facilities; creating infrastructure in the form of roads, highways, bridges, etc. However, in the last few years along with aforementioned, one vital component emerges in the form of digital infrastructure which covers many aspects, but the most important being digital connectivity in the form of internet. There is no doubt that internet

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has brought a big revolution in human history and influencing almost directly or indirectly individual lives. As a result, it becomes an imperative to provide digital connectivity in inclusive way for achieving the goal of human development and thereby, the goal of socio-economic development. In India, Despite India having the second-largest number of internet users in the world amounting to 687.62 million as on 30th September 2019, India still lags behind in terms of number of internet users in rural areas. The latest available data according to 75th National Sample Survey (NSS) shows only (14.9%) of rural households having internet facility in comparison with (42%) of urban households (NSS 75th Round 2017-18).

So, in order to bridge the digital divide between rural and urban areas, the Government of India is implementing the world's largest rural broadband connectivity project in the form of 'BharatNet'. It has a lot of potential for empowering rural people in terms of access to various kinds of information and more importantly, public services like health, banking, education, etc (BBNL 2020). The importance of broadband internet already aforementioned along with need for digitally empowering rural people, which is aligned with the vision of Digital India Programme. This programme was launched by the Government of India in July 2015, with a vision to transform India into a 'Digitally empowered society and knowledgeable economy'. The one important component to realize the Digital India vision is the BharatNet project, also the first pillar in the form of 'Broadband Highway' of Digital India programme out of nine pillars (Digital India 2015). This paper divided into two sections, first deals with data about Internet subscribers in India, and secondly, some important aspects of the BharatNet project.

INTERNET SUBSCRIBERS IN INDIA

Although India comprises of 28 States and 9 Union Territories (UTs), the official data for internet subscribers base is available on the basis of 22 licensed telecom service areas. As of 30th September 2019 (the latest available data), there was a total of 687.62 million internet subscribers in the country, out of which 247.63 million in rural areas and 439.99 million in urban areas. Table 1.1 shows a glaring gap not only between rural and urban areas in terms of a number of internet subscribers but also from one service areas to another. The rural areas account for 36.01 percent internet subscribers in the country, and Bihar service area has the highest rural internet subscribers with 25.37 million which account for 10.24% of the total rural internet subscribers followed by Uttar Pradesh (East) 23.91 million (9.65%); Maharashtra 22.16 million (8.94%); Andhra Pradesh 21.54 million (8.69%); Rajasthan 17.23 million (6.95%); Madhya Pradesh 17.06 million (6.88%); West Bengal 14.70 million (5.93%); Karnataka 14.32 million (5.78%); Tamil Nadu 13.49 million (5.44%); Uttar Pradesh (West) 13.23 million (5.34%), etc. The three service

areas i.e. Bihar, Himachal Pradesh, and Odisha have more internet subscribers in rural areas in comparison with urban areas.

Table 1.1: Licensed Service Area-Wise Rural/Urban Internet Subscriber Base (as of 30th September 2019)

<i>Service Area</i>	<i>Internet Subscribers (in Million)</i>		
	<i>Rural</i>	<i>Urban</i>	<i>Total</i>
Andhra Pradesh	21.54	32.26	53.80
Assam	6.57	6.46	13.03
Bihar	25.37	18.52	43.88
Delhi	0.74	37.79	38.53
Gujarat	12.05	30.56	42.61
Haryana	6.16	9.87	16.02
Himachal Pradesh	3.41	2.19	5.60
Jammu & Kashmir	1.70	3.17	4.88
Karnataka	14.32	29.36	43.68
Kerala	10.27	15.70	25.97
Madhya Pradesh	17.06	27.38	44.44
Maharashtra	22.16	35.44	57.59
Mumbai	1.37	27.60	28.97
North East	2.96	4.40	7.36
Odisha	10.51	7.10	17.62
Punjab	7.38	17.31	24.69
Rajasthan	17.23	21.98	39.21
Tamil Nadu	13.49	34.97	48.46
Uttar Pradesh (East)	23.91	25.60	49.51
Uttar Pradesh (West)	13.23	21.39	34.62
Kolkata	1.52	15.32	16.84
West Bengal	14.70	15.62	30.31
Total	247.63	439.99	687.62

Note: Data/Information for Andhra Pradesh includes Telangana, Madhya Pradesh includes Chhattisgarh, Bihar includes Jharkhand, Maharashtra includes Goa, Uttar Pradesh includes Uttarakhand, West Bengal includes Sikkim and North-East includes Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland & Tripura states.

Source: TRAI (2020). ‘The Indian Telecom Services Performance Indicators July-September 2019’. Telecom Regulatory Authority of India, 8th January, New Delhi, pp.41-42.

The urban areas account for (63.99%) internet subscribers in the country, and the capital of India i.e. Delhi service area has the highest internet subscribers with 37.79 million which account for (8.58%) of the total urban internet subscribers followed by Maharashtra 35.44 million (8.05%); Tamil Nadu 34.97 million (7.94%); Andhra Pradesh 32.26 million (7.33%); Gujarat 30.56 million (6.94%); Karnataka 29.36 million (6.67%); Mumbai 27.60 million (6.27%); Madhya Pradesh 27.38 million (6.22%); Uttar Pradesh (East) 25.60 million (5.81%); Rajasthan 21.98 million (4.99%), etc. The three metropolitan city service areas comprise of Delhi, Mumbai and Kolkata account for (18.34%) of total urban internet subscribers.

In terms of the rural-urban divide, there were around 192 million more internet subscribers in urban areas in comparison to rural areas in the country. Within a service area, there existed rural-urban divide and the largest gap was seen in Delhi service area with 37.05 million internet subscribers followed by Mumbai 26.23 million; Tamil Nadu 21.48 million; Gujarat 18.51 million; Karnataka 15.04 million; Maharashtra 13.28 million; Kolkata 13.8 million, Andhra Pradesh 10.72 million; Madhya Pradesh 10.32 million, Punjab 9.93 million, etc. Overall, the top ten service areas in terms of internet subscribers are: Maharashtra 57.59 million, which accounts for (8.37%) of the total internet subscribers, followed by Andhra Pradesh 53.80 million (7.82%); Uttar Pradesh (East) 49.51 million (7.20%); Tamil Nadu 48.46 million (7.04%); Madhya Pradesh 44.44 million (6.46%); Bihar 43.88 million (6.38%); Karnataka 43.68 million (6.35%); Gujarat 42.61 million (6.19%); Rajasthan 39.21 million (5.70%) and Delhi 38.53 million (5.60%). Only the aforementioned, top seven service areas have around (50%) share, out of total internet subscribers in the country. Apart from that, the lowest internet subscribers can be seen in those service areas which are hilly regions i.e. Jammu & Kashmir only 4.88 million; Himachal Pradesh 5.60 million and North East 7.36 million. Even in other service areas, internet subscribers are very low like in Assam, it is 13.03 million, Haryana 16.02 million, and Odisha 17.62 million.

BHARATNET PROJECT

‘BharatNet’ is one of the flagship project of the Government of India aims to create network infrastructure in order to provide broadband connectivity to 2.5 lakh Gram Panchayats (GPs)[®] across the country in a phased manner. Earlier BharatNet project was known as National Optical Fibre Network (NOFN) approved by the United Progressive Alliance (UPA) Government II (Government of India) on 25th October 2011. However, the name has been changed to the former in the year 2015 under the National Democratic Alliance (NDA) Government (Government of India). The project is fully funded from the Universal Service Obligation Fund (USOF), Government of India. Before the pan India project started, a pilot project has been launched by selecting three blocks covering 59 GPs from three states

(Tripura, Rajasthan, and Andhra Pradesh), it was completed on 15th October 2012 (Report of the Committee on National Optical Fibre Network 2015). The initial targets under Phase I of BharatNet were to connect 1 lakh GPs, but in July 2017 additional work front increased to 26,264 GPs in order to complete the earlier target. So, the initial targets of connecting 1lakh GPs completed in December 2017, while work is still going on in the aforementioned work front (BharatNet Status 2020). The implementation of Phase I targets are done by Bharat Sanchar Nigam Limited (BSNL) responsible for (70%) of the work, whereas Power Grid Corporation India Limited (PGCIL) and Railtel responsible for (15%) each of the work.

The Government of India on 19th July 2017 approved a modified implementation strategy for BharatNet Phase II, which aims to connect around 1.31 lakh GPs. The implementation of Phase II is done through different models. First, State-led model, where 8 states namely Andhra Pradesh, Chhattisgarh, Gujarat, Jharkhand, Maharashtra, Odisha, Tamil Nadu, Telangana, and their public sector undertakings are implementing the project in 65,590 GPs. Second, the Private Sector led model is implemented in the state of Bihar and Punjab covering 7,494 GPs by the Bharat Broadband Network Limited (BBNL) through the private sector. Third, Central Public Sector Undertaking (CPSU) led model is implemented in the state of Sikkim, Madhya Pradesh, and Uttar Pradesh by BSNL connecting 25,157 GPs (BBNL Annual Report 2018-19). Fourth, Public-Private Partnership model covers 27,010 GPs in Rajasthan, Uttarakhand, Assam, Himachal Pradesh, West Bengal, Jammu & Kashmir, Uttar Pradesh, and Madhya Pradesh. The BSNL and PGCIL are responsible for implementing in 18,625 GPs and 8,385 GPs for former and latter respectively. Fifth, the Satellite model is implemented in Jammu & Kashmir, Himachal Pradesh, Uttarakhand, Rajasthan, Madhya Pradesh, Uttar Pradesh, Odisha, Jharkhand, Lakshadweep, Chandigarh, Andaman & Nicobar Islands, and North East states which constitute a total of 6,228 GPs. Here BSNL is responsible for 1,407 GPs and BBNL for 4,821 GPs (BharatNet Status 2020). The network speed in case of wired media-optical fibre cable is able to provide 1Gigabits Per Second (Gbps), whereas in wireless media-radio, a minimum of 100 Megabits Per Second (Mbps) increase upto 1Gbps at every GPs (BBNL Annual Report 2016-17). The maintenance work of each GPs under Phase I has given to CSC e-Governance Services India Limited (a Special Purpose Vehicle under Ministry of Electronics & Information Technology), while under Phase II, it is the responsibility of the respective project implementation agencies (Dhotre 2019).

ANALYSIS OF BHARATNET PROJECT

The BharatNet has missed several deadlines to achieve its target since the beginning. Under the UPA II regime, the first deadline to connect all GPs was December 2013, and later it was extended to September 2015. The NDA led government set a target

of December 2016, however, extended to March 2019 and again March 2020, finally at present the deadline fixed to August 2021. Below discussed the various aspects of the BharatNet Project.

Funds for BharatNet Project

For implementing the BharatNet project across the country by BBNL, which is the executive agency for the aforementioned project, money is allocated and disbursed from USOF. Initially, it was estimated that Rupees 20,000 crore would be needed to connect all GPs. However, in July 2017, the Government of India approved the project with an estimated cost of Rupees 42,068 crore, out of which Rupees 11,148 crore for Phase I and Rupees 30,920 crore for Phase II (Standing Committee on Information Technology 2017-18). As of February 2020, a total of Rupees 19,595.03 crore (inclusive for both Phase I and II) funds have been disbursed by USOF to BBNL, which includes Rupees 14,313.11 crore to States/UTs (see Table 1.2). The state of Maharashtra received the highest funds so far with 1,932.85 crore, which accounts for (9.86%) of the total funds. Next comes Uttar Pradesh with 1,624.03 crore (8.28%) followed by Gujarat, Daman & Diu and Dadra & Nagar Haveli all together 1,607.20 crore (8.20%); Madhya Pradesh 1,471.93 crore (7.51%); Chhattisgarh 941.36 crore (4.80%); Rajasthan 889.76 crore (4.54%); Karnataka 782.65 crore (3.99%); Bihar 715.71 crore (3.65%); Punjab 625.41 crore (3.19%); Odisha 546.79 crore (2.79%) etc.

Table 1.2: Funds Disbursed under BharatNet Project Phase I and II through BBNL¹ (as in February 2020)

<i>States/UTs²</i>	<i>Funds (in crore)</i>	<i>States/UTs</i>	<i>Funds (in crore)</i>
Northern Region		Eastern Region	
Chandigarh	0.01	Bihar	715.71
Haryana	414.27	Jharkhand	352.28
Himachal Pradesh	110.58	Odisha	546.79
Jammu & Kashmir	79.53	West Bengal	430.24
Ladakh ³	NA		
Punjab	625.41	North East Region	
Rajasthan	889.76	Arunachal Pradesh	45.58
Uttar Pradesh	1,624.03	Assam	185.82
Uttarakhand	266.30	Manipur	50.55
Central & Western Region		Meghalaya	66.97
Chhattisgarh	941.36	Mizoram	34.25

<i>States/UTs²</i>	<i>Funds (in crore)</i>	<i>States/UTs</i>	<i>Funds (in crore)</i>
Daman & Diu ⁴	1,607.20	Nagaland	60.07
Dadra & Nagar Haveli ⁴		Sikkim	76.33
Gujarat ⁴		Tripura	75.70
Maharashtra		Total	14,313.11
Madhya Pradesh	1,471.93	GPON & OFC ⁵	976.10
Southern Region		TCIL ⁶	13.43
Andaman & Nicobar Islands	15.22	Adhoc Payment done for BSNL ⁷	4,209.89
Andhra Pradesh	345.01	BSNL Satellite Band Width	40.12
Karnataka	782.65	BSNL-VSAT ⁸	42.38
Kerala	103.39	Grand Total	19,595.03
Lakshadweep	0.10		
Puducherry	5.70		
Tamil Nadu	121.46		
Telangana	336.10		

Note: ¹BBNL mean Bharat Broadband Network Limited; ²UTs mean Union Territories; ³means no data available; ⁴there is no separate funds data available for each Daman & Diu; Dadra & Nagar Haveli and Gujarat; ⁵GPON & OFC mean Gigabit Passive Optical Network & Optical Fibre Cable; ⁶TCIL mean Telecommunications Consultants India Limited; ⁷BSNL mean Bharat Sanchar Nigam Limited; ⁸VSAT mean Very Small Aperture Terminal.

Source: Starred Question No.53, 'BharatNet Project', answered by Ravi Shankar Prasad, Minister of Communications, Government of India, on 5th February 2020, Lok Sabha-Indian Parliament, p.3. Available at <http://loksabhaph.nic.in/Questions/Qtextsearch.aspx>.

Although, the fund allocated by the USOF for BharatNet from 2012-13 to 2019-20 was 22,089.24 crore. In the financial year 2012-13, the amount allocated was 405 crore, increased to 514 crore in 2013-14; 1351.86 crore in 2014-15; 2,415.10 crore in 2015-16; 5,600 crore in 2016-17 which is the highest increase (56%) as compared to any financial year till date and 6,000 crore in 2017-18. However, in the financial year 2018-19, the fund allocation reduced to 4,145.54 crore and in the next year 2019-20 it went down to 1,657.74 crore (USOF 2020).

The USOF provides funds for a number of schemes/activities other than BharatNet. However, the percentage of BharatNet fund is more out of the total funds disburse by USOF. In the financial year 2012-13, BharatNet fund account for (64.8%) of the total funds, whereas in 2013-14, it decrease to (23.75%) and again increase to (64.77%) in 2014-15; (77.90%) in 2015-16; (77.48%) in 2016-

17; (85.72%) in 2017-18; (86.57%) in 2018-19 and (56.65%) in 2019-20. So as aforementioned, the total fund allocated for BharatNet from 2012-13 to date was 22,089.24 crore which accounts for (73.83%) of the total funds disburse by USOF i.e 29,915.44 crore (USOF 2020).

Broadband Connectivity to Gram Panchayats

Table 1.3 shows that as of February 2020, out of a total target of connecting 2,55,083 GPs with broadband connectivity and ready to use, only (52.62%) i.e. 1,34,248 GPs have been made service ready. The progress in States, where large number of GPs are to be connected shows a dismal picture. In the state of Uttar Pradesh, the number of service ready GPs is 28,998 (51.58%) of the total 56,211 GPs, similarly Maharashtra 15,534 (54.96%) service ready of the total 28,260 GPs; Madhya Pradesh 12,922 (54.53%) service ready of the total 23,695 GPs; Gujarat 10,545 (73.68%) service ready of the total 14,311 GPs; Andhra Pradesh 1,628 (12.04%) service ready of the total 13,518 GPs; Telangana 2,047 (15.25%) service ready of the total 13,421 GPs; Chhattisgarh 4,712 (46.38%) service ready of the total 10,158 GPs; Odisha 3,892 (55.04%) service ready of the total 7,070 GPs etc. The State of Tamil Nadu is the exception where till date not a single GPs have been made service ready out of the total 12,909 GPs.

Table 1.3: Status of BharatNet Project (as of February 2020)

<i>States/UTs¹</i>	<i>Total Number of GPs² (including BHQs³)</i>	<i>Service Ready GPs (including BHQs)</i>	<i>Number of GPs yet to be made Service Ready</i>
Northern Region			
Chandigarh	13	13	0
Haryana	6,204	6,188	16
Himachal Pradesh	3,115	281	2,834
Jammu & Kashmir ⁴	3,100	1,011	2,089
Punjab	12,934	12,529	405
Rajasthan	10,109	8,724	1,385
Uttar Pradesh	56,211	28,998	27,213
Uttarakhand	7,531	1,526	6,005
Central & Western Region			
Chhattisgarh	10,158	4,712	5,446
Daman & Diu	18	18	0
Dadra & Nagar Haveli	21	21	0
Gujarat	14,311	10,545	3,766
Maharashtra	28,260	15,534	12,726

<i>States/UTs¹</i>	<i>Total Number of GPs² (including BHQs³)</i>	<i>Service Ready GPs (including BHQs)</i>	<i>Number of GPs yet to be made Service Ready</i>
Madhya Pradesh	23,695	12,922	10,773
Southern Region			
Andaman & Nicobar Islands	67	8	59
Andhra Pradesh	13,518	1,628	11,890
Karnataka	6,268	6,244	24
Kerala	1,129	1,129	0
Lakshadweep	NA ⁵	NA	NA
Puducherry	101	101	0
Tamil Nadu	12,909	0	12,909
Telangana	13,421	2,047	11,374
Eastern Region			
Bihar	8,893	8,067	826
Jharkhand	4,651	2,478	2,173
Odisha	7,070	3,892	3,178
West Bengal	3,708	2,285	1,423
North East Region			
Arunachal Pradesh	745	244	501
Assam	2,979	1,622	1,357
Manipur	664	427	237
Meghalaya	971	194	777
Mizoram	275	66	209
Nagaland	922	129	793
Sikkim	207	18	189
Tripura	905	647	258
Grand Total	2,55,083	1,34,248	1,20,835

Note: ¹UTs mean Union Territories ²GPs mean Gram Panchayats; ³BHQs mean Block Headquarters; ⁴Jammu & Kashmir includes data of UT of Ladakh; ⁵NA mean no data available.

Source: Starred Question No.50, 'BharatNet Project', answered by Ravi Shankar Prasad, Minister of Communications, Government of India, on 20th November 2019, Lok Sabha-Indian Parliament, pp.3 & 4; and Starred Question No.53, 'BharatNet Project', answered by Ravi Shankar Prasad, Minister of Communications, Government of India, on 5th February 2020, Lok Sabha-Indian Parliament, p.4. Available at <http://loksabhaph.nic.in/Questions/Qtextsearch.aspx>.

The figures for the North Eastern States (except Manipur and Tripura) and hilly regions are worst. In Sikkim, barely 18 (8.69%) of the total 207 GPs have been made service ready, while Nagaland 129 (13.99%) service ready of the total 922 GPs; Meghalaya 194 (19.97%) service ready of the total 971 GPs; Mizoram 66 (24%) service ready of the total 275 GPs; Assam 1,622 (54.44%) service ready of the total 2,977 GPs; Uttarakhand 1,526 (20.26%) service ready of the total 7,531 GPs; Himachal Pradesh 282 (9.02%) service ready of the total 3,115 GPs and Jammu & Kashmir 1,011 (32.61%) service ready of the total 3,100 GPs. The progress in some States is neared to completion like Haryana 6,188 (99.74%) service ready of the total 6,204 GPs, similarly in Karnataka 6,244 (99.61%) service ready of the total 6,268 GPs and Punjab 12,529 (96.86%) service ready of the total 12,934 GPs. Already, five States/UTs achieved their target of connecting all GPs and ready to use, they are Kerala 1,129 GPs; Puducherry 101 GPs; Dadra & Nagar Haveli 21 GPs; Daman & Diu 18 GPs and Chandigarh 13 GPs. Overall, still 1,20,835 GPs are yet to be made service ready, out of which the five States account for 75,511 (62.49%) of GPs they are: Uttar Pradesh 27,213 GPs; Tamil Nadu 12,909 GPs; Maharashtra 12,726 GPs; Andhra Pradesh 11,890 GPs and Madhya Pradesh 10,773 GPs. However, the funds disbursed for the BharatNet project so far have been the highest for the State of Maharashtra 1932.85 crore, Uttar Pradesh 1624.03 crore, and Madhya Pradesh 1471.93 crore.

Wi-Fi Connectivity in Gram Panchayats

Under modified implementation strategy BharatNet, the last mile connectivity is providing to cover 2.5 lakh GPs across the country, through Wi-Fi or any other suitable broadband technology, in order to access broadband/internet services. It will be funded through Viability Gap Funding in Public Private Partnership mode (Standing Committee on Information Technology 2017-18). At every GPs, five Access Points (APs) are being set up, and out of which three APs to be installed at government institutions such as school, police station, hospital etc; and two APs at public places including one at the GP location (BBNL Annual Report 2017-18) This will ensure better utilisation of BharatNet. So far (see Table 1.4) as of November 2019 Wi-Fi APs hotspots have been installed in a total 45,769 GPs comprising 24 States/UTs, out of which the State of Uttar Pradesh alone account for (59.47%) i.e. 27,223 GPs, followed by Rajasthan 8,813 GPs (19.25%); Karnataka 2,569 GPs (5.61%); Madhya Pradesh 1,350 GPs (2.94%); Haryana 1,063 GPs (2.32%); Maharashtra 776 GPs (1.69%); Kerala 731 GPs (1.59%); Jammu & Kashmir 570 GPs (1.24%); Chhattisgarh 517 GPs (1.12%); Uttarakhand 353 GPs (0.77%); Himachal Pradesh 330 GPs (0.72%); Jharkhand 312 GPs (0.68%); Bihar 295 GPs (0.64%); Ladakh 169 GPs (0.36%); Manipur 161 GPs (0.35%); Arunachal Pradesh 142 GPs (0.31%);

Odisha 111 GPs (0.24%); Puducherry 81 GPs (0.17%); Tripura 80 GPs (0.17%); Meghalaya 70 GPs (0.15%) etc.

Table 1.4: State/UT-Wise details of Wi-Fi Provisioning (as of November 2019)

<i>States/UTs¹</i>	<i>Number of GPs² where Wi-Fi Installed</i>	<i>Number of GPs where Wi-Fi Operational</i>	<i>Number of Active Wi-Fi Users</i>	<i>Data Consumption (Gigabyte)</i>	<i>Average Data Consumed per Wi-Fi user per Month (Megabyte)</i>
Northern Region					
Chandigarh	12	12	43	NA ³	NA
Haryana	1,063	712	64,576	421	6.51
Himachal Pradesh	330	206	298	1	3.35
Jammu & Kashmir	570	503	0	0	0
Ladakh	169	149	0	0	0
Punjab	0	0	0	0	0
Rajasthan	8,813	3,964	0	0	0
Uttar Pradesh	27,223	5,239	6,75,816	15,219	22.51
Uttarakhand	353	311	65,994	8,662	131.25
Central & Western Region					
Chhattisgarh	517	435	33,866	NA	NA
Daman & Diu	0	0	0	0	0
Dadra & Nagar Haveli	0	0	0	0	0
Gujarat	26	5	0	0	0
Maharashtra	776	330	41,349	271	6.55
Madhya Pradesh	1,350	828	1,01,945	3,565	34.96
Southern Region					
Andaman & Nicobar Islands	0	0	0	0	0
Andhra Pradesh	0	0	0	0	0
Karnataka	2,569	1,854	89,492	5,230	54.44
Kerala	731	728	51,852	32,703	630.72
Lakshadweep	0	0	0	0	0
Puducherry	81	81	7,004	127	18.13
Tamil Nadu	0	0	0	0	0
Telangana	0	0	0	0	0
Eastern Region					

<i>States/UTs¹</i>	<i>Number of GPs² where Wi-Fi Installed</i>	<i>Number of GPs where Wi-Fi Operational</i>	<i>Number of Active Wi-Fi Users</i>	<i>Data Consumption (Gigabyte)</i>	<i>Average Data Consumed per Wi-Fi user per Month (Megabyte)</i>
Bihar	295	213	19,206	2,940	153.07
Jharkhand	312	254	32,464	145	4.46
Odisha	111	107	8,116	125	15.4
West Bengal	11	2	0	0	0
North East Region					
Arunachal Pradesh	142	142	0	0	0
Assam	4	0	0	0	0
Manipur	161	6	20	NA	NA
Meghalaya	70	70	0	0	0
Mizoram	0	0	0	0	0
Nagaland	0	0	0	0	0
Sikkim	0	0	0	0	0
Tripura	80	0	0	0	0
Grand Total	45,769	16,151	11,92,041	69,409	58.22

Note: ¹UTs mean Union Territories ²GPs mean Gram Panchayats; ³NA mean no data available.

Source: Unstarred Question No.502, 'Wi-Fi in Gram Panchayats', answered by Ravi Shankar Prasad, Minister of Communications, Government of India, on 21st November 2019, Rajya Sabha-Indian Parliament, p.2. Available at https://rajyasabha.nic.in/rsnew/Questions/Search_minwise.aspx.

As pointed out above, out of 24 States/UTs where Wi-Fi APs hotspots installed only in 22 States/UTs are operational or active. However, except Chandigarh 12 GPs, Puducherry 81 GPs, Arunachal Pradesh 142 GPs and Meghalaya 70 GPs, where all the GPs installed are in operational mode whereas in other States/UTs, still some GPs Wi-Fi not in operation. In Kerala only (99.58%) of GPs Wi-Fi are operational i.e. 728 GPs; Odisha 107 GPs (96.39%); Jammu & Kashmir 503 GPs (88.24%); Ladakh 149 GPs (88.16%); Uttarakhand 311 GPs (88.10%); Chhattisgarh 435 GPs (84.13%); Jharkhand 254 GPs (81.41%); Bihar 213 GPs (72.20%); Karnataka 1,854 GPs (72.16%); Haryana 712 GPs (66.98%); Himachal Pradesh 206 GPs (62.42%); Madhya Pradesh 828 GPs (61.33%); Rajasthan 3,964 GPs (44.97%); Maharashtra 330 GPs (42.52%); Uttar Pradesh 5,239 GPs (19.24%); Gujarat 5 GPs (19.23%); West Bengal 2 GPs (18.18%) and Manipur 6 GPs (3.72%). The State of Assam and

Tripura where GPs Wi-Fi is installed in 4 and 80 GPs for the former and latter respectively, however, none of them are operational (see Table 1.4).

Even out of 22 States/UTs where GPs Wi-Fi operational only in 15 of them a total of 11,92,041 people are actively using the Wi-Fi service and total data used per month was 69,409 GigaByte (GB). The State of Uttar Pradesh got the largest number of active Wi-Fi users 6,75,816 which account for (56.69%) of the total users in the country, and the total data used per month was 15,219 GB. Next followed Madhya Pradesh where 1,01,945 active Wi-Fi users consuming 3,565 GB data per month; Karnataka 89,492 users with 5,230 GB data; Uttarakhand 65,994 users with 8,662 GB data; Haryana 64,994 users with 421 GB data; Kerala 51,852 users with 32,703 GB data which is the largest amongst all; Maharashtra 41,349 users with 271 GB data; Jharkhand 32,464 users with 145 GB data; Bihar 19,206 users with 2,940 GB data; Odisha 8,116 users with 125 GB data; Puducherry 7,004 users with 127 GB data and Himachal Pradesh 298 users with 1 GB data. The data consumption is very low in Odisha, Jharkhand, Puducherry, Maharashtra, Haryana, and Himachal Pradesh. Table 1.4 also shows the average data consumed per Wi-Fi user per month was 58.22 MegaByte (MB), and the highest number of consumption was in Kerala with 630.72 MB followed by Bihar 153.07 MB; Uttarakhand 131.25 MB; Karnataka 54.44 MB; Madhya Pradesh 34.96 MB; Uttar Pradesh 22.51 MB; Puducherry 18.13 MB; Odisha 15.4 MB; Maharashtra 6.55 MB; Haryana 6.51 MB; Jharkhand 4.46 MB and Himachal Pradesh 3.35 MB.

CONCLUSION

The Government of India's major initiative in the form of connecting rural population with broadband will bring transformational effects on the lives of people. However, so far the progress of its implementation is slow, especially in major states like Tamil Nadu, Uttar Pradesh, Maharashtra, Madhya Pradesh, and Andhra Pradesh. Already, the deadlines for its completion has been extended many times. There is no doubt that India being a vast country in terms of variation in topography and the world's largest rural population. Because of which there will be a challenge in implementing a project like BharatNet. But, in this digital age, there is no alternative left other than providing digital connectivity to the rural areas as early as possible. Already, various data show the glaring disparity between rural and urban areas in terms of internet penetration and created a digital divide within a country. Also, there is a need to fast-track the BharatNet project in order to achieve the goals of the Digital India programme; which aims to deliver various e-services especially to the rural people like e-Health, e-Education, e-Commerce, e-Governance, etc.

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GENDER EQUALITY ILLUSION IN BIHAR

Anil Kumar Singh Jha*

Abstract

Bihar enjoys the dubious distinction of being a state where gender inequality dominates the society in majority of the cases. Gender inequality epitomizes the ugly face of the society which is not only offensive to human dignity and human rights but also creates an appalling social condition. The reverberations of gender inequality extend beyond the precarious position of women in society as it is not a woman's issue but a human issue and it affects the whole society. In this background, the present paper deciphers the magnitude of gender inequality in Bihar based on the available data of Census of India 2001 and 2011; and NFHS-3 and NFHS-4. The key concern of this paper is to highlight the forms and manifestations along with debilitating effects of gender inequality throughout the life cycle of women. The paper suggests that although, Bihar has made significant progress in promoting gender equality by empowering women and girls, a number of steps have to be taken to develop a gender-just society. Bihar should immediately take the advantage of 'demographic dividend' by engaging young women in mainstream social, economic and political activities for getting the full benefit of human resources.

Keywords: Gender Equality, Bihar, child Sex Ratio, Female Literacy, Motherhood

India, which is called by her citizen as *Bharat Mata* (mother India), symbolizes the spirit of womanhood in actual sense, but the ground reality of gender equality presents a dismal picture. Today, in the sphere of gender equality, there exists a chasm between theory and practice in Bihar as women are discriminated due to several social, historical, religious, economic and other reasons. The process of

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socialization and socio-cultural norms mould the thinking of women to internalize the submissive and subordinate roles and 'compromise' or settle the issues related to gender injustice. The women have limited access and control over resources because of the discriminatory power structure of the society. Bihar enjoys the dubious distinction of being a state where gender inequality dominates the society in majority of the cases. Gender inequality epitomizes the ugly face of the society which is not only offensive to human dignity and human rights but also creates an appalling social condition. The reverberations of gender inequality extend beyond the precarious position of women in society as it is not a woman's issue but a human issue and it affects the whole society.

In traditional Indian society birth of a daughter was not a matter of joy and celebration as she was regarded as a burden or '*Parayadhan*'; whereas the birth of son was looked upon as an honour and an advantage. Men could perform various religious rites and ceremonies but the women's religious exercises were limited (Diwakar 1959). Such gender-based discrimination still persists. The increasing incidents of female foeticide and infanticide reveal the magnitude of gender inequality and the blatant discriminatory practices against girl child prevalent in Bihar. Gender discrimination and negligence of girl child is supported by the ground reality presented by SRS report released in 2020, it supports the situation with the information on infant mortality rate; female infant mortality rate was 35 compare to 30 male infant mortality rate during 2018 in Bihar (GoI 2020a). A number of field-based studies also prove that observed excess female mortality is due to the presence of social practices and cultural ethos that undervalue daughters or women (Wyon and Gordon 1971; Miller 1981; Das Gupta 1987; Visaria 1988; Basu 1989; Rastogi and Raj Kumari 1992). The figures of the NFHS-4 also confirm strong preference for sons in Bihar as a total of 37 per cent ever married women want more sons than daughters compare to 30 per cent men who want more sons than daughters in Bihar; whereas at national level 19 per cent women and men want more sons than daughters (IIPS and ICF 2017).

The situation of sex ratio, expressed as the number of females per 1000 males, is not uniform and shows diverse patterns across India. It has been observed during various censuses that the number of males and females are never at parity in India, the males always outnumbering the females signaling a ubiquitous trend of gender injustice. British India's first national census in 1871 confirmed for the whole of the subcontinent what had earlier been discovered for specific villages and districts in the north: that there were many fewer women than men, Natarajan (1972) writes: "We find in British India 98 millions of males and 91.5 millions of females, or about 100 males to 94 females... . There is in the whole of British India, so far as the census returns are to be credited, an excess of 5.5 millions of men over females, or nearly 6 per cent". The sex ratio of India was recorded 943 and it was only 918 for

Bihar with 25th rank in India during 2011. The child sex ratio (0-6 years) of Bihar has been continuously declining since 1981; it has declined sharply from 981 in Census 1981 to 953 in Census 1991 and further 942 in 2001 to 935 in 2011. The Table-1 presents the trend of child sex ratio during 2001-2011; the figures reveal a growing masculinization of child sex ratio in Bihar, which is clearly seen as most of the districts recorded child sex ratio below 950. The districts, which performed better (more than 950 child sex ratio) in 2011, include Kishanganj (971), Katihar (961), Gaya (960), Araria (957), Jamui (956), Purnia (954), Gopalganj (954) and PashchimChampanan (953). As per Census 2001, Nawada recorded highest child sex ratio of 978, followed by Gaya (968) and Purnia (967). The districts which performed worse than national average (927) include Supaul (925), Buxar (925), Sitamarhi (924), Patna (923), Sheohar (916), Darbhanga (915), Munger (914) and Saharsa (912).

Table 1: Comparison of Child Sex Ratio (2001- 2011)

<i>Districts</i>	2001	2011
Bihar	942	935
Araria	963	957
Arwal	919	940
Aurangabad	943	944
Banka	965	943
Begusarai	946	919
Bhagalpur	966	938
Bhojpur	940	918
Buxar	925	934
Darbhanga	915	931
Gaya	968	960
Gopalganj	964	954
Jamui	963	956
Jehanabad	915	922
Kaimur	940	942
Katihar	966	961
Khagaria	932	926
Kishanganj	947	971
Lakhisarai	951	920
Madhepura	927	930
Madhubani	939	936
Munger	914	922

<i>Districts</i>	<i>2001</i>	<i>2011</i>
Muzaffarpur	928	915
Nalanda	942	931
Nawada	978	945
PashchimChampanan	953	953
Patna	923	909
PurbiChampanan	937	933
Purnia	967	954
Rohtas	951	931
Saharsa	912	933
Samastipur	938	923
Saran	949	926
Sheikhpura	955	940
Sheohar	916	929
Sitamarhi	924	930
Siwan	934	940
Supaul	925	944
Vaishali	937	904

Source: Census of India, 2001 and 2011, Office of the Registrar General and Census Commissioner, India, New Delhi

Further, the comparative analysis of the child sex ratio of Bihar indicates that a total of 23 districts recorded decline in child sex ratio during 2001-2011, the district of PashchimChampanan maintained *status quo* and remaining 14 districts recorded increase in the child sex ratio during the period, which were Kishanganj (increase of 24 points), Saharsa and Arwal (increase of 21 points each), Supaul (increase of 19 points), Darbhanga (increase of 16 points), Sheohar (increase of 13 points), Buxar (increase of 9 points), Munger (increase of 8 points), Jehanabad (increase of 7 points), Sitamarhi and Siwan (increase of 6 points each), Madhepura (increase of 3 points), Kaimur (increase of 2 points), and Aurangabad (increase of 1 point). It is not out of place to mention here that the sharpest decline in child sex ratio was observed in the so-called educated urban areas, which is against the general perception of blaming poor rural illiterate people for all the social evils. The figures of the Census of India, 2011 show that a gap of 26 points in child sex ratio was observed between urban (912) and rural (938) areas of Bihar.

The level of literacy was very poor during pre-independence period, but greater attention was paid to improve the situation of literacy in general and female literacy in particular in the post-Independence era and thereby the literacy level improved. The female literacy rate recorded an impressive jump from 4 per cent in 1951 to 52

per cent in 2011 in Bihar. During the six decades (1951-2011) female literacy of the State increased by thirteen times, which in itself is an achievement. Although the figures of the Census highlight the relatively high increase in female literacy rate, but still the situation of female literacy rate is very deplorable as Bihar occupies the last rank in India with 52 per cent female literacy rate only. The figures presented in the Table-2 compare the female literacy rate by district in Bihar during 2001-2011. It is encouraging to mention that there is improvement in the situation and all the districts of Bihar without exception have shown increase in literacy rates during 2001-2011; but still the situation of female literacy rate is very bad. Munger recorded highest female literacy rate during 2011 with 66 per cent, closely followed by Rohtas (65 per cent) and Patna (64 per cent); contrary to that the districts of Saharsa, Madhepura, Purnia and Sitamarhi recorded lowest female literacy rate (43 per cent). The comparative analysis of the female literacy rate during 2001-2011 shows that Kishanganj recorded maximum jump of 30 percentage points, followed by Supaul (26 percentage points) and Gopalganj (23 percentage points). The state capital Patna slipped down to third position in 2011 from first position in 2001 and recorded minimum improvement in female literacy rate with 12 percentage points, followed by Nalanda and Jehanabad (16 percentage points).

Table 2: Female Literacy rate by District in Bihar (2001, 2011)

<i>District</i>	<i>Literacy rate</i>	
	2011	2001
Bihar	51.5	33.1
Araria	45.2	22.1
Aurangabad	62.1	42
Banka	49.4	29.1
Begusarai	57.1	36.2
Bhagalpur	56.5	38.8
Bhojpur	60.2	42.8
Buxar	59.8	40.4
Darbhanga	46.9	30.4
Gaya	55.9	37.4
Gopalganj	56	32.8
Jamui	49.4	26.9
Jehanabad	56.2	40.1
Kaimur	59.6	38.9
Katihar	45.4	24
Khagaria	52.2	29.6

<i>District</i>	<i>Literacy rate</i>	
	2011	2001
Kishanganj	48	18.5
Lakhisarai	54.9	34.3
Madhepura	42.8	22.3
Madhubani	48.3	26.6
Munger	65.5	48
Muzaffarpur	56.8	35.2
Nalanda	54.8	39
Nawada	51.1	32.6
PashchimChamparan	46.8	25.9
Patna	63.7	52.2
PurbiChamparan	47.4	24.7
Purnia	43.2	23.7
Rohtas	65	46.6
Saharsa	42.7	25.3
Samastipur	53.5	32.7
Saran	56.9	35.7
Sheikhpura	54.9	34.1
Sheohar	47.3	27.4
Sitamarhi	43.4	26.4
Siwan	60.4	37.3
Supaul	46.6	21
Vaishali	59.1	38.1

Source: Census of India, (2001, 2011) Office of the Registrar General and Census Commissioner, New Delhi

In Bihar, parents are more concerned about their sons' education compare to daughters', which is detrimental for the development of society. In fact education is important for everyone, but it is more important for women as education is an entry point to other opportunities, and educational achievements of women can have ripple effects within the family and across generations. A well-known address by a renowned Ghanaian educator and sociologist Dr. James Emmanuel Kwegyir-Aggrey (1875-1927) to the African parents who were more willing to allow their male children to attend missionary schools than their daughters deserves to be mentioned in this context. Kwegyir-Aggrey tried to convince the parents by saying "The surest way to keep people down is to educate the men and neglect the women.

If you educate a man you simply educate an individual, but if you educate a woman, you educate a nation (family)"... (Suen 2013).

The National Education Policy 2020, which aims to address the many growing developmental imperatives of the modern society, is expected to improve the miserable situation of female education in Bihar. National Education Policy 2020 highlights that "...all efforts will be made early on to ensure that any gaps that exist between the language spoken by the child and the medium of teaching are bridged" (GoI 2020b). This Policy not only offers the revision and revamping of all aspects of the educational structure, but also suggests that the books, curriculum, pedagogy and other aspects have to undergo a 'gender inclusive' reformation. At state level also a number of initiatives have been taken. The government of Bihar is dedicated to achieve all of the critical targets and goals (Sustainable Development Goals) of the 2030 Agenda for Sustainable Development. The state government envisions girls' education as a strategic pathway for women's economic empowerment and it has invested heavily in education programmes. Girls' access to quality formal schooling is being enhanced through several schemes such as the *MukhyaMantriBalika Cycle Yojana*, *MukhyaMantriAksharAanchalYojana* and the *MukhyaMantriKanyaUthanYojana* (Govt. of Bihar 2020).

The situation is deplorable in the case of violence against women in Bihar. According to the data provided by the various issues of 'Crime in India' of National Crime Records Bureau (NCRB) it is clear that women in Bihar are not safe, which is indicated by the fact that a total of 16920 incidents of crime against women were reported in 2018; and a fluctuating trend is observed, as the incidents of crime against women was declined from 15393 in 2014 to 13400 in 2016, but again it increased to 14711 in 2017 and 16920 in 2018. Bihar shares 4.5 per cent of total national crime against women as per the data provided by the 'Crime in India-2018' (GoI 2020c). The comparative analysis of the data of NFHS-3 and NFHS-4 reveal that percentage of women who ever experienced emotional violence negligibly increased in the 10 years since NFHS-3; from 20 per cent in NFHS-3 to 21 per cent in NFHS-4. Overall, women's ever experience of physical violence declined 15 per cent - from 56 per cent in NFHS-3 to 41 per cent in NFHS-4. There has been very little decline in the percentage of women who experienced sexual violence (from 19 per cent in NFHS-3 to 14 per cent in NFHS-4). The physical violence was reported by maximum women (41 per cent), which is double of the incidents of emotional violence (21 per cent) and three times of the incidents of sexual violence (14 per cent) as per the data provided by NFHS-4. Women's experience of any spousal violence- physical, sexual, or emotional - varies greatly by different background characteristics (IIPS and Macro International 2008, IIPS and ICF2017). So it is evident that women are not safe even inside her own 'four walls', which is very dangerous for any society. Heise (1994) declared gender-based

abuse a global epidemic in 1993; and argued that the most pervasive form of gender violence is abuse of women by intimate male partners.

Table-3 presents information about the percentages of women and men who agree that a husband is justified in hitting or beating his wife for at least one specified reason by their background characteristics. Overall, men are less likely than women to agree with at least one reason. In the survey of NFHS-3 and NFHS-4 respondents were asked if they agree that a husband is justified in hitting or beating his wife under each of the following seven circumstances: she goes out without telling him, she neglects the house or the children, she argues with him, she refuses to have sex with him, she doesn't cook food properly, he suspects her of being unfaithful, and she shows disrespect for her in-laws. Respondents who answer 'yes' in at least one circumstance were considered to have attitudes that justify wife beating (IIPS and ICF2017). The figures of the Table-3 confirm a typical supportive opinion about wife beating among both women and men in Bihar; but the figures also highlight the fact that the percentage of both women and men, from all the background characteristics declined during 10 years (NFHS-3 and NFHS-4). A total of 19 per cent decline was observed in the opinion of men - from 57 per cent in NFHS-3 to 38 per cent in NFHS-4 and just 4 per cent decline was observed in the opinion of women - from 57 per cent in NFHS-3 to 53 per cent in NFHS-4. The comparative analysis of the data of NFHS-3 and NFHS-4 indicate that 8 per cent and 3 per cent decline were recorded in the opinion of urban and rural women respectively compare to 13 per cent and 22 per cent decline in the opinion of urban and rural women respectively. A total of 20 per cent decline was observed in the opinion of men of non-nuclear family - from 57 per cent in NFHS-3 to 37 per cent in NFHS-4. The trend indicates the importance of family, education, employment and benefits of exposure to urban areas in developing the perception; and at the same time it is also clear that socialization plays major role in moulding the psyche of men and women regarding acceptability and adaptability to its cultural pattern related to gender related norms.

Table 3: Gender-role Attitudes by Background Characteristics (NFHS-3 and NFHS-4)

<i>Background characteristic</i>	<i>Percentage who agree that a husband is justified in hitting or beating his wife for at least one specified reason</i>			
	<i>Women</i>		<i>Men</i>	
	<i>NFHS-3</i>	<i>NFHS-4</i>	<i>NFHS-3</i>	<i>NFHS-4</i>
<i>Age</i>				
15-19	57	48.6	65.4	40.8
20-24	56	51.7	60.6	41
25-29	59.1	55.2	57.8	38.5
30-39	53.7	55	47.7	35.9

40-49	59.9	56.7	59.5	25.4
Residence				
Urban	44.6	37.1	38.1	24.7
Rural	59.2	56.3	63	41.1
Education				
No education	65	59.8	67.3	47.9
<5 years complete	55.2	58.8	70.1	46.5
5-9 years complete	48.9	53	62.7	40.8
10 or more years complete	31		41.6	
10-11 years complete		45.2		32.3
12 or more years completed		35.7		28.8
Employment				
Not employed	53.8	52	48.3	39
Employed, for cash	64.1	55.5	58.7	39.1
Employed, not for cash	61.7	65.6	62.8	38.8
Household structure				
Nuclear	57.5	52.7	57.6	39.8
Non-nuclear	56.4	54	57.2	36.9
Total	56.9	53.4	57.4	38.1

Source: IIPS and Macro International. 2008. NFHS-3, India, 2005-06: Bihar. Mumbai: IIPS and IIPS and ICF. 2017. NFHS-4, India, 2015-16: Bihar. Mumbai: IIPS

In Indian society women enjoy the status of motherhood. The dignity and honour associated to motherhood is not new to Indian society, motherhood played a very significant part in ancient Indian social life also. It was obligatory; a girl was trained to be a good wife and a good mother and was blessed with “the motherhood of ‘sons’” (Bhattacharji 1990). But, there is another side of motherhood also, which considers women as a vehicle for human reproduction because of the traditional patriarchal mind-set of the society. Death of women during and after pregnancy is not new to Bihar, which is not always accidental; it is often the result of neglect on the part of the family members, society or prevalent social norms and pattern related to gender inequality. Childbirth is a normal physiological process, which may become pathological due to negligence or lack of proper knowledge (Jha 2015). The figures of different reports related to maternal health sometimes present very satisfactory picture of the situation. Maternal death in India declined from 718 in 2011-2013 to 525 in 2015-2017 and the situation of maternal death in Bihar also improved; it declined from 81 in 2011-2013 to 47 in 2015-2017 (GoI 2014, GoI 2019).

During NFHS-4 (2015-16), three in four deliveries in Bihar were assisted by health personnel, i.e. doctor, auxiliary nurse midwife, nurse, midwife, lady health visitor, or other health personnel, compare to one in four during NFHS-2 (1998-99); so three times improvement is sufficient to highlight the progress made in maternal care in Bihar (IIPS and Macro International 2000, IIPS and Macro International 2008, IIPS and ICF2017). A total of sixty four per cent of births took place in a health facility (mostly a government facility) and 36 per cent took place at home. The percentage of births in a health facility more than tripled in the 10 years between NFHS-3 and NFHS-4, from 20 percent in NFHS-3 to 64 percent in NFHS-4. But rural Bihar is still lagging behind urban Bihar, which is reflected by the fact that 63 per cent deliveries took place at health facility in rural Bihar compare to 74 per cent in urban Bihar (IIPS and Macro International 2008, IIPS and ICF2017).

Proper health care services during pregnancy and childbirth and after delivery are necessary for the wellbeing of both the mother and the infant. Antenatal care (ANC) reduces the health risks of mothers and their babies by monitoring pregnancies. The percentage of women who received full antenatal care, which includes having received at least four antenatal care visits, having received at least one TT injection, and having taken IFA tablets or syrup for 100 or more days (IIPS and ICF, 2017), during NFHS-4 (2015-16) has been presented in the Table-4. District level analysis of the full ANC shows that the performance of Siwan with 9 per cent full ANC was better than the state capital, Patna (8 per cent); and only one per cent of women of the districts Sheohar, Begusarai, Madhepura and PurbiChampan had full ANC. Even when women receive antenatal care, sometimes they do not receive all the services needed to monitor their pregnancy. In Bihar, at least three-fifths of women who received antenatal care for their last birth received each of the services needed to monitor their pregnancy: having their weight taken (77 per cent), having their abdomen examined and blood pressure measured (71-72 per cent), having a urine sample taken (70 per cent), and having a blood sample taken (62 per cent) (IIPS and ICF, 2017). Women should necessarily receive appropriate care during delivery for minimizing the chances of maternal mortality and morbidity. The figures of the Table-4 also present the situation of delivery care at district level in Bihar during 2015-16. In the state capital Patna 86 per cent of births delivered in a health facility, followed by Munger, Jehanabad, Buxar, Rohtas, Bhojpur and Kaimur (Bhabua) (80-84 per cent). The women of the districts Sitamarhi, Kishanganj, PurbiChampan, Darbhanga and Madhubani were not fortunate enough to get the health facility during delivery and only 4-5 out of 10 births of these districts took place in a health facility.

Table 4: Delivery care by District

<i>District</i>	<i>Percentage who had full antenatal care</i>	<i>Percentage of births delivered in a health facility</i>
Bihar	3.3	63.8
Araria	1.8	51.6
Arwal	2.3	69.9
Aurangabad	4.3	71.5
Banka	6	70.7
Begusarai	1.1	75.3
Bhagalpur	4.4	69.4
Bhojpur	3.6	80.4
Buxar	5.2	81.6
Darbhanga	2.6	47.1
Gaya	3.7	56.8
Gopalganj	3.7	75.2
Jamui	2.3	59.4
Jehanabad	4.2	83
Kaimur	1.5	80.1
Katihar	2.1	51.8
Khagaria	2	71.2
Kishanganj	2.4	41.8
Lakhisarai	3.4	64.1
Madhepura	1.1	60.9
Madhubani	4.8	50.3
Munger	5.5	83.5
Muzaffarpur	1.7	62.3
Nalanda	1.9	78.5
Nawada	1.8	67.8
PashchimChampanan	2.2	64.2
Patna	7.9	86.4
PurbiChampanan	1.2	45.1
Purnia	4.6	61.5
Rohtas	2.1	80.7
Saharsa	3.8	59.6
Samastipur	2.1	73.4

Saran	3.1	62
Sheikhpura	3.3	74.6
Sheohar	1	52.7
Sitamarhi	2.5	37.2
Siwan	8.9	75.2
Supaul	3.1	61.1
Vaishali	5.6	78.7

Source: IIPS and ICF. 2017. NFHS-4, India, 2015-16: Bihar. Mumbai: IIPS

Although there is moderate improvement in the situation of maternal health but present health status of women in Bihar is lagging far behind national level. The expected improvement in ensuring safe motherhood has not reached the desired level because of many socio- economic and cultural factors like poverty, lack of proper information, large family size, lack of awareness, illiteracy in general and female illiteracy in particular, tendency to hide pregnancy till later stage, closely spaced pregnancies because of desire for a son, lack of medical facility, etc. A number of studies have highlighted the role of socio-economic and demographic factors in influencing demand for and, utilization of family planning and mother and child health services (Ray et al, 1984, Barlow and Diop, 1995). So, the conducive social environment is required for women before conception, during pregnancy and in the postnatal period not only for the health of mother and child, but for the society also as the repercussion of appalling state of motherhood and child care is directly related to welfare and development of the society and nation.

Some of the satisfying facts hint that Bihar is moving towards gender equality. According to the Census 2011, in Bihar, on an average, one in four households is headed by women, whereas one in ten households in the country are headed by women. During NFHS-3 and NFHS-4, married women were asked three/ four questions related to household decision making (who makes decisions about their own health care, making large household purchases, making purchases for daily household needs and visiting their own family or relatives) (IIPS and Macro International 2008, IIPS and ICF2017); the reports debunk the myth that women do not have any say in decision-making- what is perceived to be an essential part of patriarchal society. In Bihar one in two women and one in three women participated in all three/ four decisions during NFHS-3 and NFHS-4 respectively; and women's participation in household decision making has increased substantially during ten years from 33 per cent during 2005-06 to 52 per cent during 2015-216 (IIPS and Macro International 2008, IIPS and ICF2017).

Although such reports indicate that situation of women is gradually improving in Bihar, there is urgent need of thinking about women's active and equal participation

in social, economic and political life of the society. Keeping in mind the deplorable situation of women, a plethora initiatives related to skill development under the Bihar Skills Development Mission are being implemented to prepare young women to enter the workplace (Govt. of Bihar 2020). The entrepreneur is one of the most important inputs in the economic development of any region. Emergence of women entrepreneurship in Bihar has been an important development in Bihar. The government of Bihar recognizes the vital role that achieving women's economic empowerment has in attaining its larger development goals. This is demonstrated by the fact that the Per Capita Development Expenditure (PCDE) of the state government has grown steadily. Compared to the national figure of 13.7 per cent the PCDE in Bihar has grown at a rate of 15.8 per cent, as a whole, between 2011-12 and 2017-18 (Govt. of Bihar 2020). But unfortunately, Bihar has the lowest Labour Force Participation Rate (LFPR), which is defined as the number of persons in the labour force per 1000 persons in any specific geography, among women (aged 15-59) in India, just 4.4 per cent. This is significantly lower than the male LFPR in the state; close to 71 per cent of men in Bihar (aged 15-59) are in the labour force (Govt. of Bihar 2020).

NITI Aayog is measuring India's progress towards attaining the Sustainable Development Goals (SDGs) for 2030. The SDG India Index tracks the progress of all the states and UTs on a set of 62 National Indicators. States are ranked as Achiever, Front Runners, Performers and Aspirants. In 2019, Bihar ranked as an Aspirant State, with a score of 40 on SDG 5 (Gender Equality). NITI Aayog Aspirational Districts Programme was launched in January, 2018 and the 'Transformation of Aspirational Districts' initiative is aimed at bringing targeted improvement in 117 districts across India which rank poorly on socio-economic indices. The programme focuses on 6 main themes – health and nutrition, education, agriculture and water resources, financial inclusion and skill development, and basic infrastructure, which have a direct bearing on the quality of life and economic productivity of citizens. There are 13 such Aspirational Districts in Bihar: Araria, Aurangabad, Banka, Begusarai, Gaya, Jamui, Katihar, Khagaria, Muzaffarpur, Nawada, Purnia, Sheikhpura, Sitamarhi (Govt. of Bihar 2020).

Although, Bihar has made significant progress in promoting gender equality by empowering women and girls, a number of steps have to be taken to develop a gender-just society. Bihar should immediately take the advantage of 'demographic dividend' by engaging young women in mainstream social, economic and political activities for getting the full benefit of human resources. Gender equality is the need of the hour for overall development of Bihar. Every woman of Bihar must have four 'As' - accessibility, availability, acceptability and affordability - for getting equal status with their counterpart (male) in the society and in this way society can move from *de jure* gender equality to *de facto* gender equality and equity.

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ANALYSIS OF CHINESE CORPORATE PERFORMANCE, MANAGERIAL TIES AND SOCIAL RESPONSIBILITIES

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Abstract

Despite the fanfare surrounding China's rise, economic performance and seemingly inexorable growth, some global data on areas such as labour productivity and digital competitiveness show a different picture. This collection, therefore, gives a multilevel reality check for the Chinese economy, firm performance, managerial ties and social responsibilities. We do this by raising two broad questions. First, can China restructure its economy from a low-cost growth model to a high value-added innovative model without incurring major structural inertia? Second, can Chinese firms out-perform competitors in global high value markets without relying on state initiatives, central funding mechanisms and public R&D institutions? We find that an innovative side of Chinese performance includes big data analysis, supply chain integration, high-performance work systems and customer involvement as stakeholders. However, these new dimensions of corporate performance boosters do not necessarily produce innovative future forecasts for China, as performance improvements have so far been neither drastic nor futuristic.

Keywords: Managerial Ties, China, Innovation, CSR, Big Data Analytics, Performance etc.

INTRODUCTION

Some aspect or other of the Chinese behemoth seems to be permanently hotly debated in the news. Yet, even if we focus more on the economy, dealing with Chinese

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economic growth leaves with two conundrums. Firstly, can China restructure its economy from a low- cost growth model to a high value-added innovative model without incurring major structural inertia (see Nolan 1994; Kargman 2007; Yu 2007; Huang 2010; Knight, Deng, and Li 2011)? Secondly, can Chinese firms outperform competitors in global high value markets without relying mostly on state initiatives, central funding mechanisms and public R&D institutions (see Zhang 2004; Ille and Chailan 2011; Cheng and Yiu 2016)? These doubts loudly echo the worries we once had about the booming Japanese economy in the 1980s (Yamaguchi 2019). Like the Japanese economy back then, its Chinese counterpart is unpopular in the West, especially the US. In fact, Chinese economic performance is also actually be much more threatening to the US and the Pax American versus Pax Sinica tensions, given the political and economic nature of the Chinese regime that touts socialism on its façade and an unrelenting offensive posture it takes towards the US criticism of the Chinese economy.

It is against this backdrop that we collated this collection around the topic of performance and managerial ties in China. The purpose of the microeconomic approach to the problem of performance and managerial ties is twofold. Firstly, we wanted to assess the power of various factors that facilitate corporate performance in China, including both cost efficient and value-added factors that are typical of most strategic planning. Secondly, we also wanted to see how managerial ties are changing in China from mere state-business managerial ties to proactive entrepreneurial bonds that allow Chinese managers to explore opportunities not only within their government but also from the global markets where innovations are imagined, created and manufactured daily by human capital, great minds and critical thinking. The bottom line is that we really wanted to know, as much as possible, if China would be different from Japan in its ability to mobilize internal business resources and its power to control exogenous variables that fluctuate endlessly, irrespective of the predictable political, economic, social and natural prognoses of evolutionary changes. We wanted to see and analyse some tangible evidence that gives clues to why China is different from Japan and, therefore, if it can detect the future standards of global economic performance in the 21st century. To state the conclusion first, the answer to our question is not always in the affirmative.

The innovative side of the Chinese economic growth and corporate performance, for example, may include new technologies, such as big data analysis for small and medium sized enterprises (SMEs) and novel ways of networking related firms in the same market, such as supply chain integration (SCI) that enhances firms' relative positional advantages. Furthermore, especially in the content of a 'demographic time bomb' and draining of the seemingly limitless pool of low cost labour and alternative sources in other economies, the Chinese workforce may even demonstrate superior

productivity due to high-performance work systems (HPWS), and for that purpose firms may even actively involve customers as stakeholders in setting mutually beneficial corporate and customer goals. Yet, according to the International Labour Organization, labour productivity per worker for China (\$32,002) remains far lower than that of either Japan (\$75,384) or South Korea (\$71,122) in 2019.

Furthermore, these new dimensions of corporate performance boosters do not necessarily produce innovative future forecasts for China. Performance improvements are neither drastic nor futuristic. The 2020 IMD World Digital Competitiveness Index places China (ranked 16th) far below the US (1st) in the world, South Korea (8th) and Taiwan (11th) (see Figure 1).

Additionally, managerial ties may actually present a bleak future outlook for China. Many individual entrepreneurs in China are found to be overly ambitious, even though they must be cautious about their assessment of future business opportunities and threats. In addition, political ties still remain more powerful than entrepreneurial or other business ties, reducing the potential for innovativeness and high performance in Chinese firms. Finally, managerial ties suffer from the unintended consequences of alliance dissolution by partner misbehaviours and defections. Indeed, many Chinese firms either 'misbehave' or are victims of such behaviour by international partners.

CONTENT AND CONTRIBUTION

In our collection we wanted to analyse the detailed empirical studies on such developments and their future sustainability in China in terms of a pair of overarching areas of interest with subsets within them: performance and management ties. In doing so we wanted to look across a range of organizational contexts, such as company alliances, supply chains, product modularity, market hierarchy, cooperative goal interdependence, market orientation, environmental corporate social responsibility, manufacturing, auto- mobiles, small and medium sized enterprises, entrepreneurs, big data, innovation and international alliances.

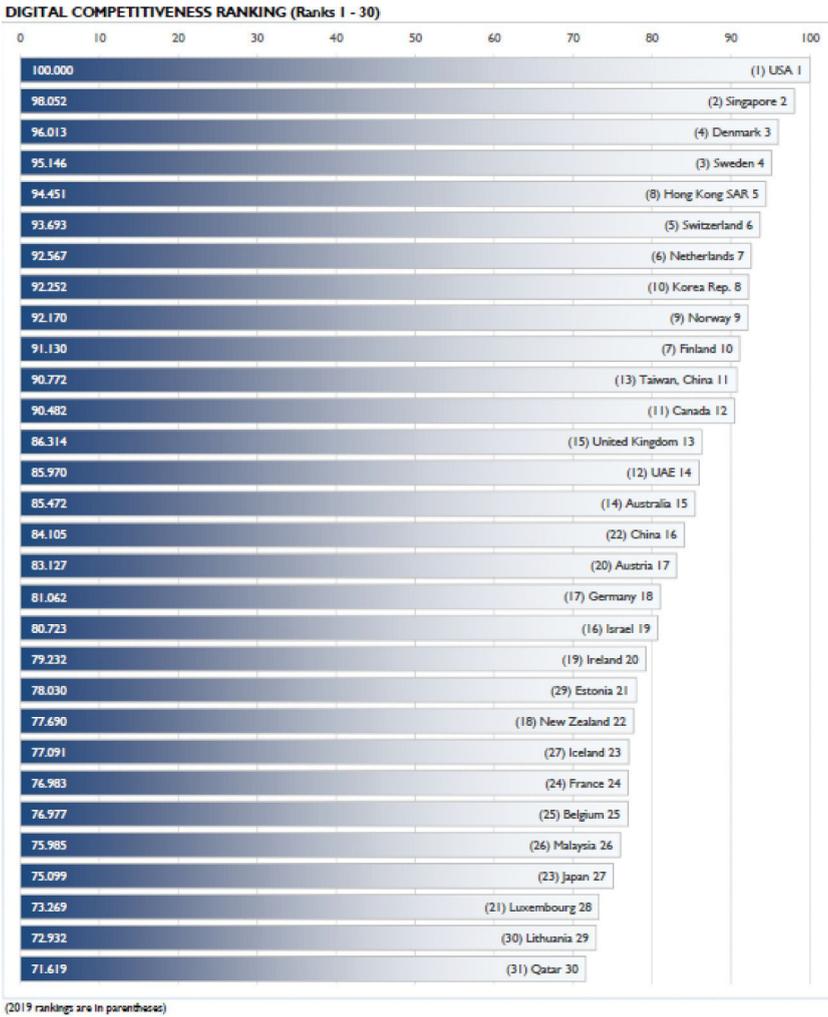


Figure 1: The 2020 IMD world digital.

Next we outline the content of our collection. At first sight this can seem diverse, but it is unified in terms of both country focus and by using our framework of performance and managerial ties.

We go through each piece of research by starting by identifying its principal contribution to our twin themes of performance and managerial ties. We also note the useful diversity and variation in methods, data and theories utilized. Using such myriad perspectives is advantageous in viewing complex, multi-faceted and opaque elements and aspects to complex problems such as unravelling China's situation. To give readers an easy and quick overview of the diverse theoretical coverage in this volume, we present Table 1.

Table 1: Theories used.

Resource-Based View	Saleem et al.
Knowledge-Based View of the Firm	Seyoum
HPWS	Cai
Cooperation and Competition	Chen et al.
Social Cognitive	Zhang et al.
Social Network	Zhang et al.
Stakeholder	Wang et al.
Uncertainty in Exchange	Lee and Zhong

PERFORMANCE 1

A highly topical and pertinent area of management and business is so-called ‘big data’ and its multifarious uses. For example, globalization and interest in data have encouraged firms to develop and utilize big data analytics (BDA) for technological innovation (TI) and firm productivity. ‘An empirical investigation on how big data analytics influence China SMEs performance: do product and process innovation matter?’ (Saleem et al.) uses resource-based view (RBV) theory to predict TI and performance (in SMEs) via BDA. The data – a survey of 312 Chinese SMEs’ officials – model and structural associations were examined in AMOS. This research finds that BDA (predictive-and-prescriptive) is positively related to TI (product-and-process) and performance. Furthermore, TI (product-and-process) mediates the relationship between BDA and performance.

PERFORMANCE 2

In the context of the Covid-19 pandemic and medical emergency and its consequent economic impacts, an often forgotten dimension of globalization came into sharp focus – that is the importance, role and robustness of global supply chains. One aspect of this is SCI and firm relative positional advantage (FRPA) in mediating the main effects of product modularity on firm performance. This highly topical issue is addressed by drawing on the knowledge-based view (KBV) of the firm in ‘Product modularity and performance in the global auto industry in China: the mediating roles of supply chain integration and firm relative positional advantage’ (Seyoum). This research is based on the Chinese automobile industry’s module suppliers. This finds that the mediating roles of SCI and FRPA as well as the joint effects of SCI and FRPA on the product modularity-firm performance relationship. The application of the mirroring hypothesis is also tested.

PERFORMANCE 3

A key aspect of firm performance concerns not just business and management strategy, structure and processes but also work organization and especially the management of people or 'human resources'. It is in this respect that High-performance work systems in mainland China: a review and research agenda' (Cai) reviews empirical studies on so-called HPWS and theories in the context of China is usefully does this at different levels of analysis. By using articles published in leading English- and Chinese-language journals in the relevant field between 2008 and 2018 it examines factors that affect HPWS adoption in Chinese organizations and the specific characteristics of Chinese HPWS. The nature and direction of the HPWS-performance relationship as well as the underlying mechanism for the relationship in organizations are explored. Furthermore, a research agenda for future directions in theoretical development, context, characteristics and methodology is set out.

PERFORMANCE 4

Studies of market orientation – which concerns customer satisfaction – indicate that it contributes to a firm's superior performance, sustainable competitiveness and organizational success. Drawing on cooperation and competition theory, 'Does cooperative goal interdependence facilitate market orientation? A top management's firm-customer perspective in China' (Chen et al.) unravels the relationship between firm-customer goal interdependence and market orientation. The sample of 120 entrepreneurial firms in China is used to show that developing cooperative, but not competitive or independent, goals with customers is effective for facilitating collaboration among internal departments, which ultimately strengthens the market orientation of firms.

MANAGERIAL TIES 1

We next focus on managerial ties. Managerial ties in terms of the relationships with entrepreneurs' cognitive bias and the effectuation and causation of behavioural modes of entrepreneurship is a key field. Drawing on social cognitive theory and social network theory, 'How do managerial ties influence the effectuation and causation of entrepreneurship in China? The role of entrepreneurs' cognitive bias' (Zhang et al) uses structural equation modelling to analyse a sample of 214 entrepreneurs in China. This research finds that business ties lead entrepreneurs to use effectual approaches by prompting entrepreneurial over-confidence, whereas institutional ties enable entrepreneurs to use both causation and effectuation by prompting the entrepreneur's illusion of control. Importantly, this study delineates how different types of managerial ties affect causation and effectuation through different cognitive mechanisms.

MANAGERIAL TIES 2

There is a literature on the important relationship between environmental corporate social responsibility (ECSR) and managerial ties. This is usefully extended by ‘When does environmental corporate social responsibility promote managerial ties in China? The moderating role of industrial power and market hierarchy’ (Wang et al). This is achieved by investigating the different moderating effects of industrial power and market hierarchy. Commonly stakeholder theory suggests that ECSR improves organizational performance by signalling a positive evaluation. Yet, these signalling effects can actually vary with industrial power and market hierarchy. Using a dataset of 206 manufacturing firms in China, this research finds the following important effects. ECSR positively affects managerial ties followed by firm performance. However, industrial power strengthens the effect of ECSR on political ties while weakening that on business ties. Market hierarchy strengthens the effect of ECSR on business ties while weakening that on political ties.

MANAGERIAL TIES 3

A highly topical area, with examples such as the stresses and strains in the post-Ghosh Renault-Nissan-Mitsubishi alliance, concerns company partnerships. The piece ‘Run away or stick together: the impact of firm misbehaviour on alliance partners’ defection in China’ (Lee and Zhong) notes that when alliance partners ‘misbehave’, a critical question is will the non-stricken firm respond by leaving or remaining. Drawing on uncertainty in exchange theory, this research argues that partner misbehaviours incur two kinds of uncertainty. Firstly, ‘identity threat’, meaning the possibility of being stigmatized by association. Secondly, ‘efficiency threat’, meaning the possibility of failure in realizing alliance goals. Both ‘threats’ drive ‘non-stricken’ firms to defect. It analyses 457 instances of misbehaviour involving equity-based alliances of Chinese publicly listed firms between 2001–2013. This work shows that when partner misbehaviour damages the non-stricken firm’s identity (identity threat) or its rational pursuit of goals (efficiency threat), it is more likely to respond by defection. Moreover, it also finds that the non-stricken firm’s dependence on the alliance weakened the relationships between identity (efficiency) threat and defection. Importantly, these results advance our understanding of how firms manage and respond to other firms’ misbehaviour in an alliance context, providing an event-based view of alliance dynamics.

CONCLUSION

The outlook for Chinese economic development and corporate performance presents a mixed picture. China has certainly caught up with the rest of the

world in terms of economic growth, technological know-how, cost efficiency and some limited institutionalization of property protection and safeguards against environmental destruction. However, all the theoretical perspectives that provided diverse means of testing hypotheses on the economic solvency of Chinese firms in terms of their tangible and intangible capabilities in bringing about value-added innovations in both product and service qualities, futuristic organizational process innovations and reliable managerial ties that clear up uncertainties of corporate decision makings and market allocations, have found severe limitations in Chinese corporations and the economic juggernauts of growth.

Firm assets in terms of resources and knowledge need radical improvements to match the advanced economies in the West and in East Asia (notably Japan and South Korea). Centralized political controls of assets hampered the openness needed in acquiring access to wide varieties of fresh and fine-tuned information, massive amounts of big data and the social capital that would close the gap between technological goals and real progress towards achieving them. Institutions of uncertainty control within corporations is lacking the necessary means of securing credible commitments from stakeholders, although state centred control of uncertainty in the form of monopoly has routinely failed to tame global uncertainties, such as the Huawei fiasco, the world has witnessed throughout 2020. Entrepreneurs in China have failed to demonstrate their cognitive ability to calmly and critically assess uncertainty and future volatilities and present plausible courses of future actions, as the current Huawei incident also indicates.

Overly confident top managers and entrepreneurs are not discouraged in the current Chinese economic and business milieu. Although customers as stakeholders are invited to some involvement of intrafirm decision making in cases of customer satisfaction, branding and quality improvements, the trend is only inviting new suspicions of whether Chinese firms are really committed to innovative ways of cooperating with stakeholders while competing strategically with both domestic and international competitors. Although China shares much of the cultural requirement for efficient and innovative work systems, such as HPWS, it falls short of the HPWS performance in its neighbouring countries of Japan and South Korea. According to the International Labour Organization, the labour productivity per worker for China (\$32,002) remains far lower than that of either Japan (\$75,384) or South Korea (\$71,122) in 2019. This issue therefore gives a multilevel reality check for the Chinese economy, firm performance and managerial ties and the need for greater openness, critical thinking and conceptual skills, especially by leaders, practitioners and policy makers.

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RIGHTS BASED APPROACH TO DEVELOPMENT & RIGHT TO FOOD IN INDIA IN DIGITAL AGE: A CRITICAL ANALYSIS

Smriti Saurabh Singh*

Abstract

In the era of Neoliberal regime, 'Right to Development' and 'Rights based approach to Development' are addition to development lexicon. Humans have travelled from Paleolithic age to digital age with widening horizontal and vertical technological gaps because of the prominent character of technology: firstly, being 'double edged' and secondly; not being 'class neutral'. With the help of political economy method of analysis, we critically analyse whether incorporation of digitization is facilitating or impeding the rights based approach of Development, in its spirit, that is, Equity, Non-Discrimination, Transparency, Accountability and Participation (ENTAP). In this deliberation firstly; Retroduction of historical and theoretical embedding of Development and technological revolutions/evolutions has been presented. In continuation to this, second section is studying the Rights based approach to development and 'Right to Development'. The third section is critically examining the case of "Right to Food in India" with digitization whether the path is innocuous? This paper raises the question whether digital rule and technological gap is endangering the Right to food in India? The highlights from the analysis is that Aadhar based PDS has created new barriers, causing serious damage and ENTAP has been violated under the effect of new technologies incorporated in PDS system. In a nutshell, the gains are limited and tentative, whereas the damage is certain and possibly substantial likewise new form of power differentials.

Keywords: Development, Technology Gap, Neoliberalism, Digital Age, Right to Food, India

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A RETRODUCTION

Development has been an elixir guaranteed to solve all/any problems in the world. The dimensions of development are extremely diverse, including economic, social, political, legal and institutional structures, technology in various forms (including the physical or natural sciences, engineering and communications), the environment, religion, the arts and culture. Apart from political sphere the 'notions of development' has been shaped by cultural, intellectual, philosophical and technological evolutions. The peregrination of 'development' could be traced from the pre-classical, Aristotle (384-322 BCE) examined the role of private property and incentives which differed from Plato's teaching of communal property. The progenitors of Classical era had sown the seeds of scrimmage between two notions to resolve the inherent conflicts of the economy either by state intervention propounded by mercantilists like Thomas Mun (1664) or Laissez Faire by Physiocrats like Francis Quesnay (1758). The idea of 'Laissez Faire' was taken up by Classical political economists; specially Adam Smith (1776) professed its beneficial effects on economic growth leading to capital accumulation. Opposition to classical economists; Karl Marx (1867), analyzed the consequences of capital accumulation - an underpinning of capitalism. The classical period witnessed the process of industrialization which showed the transition from predominantly agrarian economy to manufacturing base in Britain, USA and other European countries. The picturesque of industrialization was glamorized and this traversed into 'making-up' of colonies. Many documented episodes corroborate that the process of colonization destroyed native manufacturing in countries like textile manufacturing in India is the classic case (Pieterse, 2010). The by-product of this development process are severe destitution, increasing horizontal and vertical inequality, depleted environment, volatile economy, which embedded the alternative streams of development. To address inequalities in economies Participatory Approach (Rahnema, 1992) Human Development Approach (UNDP, 1990) and Sustainability (Brundtland, 1987) was deployed. Concurrently, neoliberalism, crony capitalism, finance capital refurbished their praxis with the changing nature of state from developmental state to welfare state. Hunger and destitution have been the central concerns of every nation, state, international institutions and development policies. From Victorian Age to today's 'Consumerist Age, 'Growth and Development' have been the nominated measures and instrument to fight against poverty. After the partial achievements of the New International Economic Order (NIEO) development process witnessed resurgent focus on reducing poverty in Developing Nations. Earlier Millennium Development Goals (MDGs) and now to transform the world, Sustainable Developmental Goals (SDGs) has been set to achieve its goals by 2030.

Humans have travelled from Paleolithic age to digital age with widening horizontal and vertical technological gaps. Technological transformation was most dynamic factor in the changing idea of development and technical evolutions continuously reinvented new means of energy which further gave impetus to new means of progress/development or supporting in the process. A brief account of last three Technological evolutions, draws the contour of the fourth technological evolution era which is taking shape before our eyes. The First Industrial Revolution (end of 18th century to 19th century) witnessed the emergence of mechanization; the Second Technological Revolution (end of 19th century till 20th century) major mark was electricity, chemical synthesis in the spheres of economic activities. The Third Technological Revolution (end of 20th century to early 21st century) appeared with rise of nuclear energy, electronics and automation which contributed in the development of economies growth with rising inequality. Now the Fourth Technological Revolution is underway which builds upon the Third Technological Revolution era and the Digital Revolution that has been taking place since the middle of the last century. This Fourth Revolution with exponential expansion is characterized by merging technology that blurs the lines between the physical, digital and biological spheres. The first three revolutions were broadly based in creating new form of energy but the fourth one has different character; it is not based on new energy. The extent and depth of these changes are a sign of transformations to entire production, management and governance systems. This glamorized story of Technological Revolution was always shadowed with the fact of creating and widening horizontal and vertical technological gaps because of the prominent character of technology: firstly, being 'double edged' and secondly; not being 'class neutral' and creating spaces of inequality in different aspects.

This current wave of development i.e. rights based approach of Development is equating with the present era of Neoliberalism and the current digital age. The question arises Whether this path of development with the technological weaved policies complicates the process of development OR will it lead to establish the spirit of Rights based approach of Development? The emerging digital imperialism with neoliberalism is creating spaces for appropriation through its different means in this Rights based approach of development and the digital tools are genuinely addressing the issues for which they have brought in; is under scrutiny.

RIGHT TO DEVELOPMENT (RTD) TO RIGHTS BASED APPROACH OF DEVELOPMENT

'Rights', 'human rights', and 'rights-based' are recent additions to the development Lexicon (Tomasevski 1993; Sano 2000). The early notions of human rights across globe has been documented as codes of conducts associated to early historical rulers, such as Menes, Draco, Solon and Manu existed within limited territorial

jurisdictions and in globalisation era from British bill of rights and International Covenant on Civil and political rights and the International Covenant on Economic, Social and Cultural Rights to Universal declaration of Human rights etc. (Ishay 2004). Development as a concept first entered the human rights edifice through the debate on the “Right to Development.” The idea was launched by the Senegalese jurist M’Baye in 1972, during a period of radical debate about the New International Economic Order (NIEO) (Bunn 2000; Sengupta 2000; Perry 1998). During 1970s to 1980s an immense debate was going on among developed and developing nations and with United Nations also; to negotiate policies related to global political economy of international flow of capital, trade, aids, technology and information. After much legal wrangling, the Declaration on the “Right to Development” (RTD) was adopted by the general Assembly in its resolution 41/128 of December 1986. The Declaration on the Right to Development Article 1 states: “The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized” (Article 1.1 Declaration on the Right to Development). Navi Pillay, higher commissioner for human Rights explained Constituents of Right to Development on the basis of available original text of Declaration as enumerated i.e. People centered Development, human rights based Approach, Participation, Equity, Nondiscrimination, Self-determination (Pillay, 2013, cited in *Realizing the Right to Development*, 2013). This was claimed as rhetoric victory by diplomats from First World and Third World welcomed it as their saviour. This juxtaposition was due to the fact that RTD can only be interpreted as civil and political rights by large because it is non-binding and it carries no resource transfer obligations. The world further witnessed mutation of working groups, expert panels, commissions to facilitate the celebrated RTD and human rights approach as panacea for world’s problem inter alia destitution, anomalies, hunger, poverty and discriminations. At the 1993 World Conference on Human rights in Vienna, the Right to Development was re-adopted, this time unanimously with global legal consensus. In 1997 the RTD was honoured with an independent expert Indian economist Arjun Sengupta, who worked extensively and has produced a series of fine reports (Uvin 2007). Most of the legal scholars, considered the deceleration as bad law: vague, internally contradictory, duplicating other already codified rights, and devoid of identifiable parties bearing clear obligations (Slinn,1999; Rosas 1995; Obiara 1996). Controversies regarding Right to Development are raised like justiciability, nature of ‘imperfect’ obligations, number of agents, individuals, States and the international community having different kinds of obligations, with no specific agent responsibility for its violation. Monitoring of implementation, resource constraints and interdependence of rights issues comes under question in practice. The major strength of the RTD is its wide

spectrum of political, social, cultural and economic sphere of human life which covers all development objectives considered in Social Sciences.

India's experimentation with the wave of rights based approach to Development reflects in the initiatives: National Commission for the Right to Information Act 2005, The Forest Rights Act 2006, Mahatma Gandhi National Employment Generation Scheme; (which became act in 2009), Protection of Child Rights 2007, Right of Children to Free and Compulsory Education Act 2009, National Food Security Act, 2013. Theory and implementation have posed challenges likeressource constraints; effective leadership; political commitment and evolution; deficiencies in assessment; accountability, transparency and learning; partnership and participation; weakness in legal frameworks (Shiva, 2009). Digitisation in Rights based approach to development can be seen through integration of Unique Identification (UID) scheme to welfare programmes, computerisation of processes and Automation in Public Distribution System under National Food Security Act 2013. Researcher wants to draw the attention on few incidences occurred in near years, inter alia, Deaths from demonetization, JAM trinity conundrum for/against marginalized people, Supreme court tussle with Center over Unique Identification Authority of India (UIDAI). Hunger and food insecurity are the most prolonged problem of Human civilization and it has been always the central point for any policy change, invention, innovation, political debates (directly/indirectly). This notion directs towards examining the case of Right to Food (RTF) or National Food Security Act 2013 (NFSA 2013) in context of India. An open letter excerpt from EPW Letters Column is presented here to draw the picturesque of Aadhaar based RTF system.

Over the past year (2017-18), at least 20 persons have succumbed to starvation across the country: 12 in Jharkhand, 3 in Karnataka, 3 in Uttar Pradesh and 2 in Odisha. All the victims were either from the Dalit, Adivasi, Other Backward Class (OBC) or Muslim communities. In at least 11 cases, Aadhaar-related failures directly contributed to starvation. In all the cases, the victims' intake of food drastically reduced due to disruptions in access to subsidised food grains. 7 of the starvation victims were not issued a ration card, 5 of the cases, either no member of the family could authenticate their identity through Aadhaar-based biometric authentication (ABBA), or the ones who were unable to go to the ration shop due to old age or illness. Instead of taking corrective measures, the state governments and local administration expend their energy in denying starvation as the cause of these deaths and even in some cases harassing the surviving members of the family were reported. For every person who has died, hundreds of others languish with hunger, undernutrition and illness. Instead of expanding people's legal entitlements to social support, the last few years have seen a brutal attack on people's right to food, work, employment, natural resources, education, etc. (EPW letters, 2018).

Reetika Khera and Siraj Dutta with the contribution from Swati Narayan and the RTFC in Odhisa, Jharkhand, West Bengal and Delhi have prepared a detailed list of hunger details in 2015-2018. This is presented in following table 1:

Table 1: Hunger deaths 2015-2018

<i>Year</i>	<i>Number of reported hunger deaths</i>	<i>Aadhar related deaths</i>	<i>Aadharin PDS/Pension?</i>
2015	7	0	No
2016	7	2	Some states
2017	11	11	Yes
2018	14	14	Yes

Source: Right to Food Campaign, 2018

In 2017-2018 there were 42 reported deaths due to hunger, a reminder of the precarious living conditions of the Indian Poor. Out of 42 hunger deaths, a large majority (25) were related to Aadhar, losing one's ration card or pension for lack of Aadhar linking and failure of ABBA, which is compulsory for practical purposes- in several states. These are mainly cases where a person was denied PDS rations or a ration card for unspecified reasons, which are likely to be related to Aadhar in some cases at least. Reports of hunger deaths are particularly frequent in two states: Jharkhand and Uttar Pradesh (16 cases each). In Jharkhand ABBA is effectively compulsory in most ration shops. Uttar Pradesh has implemented the National Food Security Act in a belated and haphazard manner.

With this backdrop analysis of RTF/NFSA 2013 with recent digital reforms in Public Distribution System (PDS) is vital. The attempt has been made to analyse it critically through the lens of RTD i.e. ENTAP.

ANALYSING RTF THROUGH THE LENS OF RTD WITH DIGITISATION

For the first time Public Distribution System (PDS) was introduced around World War II as a war time rationing measure. In India from 1940s PDS was launched as general entitlement scheme, by the 1970s PDS turned out into a universal scheme for the distribution of subsidized foods, subsequently in 1997 revamping and launch of the Targeted Public Distribution System (TPDS) (Balani, 2013); focusing on the poor, was a major shift in universalism of welfare to targeting the poor rather eliminating the poverty. The genesis of RTF starts from April, 2001 when People's Union for Civil Liberties (PUCL) filed a writ petition on the Right to Food in Supreme Court and after years' expansion of scope and interim orders and active role of Right to Food Campaign led by Civil societies of India and judiciary succeeded in formulation and global acceptance of NFSA, 2013. The Directive Principles of State Policy was legally not enforceable but Article 21 Right to life paved

the way of NFSA, 2013 (HRLN, 2005). The issue of food security, is not directly enshrined in the text of the Indian Constitution, but has been understood to have been embodied in articles of the Part III and Part IV of the Constitution. Article 21 of the Constitution says, “No person shall be deprived of his life or personal liberty except according to procedure established by law”. The reading of Article 21 (protection of life and personal liberty) together with articles 39(a) (citizens’ right to an adequate means of livelihood) and 47 (Duty of the State to raise the level of nutrition and the standard of living and to improve public health) places the issue of food security in the correct perspective. It is now understood that the Right to Food is a guaranteed Fundamental Right which is enforceable by virtue of the Right to constitutional remedy provided under article 32 of the Constitution. These provisions of the Constitution are consistent with the obligations of the State under the International Covenant of the Economic, Social and Cultural Rights to which India is a party (Compendium on Parliamentary Enactments, 2014). Fundamental Right to life and Right to Food were implicit in the Constitution of India.

With the goal of amelioration of the food insecure population, NFSA, 2013 promised for legal entitlements of persons belonging to eligible households to receive 5 kg. food grains per person per month at a subsidised price of Rs. 3, Rs. 2 and Rs. 1 for rice, wheat and coarse grains, respectively. The NFSA covers 75% of the rural population and 50% of the urban population. A framework of partnership between the Central and State Governments is built into the legislation in which the Central Government shall determine the numbers, criteria and the scheme, while the State Governments shall identify the households and implement the provisions of the Bill. Other salient features of NFSA, 2013 are special entitlements to women and children, provision of food security allowance in case of non-supply of food grains, women empowerment through providing ration card to the female of eligible household after the age of 18 years. Reforms in the TPDS as envisaged in the Act include measures such as doorstep delivery of food grains to the TPDS outlets, application of Information and Communication technology (ICT) tools, Grievance Redressal mechanism, state food commission and penalty (NFSA, No. 20 of 2013; different chapters and sections). Digital reforms in NFSA 2013 focused on improving accountability and transparency in the delivery chain, including Aadhar based bio-metric attendance (ABBA), Smart Cards, computerisation of the entire procurement process: issuing bar-coded ration cards to reduce fraud and duplication; developing a web-based management information system (MIS) to track the supply chain; using short message service (SMS) to strengthen community-based monitoring (by sending alerts of the date, time and quantities of food grains supplied to specific Fair Price Shops (FPSs); call centre hotlines to deal with grievances and publicly listing entitlements on the internet as well as pasting physical copies on public buildings in different states of India.

Ensuring principles of RTD or rights based approach of development(ENTAP) should not be reflected only in outcome/achievements but also in the structure and process of the Right and its implementation(Sengupta, 2000).Right to Food in the digital age has presented new challenges as well have showed successes as literature and recent researches. In the following analysis we are studying RTF through lens of RTD or Rights based approach to Development with incorporation of recent digital changes in the policy.

Equitable: The provisions of NFSA, 2013 should ensure equity especially with digital applications. 'Equity in process as well as in outcomes': Equitable distributions of benefits and access to opportunities. The vulnerable group subjected to include children, pregnant women, widows, single women, old age population, destitute, disabled persons, socially disadvantage sections SCs and STs. But horizontal and vertical inequalities across and within states, poverty-stricken districts with special features of hunger and destitution has been ignored by the Act. Sensitivity to production and distribution policies to solve local problems in ensuring food and nutrition has no mentioning in the act and ignoring local preferences in theory and practice is a big question mark. Schedule IV, state wise allocation of food grains and number capping violates the equitable principle. In India surplus grains and grains deficit state situation is very uncertain. Thus, ensuring Equity in present act is a far-reaching dream. Despite the new "rights-based framework" for PDS implementation, the paradoxical per state cap on beneficiaries was adopted in keeping with the Government of India PDS Control Order of March 2015. A positive aspect of the implementation is adherence to Section 13 of the NFSA, which states that the eldest adult female will be recorded as the head of the household for the purpose of the PDS ration card.

Through the case of Jharkhand in Aadhar based transaction the larger the household, the higher the chance of successful authentication, since more individuals are available to try their luck with the Point of Sale (PoS) machine because any household member is entitled to collect rations for the entire household. Single-member households are particularly vulnerable to authentication failures. Also, there is tentative indication that owning a mobile help to avoid transaction failures, presumably because of the One Time Payment (OTP) facility, but couldn't find the supportive evidence. The "two-month window" facility is, in fact, poorly used and even misused (Dreze & Khalid, 2017). It is quite easy for a dealer to record a double transaction in the PoS machine in the second month (if the cardholder failed to transact the previous month) while giving him or her a single month's ration. The other way which PDS dealers have found to "rig" the digital records is: by "separating" both authentication and distribution and playing hide-and-seek at the distribution stage. They took advantage of illiterate or gullible cardholders by telling them that authentication has failed, when it has actually succeeded, they then enter a fake transaction in the PoS machine (*Ibid*).

Non-Discrimination: Under NFSA inter and intra discrimination on the basis of sex can be visualized. Schedule II priorities women and children which discriminates other age group and men too, where almost 22 percent of men aged (15 to 49) population is anemic in India (NFHS 4, 2015-16). The given rationale behind the technological intervention has been that technology never discriminates though cases presented how local power structure is considered magnificent hurdle in distribution. The well-intentioned technological interventions in the core PDS have not been able to overcome the limitations imposed by local social power structures. A study of celebrated PDS model of Chhattisgarh, where the PDS dealership has been de-privatised and given to “community” groups, despite in many cases the FPS dealership remains in the control of the local elite. Although reforms had envisaged active role of independent and autonomous Self Help Groups (SHGs), run collectively by women in the local area, in many instances, it was often reported that the de facto control of these SHGs was with men who acted exactly like profiteering shop dealers. It is these power imbalances amongst poor often illiterate cardholders and FPS operators that creates ground for discrimination (Joshi & Patnaik, 2016).

Transparency: In theory NFSA 2013 contains the essence of transparency, but in practice issues of corruption w.r.t. to announcements made for food supply arrival; its date and its timing of distribution are subject to be examined henceforth. Various cases of siphoning of grains from PDS system to market is endangering rights of entitled persons. According to official data compiled by Nikhil Dey, only 61% of Rajasthan’s food grain allocation found its way through the PoS system in July 2016, similarly 63% in August. The rest is either siphoned off or delivered by using old “register system”. A new debate of digital divide is darkening the future of PDS. The dual system where PDS grain goes partly through the Aadhar based ‘point of sale’ system and partly through the fallback and register system, is the worst (Dreze & Dey, 2016). Access to technology and digital literacy is crucial matter which is further enhancing gap and also depriving the present beneficiaries to avail the benefits because receivers being from heterogeneous background. Shop operators declare that they have “no stock available,” despite having stocks. Shop operators can under weigh or overcharge for food grains, a problem that illiterate users cannot detect. Shop operators can be rude and discriminatory towards beneficiaries who are at the shop operators’ mercy as their cards are registered to specific shops. Migrants have to travel great distances to collect their rations, or lose their entitlements as, again, rations can only be collected from specifically assigned shops (Vaidya and Somasekhar 2014).

Every step in the ABBA process—ration card verification, biometric authentication, electronic upload of transactions, updating NFSA lists and entitlements on the PoS machine—depends on internet connectivity. Further, even

with stable connectivity, biometric authentication is not always easy. Biometric failures are common for two groups: the elderly, and manual labourers. Both are particularly vulnerable to food insecurity (Dreze and Khalid, 2017). The uncertainties of food grain distribution and poor internet connectivity creates anxiety for poor people and detracts the RTF's role in bringing food security. ABBA makes that difficult with different ways. For instance, the dealers had "separated" biometric authentication from food grain distribution: they first perform serial biometric authentication for a particular group of households, wherever they find connectivity, and then distribute to these households the next day. The ostensible reason is to reduce transaction costs, but this also provides an opening to cheat some of the more vulnerable cardholders, for instance by telling them the next day that food has run out, or that the machine rejected their fingerprints. PDS is vulnerable to corruption in Jharkhand after introducing ABBA. Grains distribution takes 13 days on an average in the villages with online system, and even longer in villages with poor connectivity, compared with just four days prior to the electronic Point of Sale (e-PoS) system. Whenever people are unable to buy their food rations, due to biometric failure or other glitches, the dealer is left with a surplus at the end of the month. This closing balance, ideally, should be adjusted against the next month's allocation, so that no food gets siphoned off but the reality is opposite. Dealers' commissions, however, have remained the same Rs 1 per kg at the time of the survey, possibly more important, reason why PDS corruption in Jharkhand might have increased rather than decreased after ABBA was imposed (Dreze & Khalid, 2017).

Accountability: NFSA accountability is structural and various actors' involvement is crucial for its success. States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in human rights instruments. Aggrieved rights-holders are entitled to institute proceedings for appropriate redressal before a competent court or other adjudicator in accordance with the rules and procedures provided by law. In context of NFSA at the level of judiciary the route of accessibility is tedious which mitigates its effectiveness. Our country is already blamed for slow trials and delayed justice, thus in case of soft laws and immediate justice we need special courts which are not mentioned or even envisioned in NFSA. There is provision against personnel involved in any discrepancies but action against State is also important under democratic norms. At the administrative level structure of delivery mechanism makes process of redressal trivialized and cumbersome, adding to this the mentioned clause for Penalty, Clause for six months in starvation and clause 30 of food security for people living in remote and hilly and tribal areas are subject to be defined extensively. Clause 44, Force majeure, is violation of principle of accountability as in war, flood, cyclone, earthquake, fire, drought,

entitled beneficiaries' survival is completely dependent on PDS Community based accountability is at its verge of extinction, NFSA with neoliberal policies leaves no room for common property resources which saved many lives in the past. Exclusion of community specific food habits is also hampering the freedom of choice and thus making the NFSA supply driven. Accountability at International level is assigned to Global Governing Institutions like World Trade Organisation (WTO), Food and Agricultural Organisation (FAO) and Trade related aspects of Intellectual Property Rights (TRIPS). Food security with NFSA under global capital's hegemonic construction is facing conflicting interests, like recently in WTO conference Food Stock Piling Decisions which directly doesn't restricts the exports but in times of shortages and price hike restriction on exports will affect Food sovereignty of a country.

Aadhar based PDS is problematic in critical ways: (i) the system excludes individuals who do not have an Aadhar number; (ii) where a beneficiary has an Aadhar number, the biometrics and internet-dependent delivery system may still not work, for instance, when biometrics are not recognised by the e-PoS device; or (iii) the machine does not work due to electricity or internet connectivity issues. For example, NFSA survey in Delhi presented that, 47.5% sample households that accessed ration from FPS equipped with an Aadhar-enabled device, 52% said they have faced problems accessing their rations. These problems included non-recognition of fingerprints of the person going to collect rations and the inability to purchase rations due to problems with internet connectivity at the FPS. This highlights the potential problems of reliance on technology for critical service delivery that can routinely fail even in the National Capital (Nayak & Nehra, 2017). Accountability due to technological glitches harms the spirit of Rights based approach of Development. Another problem emerged due to Aadhaar is when ration dealers disburse less than the full quota of ration against a card, this was reported by about 9% of households who are accessing food grain from Aadhar-enabled shops. Worryingly, 62% sample households stated they did not know where to file a complaint with regard to accessibility. A robust grievance redressal system is critical for the effective implementation of a rights based programme such as the PDS under the NFSA. Whether there is adequate political will to strengthen this, remains to be seen (ibid)?

Participatory: Participation can be traced through democratic nature and effectiveness of participatory processes, mechanisms and institutions. This is completely missing from NFSA, 2013 because beneficiaries are only on receivers' end even under state food commission there is no provision for beneficiary to be the member of it. The suppliers of food grain farmers' participation must be formed for the success of this mechanism. Farmers are facing major problems which adversely affects the food security of the country like Minimum support prices

issue which not even cover C2 cost of production, farmers credit issues, delayed settlement of insurances and policy driven suicides of farmers; are reflecting the participation issues. A study of the experience of the delivery system in the PDS in Bihar found that FPS dealers are able to devise various strategies to extract profits from beneficiaries and therefore, highlighted the importance of locating PDS reforms within the context of local politics of resources and rights (Choithani and Pritchard 2015). The embedded nature of digital based PDS includes none of the measurement to tackle local politics but its partial success can be achieved through local participation and local political will, which demonstrates paradox.

INSIGHTS FROM ANALYSIS

However, partial successes have been recorded for those who are already well-off but vulnerable groups have been subject to exploitation and more discrimination. Aadhar enabled PDS has created new barriers and glitches undermining the promise of efficient, error-free, and transparent service-delivery. There are evidences of serious damages, in a nutshell, the gains are limited and tentative, whereas the damages are certain and possibly substantial. The problems of Finger print recognition, sporadic internet connectivity, lack of power to resist against frauds by the dealer due to absence of local help and power differentials, tampering with digital records or rigging digital records like: “stocks” are just digital records and their physical counterparts had often been sold off by PDS dealers, these are the new ways of milking the system and are by products of the Digitalization in PDS system. Power differentials between card-holders and shop owners and their collusion with local elites has taken a new form with the effect of digitalization. The above analysis critically explored that spirit of RTD/ rights based approach to Development i.e. ENTAP which has been violated under the effect of new technologies incorporated in PDS system. The analysis also highlights the validity of established debate that without addressing the core issues like (ill)literacy, caste contradictions, electricity supply, local politics, Power dynamics, awareness about the rights, proper redressal systems and ICT reforms; accountability and transparency in the delivery chain is impossible to achieve. Although this will leave with residual of intra polarization among marginalized group which will further perpetuate the problem with new forms.

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KINGSHIP IN ANCIENT INDIA: REFLECTIONS ON FUNCTIONAL PERIPHERIES IN SANSKRIT TEXTS

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Abstract

The legacy of colonial rule creating colonized mindsets, acceptance of modern democratic system as the best governing model, increasing challenges before the agenda of national integration, the socio-political compulsions of multi-religious and multi-cultural secular constitutional set up, rapidly growing allurements of westernized models of life, sustained neglect and resultant decline of vernacular Indian languages, and the epidemic rise of English-based academia, etc. are the main causes of a complete apathy towards the Indian literary and political treatises. Through this paper an attempt has been made to throw some light on the Vedic legacy of Rajadharma as well as other political apparatus in practice during those times. This analysis is a modest endeavour and undertakes to peep into further details of structural and functional aspects of ancient Indian politics. Some of the traits of the kings described and enumerated in these treatises may very well pave the way for more Indianized political socialization of our newly recruited political leadership.

Keywords: Vedas, Rajdharma, Dandniti, Sabha-Samiti, Kingship, Sanskrit Literature

It has been noted that most of the early Indian writings including the Vedas, Ramayana, Mahabharat etc. have generally been looked upon as either literary or

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religious works of early Hindu society and thus, have been thoroughly ignored as legitimate academic treatises. And therefore, serious attempts to look into these grand old treatises for tracing the links of modern and contemporary socio-political issues have largely been ridiculed as parochial, fundamental or otherwise. Some noteworthy works have, nonetheless, been able to put forward the basic ideas of ancient Indian society before the academic world. Eventually, even most of these works are the academic exercises by Western writers with an intention to peep into the socio-political lifestyles of early Indians and are based on an inherently alien viewpoint. This shortcoming can mainly be attributed to the fact that they were simply unaware of the socio-cultural complexities of Indian society in general. Again, one of the main shortfalls of these works is to try to locate the present day's concepts and institutions in their raw form in the early Indian society. This is applicable to most of the Indian writings also. But it must be safely suggested that the huge time gap between these comparisons may often lead us in gross misunderstanding of the beliefs, value-patterns, role models and functional dimensions of those societies in the light of modern yardsticks may be enumerated as the main reasons behind our general apathy and indifference towards our tremendously rich and glorious cultural past.

Rigveda is regarded as the earliest written record of the Indo- Europeans literature, placed in about 1500 B.C. The Vedic Samhita is a literature of considerable refinement; it includes Yajur Veda, Sama Veda and Atharva Veda. Rigveda contains mantras mainly about the various aspects of nature, which are conceived as powerful forces, deities, Yajurveda contains mantras for ritualistic applications, Samaveda is a collection of hymns to be sung in sacrifices, Atharvaveda contains matters reflecting popular beliefs and practices, mantras for prolonged life, to heal diseases, ward off evils, etc.

A leading Indian political scientist has commented, "I am in favour of having a compulsory paper on the History of Indian Political Thought extending from the Rigveda to modern times. It is a shameful sight to see the vast majority of our students and teachers absolutely ignorant of the Indian tradition. For wise and judicious thinking on Indian political problems of the present day, in my opinion, it is imperative to have a contextual background of the Indian tradition." (Varma: 1968)

Bhatt also argued that "although the early Aryans had the institution of monarchy and it had established itself on firm foundations it was not absolute but limited in several ways. Certain democratic elements curtailed the absolute power of the king in many ways. There were (i) The people's voice in choosing their king; (ii) The oath that the king had to take at the coronation; and (iii) The assemblies of the people. It was the last institution that played a predominant part in curbing the power of the king." (Bhat: 1954)

Even the Left-icon political scientist wrote in the same manner that “the conceptual framework and the reading material for Indian Political Science in being provided by American scholars. The Indian student is at the receiving end of this academic colonialism.” (Bhambhari: 1975, p.730) He went on to write that “indeed, intellectual dependence of the Third World on imperialist countries would provide an essential infrastructure to the western power to barter away our hard-earned freedom. Intellectuals of the Third World should engage in a serious discussion about their role in nation-building and the contents of teaching which are relevant to their societies.” (Ibid, p. 735)

Same concern has been shown by one other writer. “In India, we are in a feverish hurry to catch up with the western nations. The moral, economic and political ideals of Europe are being favoured and championed, whereas our own ethical conceptions which are embodied in our religious and secular literature and have moulded the very life, thoughts and attitudes of our people for ages are being sadly neglected.” (Khan: 1983, p.vii). He goes on to add, “There is a fusion of different cultures, the old and the new, with little effort on the part of our leaders to synthesize them in the light of our spiritual needs. We are thus heading towards moral bankruptcy which, if not checked in time, will bring about a national disaster. At such a critical and crucial juncture it is the duty of the present generation to look up to ancient sages and thinkers to seek light and guidance.” (Khan: 1983, p.viii). Though it cannot be argued that the ancient Indian writings possess emphatic and all-time solutions to all the contemporary conflicts, yet it can be stated forthwith that serious studies of ancient Indian works and literature with social science viewpoint would have definitely paved the ways for better understanding of the Indian mindset and thereby could have proven immensely helpful in shaping our socio-political values and institutions in an indigenous manner.

Discourses in political theory and thought have great dependence upon the usage of the terms in literature and texts on politics through deriving the language, context, influence, conceptualization, generalizations, theory-building or applicability. Understanding the heritage, language and literature of India in general, and prosperous Sanskrit literature of yesteryears, may require additional prudence of perspective and clarity of contextual approaches. This would also necessitate the ideational knowledge of the quintessentially framed terms with varied imputations of definition and meaning due to the lack of proper term for classic words such as *Dharma*. Occasionally, commentators on India’s past have blatantly, in their naivety, used the term religion in translation of the word *Dharma* as religion. But any sincere scholar of ancient Indian tradition would summarily dissolve the idea of the term religion as a synonym of *Dharma* because of the limited scope of the term religion. *Dharma* would essentially encompass much more than what religion can withhold. While religion represents a set or community of a particular faith or

belief or praying fraternity, the term *Dharma* may mean righteousness, appropriate conduct, duty, law, social responsibility and so on. It is a way of living life, the path to completeness, a means to regulate the society and the first step of *Purushartha Chatushtaya*. It is the principle that could be upheld or sustained; that should be followed and revered; that would be necessary and responsive to adopt; that has to be accepted and acknowledged; that one needs to be immersed and submerged into; that is specific to one's character and profile; that which must be identified with one's being and soul; and that would lead everyone on the blissful path to eternity. In this sense, *Dharma* calls for one's whole life in entirety. *Dharma* is the only and true identity of one's existence and sustenance. The self-assigned and configured *Dharma* of the individual may essentially be different from the other individuals. Even otherwise, one's *Dharma* as a teacher, for example, is different from his *Dharma* while conducting herself as a mother, or different as a sister, different as a daughter, different as a wife, as a human being, as a citizen, as a professional, as a neighbour, and so on. Therefore, one must maintain appropriate balance between one's separate social, personal, professional and cultural responsibilities and that would be considered as a true observance of and adherence to *Dharma*.

The word Rajan and its original Rât literally means a ruler. It is connected with the Latin term rex. But Hindu political theorists have given it a philosophic derivation. King is called Raja because his duty is to please (rañj) the people by maintaining good government. This philosophic interpretation has been accepted as an axiom, throughout Sanskrit literature. The kings also acquiesced in and accepted this constitutional interpretation of the term (Jaiswal: 2005)

The king is expected to possess and harness knowledge of the amount of Vidya, the extent of will power, the momentum of mental effort and the capacity of physical strength of his people and thereby, demarcate the extent of *Purushartha Chatushtaya* of all of them. For carrying out his part, the king has to ascertain and acquire within his folds valid knowledge through the methodology of listening, thinking and grasping, theoretically termed as *Shravana*, *Manana* and *Nididhyasana*. The king is in this moral position due to his attained knowledge to stipulate, validate and regulate the particular *Dharma* for particular beings. This authority of designating and demarcating the specific *Dharma* of particular being in the state is achieved by the king not only by authority but also through diligently performing his own *Dharma*. This fundamental idea is the basis of the legitimacy of the authority of the king. Therefore, *Rajadharma*, according to ancient Indian intellectuals is not an authority but a unique individual property that has to be attained by the king through systematically sustained efforts in the path of achieving welfare of the people by observance and adherence to his own *Dharma*. This only is the gateway of good governance which has traditionally been termed as *Sukham*.

It would be interesting to understand the term '*Rajadharma*' in this background. *Rajadharma*, therefore, cannot be equated with politics or even statecraft in the modern contemporary languages. The particular meaning and the genesis of the term *Rajadharma* has to be understood in pertinent perspective of ancient Indian thinking of more specifically social and political *Dharma*. The various discourses of political philosophy in ancient India evidently give added emphasis to *Rajadharma*. *Purushartha Chaturshraya* has been a frequently recognized term in ancient Indian Sanskrit literature on every aspect of human life. This could also be understood as the ultimate aim of any living being. Human beings have to take into account this very notion every minute of their existence. This composition of *Dharma*, *Artha*, *Kama*, and *Moksha* is called *Purushartha Chaturshraya*, which literally means combination of four goals of human life. The sequencing of these four is ascertained systematically and arranged logically. Nevertheless, the *Dharma* forms the basis of sustenance while *Moksha* is the final goal. Therefore, this concept could well be understood as four layered way to liberation which essentially finds its base in the observance of *Dharma* in all spheres of human activity. In the accumulation of *Artha* also the observance of *Dharma* is of prime relevance. Accomplishment outside the sphere of *Dharma* is *Adharma*. It is through strict adherence to assemblage of *Artha* with keeping *Dharma* as the prime utmost principle that it would ensure achievement of *Kama*. And, finally through engagement in *Artha* and *Kama* on the basis of *Dharma*, the ultimate salvation, *Moksha*, is sought to be achieved. In this way, *Purushartha Chaturshraya* essentially includes *Dharma* in the voyage of attaining any other *Purushartha*, although each of them is closely attached and supplementary. This fundamental understanding of the *Purushartha Chaturshraya* is elementary requisite for performance and observance of *Rajadharma* by the king.

Many of the ancient Indian philosophical thinkers have dwelt upon the relationship between knowledge and *Rajadharma*. To them, valid knowledge is *Vidya*, which has to be examined in terms of epistemology, theory and practicability. This *Vidya* must be a perpetual goal of everyone in the state including the king. This *Vidya* induces inner strength, stimulates mental efforts, paves the way for self-upliftment, restricts the deviations, delimits the abhorred tendencies, inculcates responsiveness in behaviour, leads to self-realization, provides sustainability, and endeavours in the direction of fulfillment of *Dharma* of everyone. It appears that the authoritative allocation of values as propounded by Chicago School political scientist David Easton in mid-20th Century has epistemological roots in ancient Indian Sankhya philosophy. This ancient Indian Sankhya Darshan talks of establishing a perceptible functional relationship between knowledge, will power, and mental as well as physical effort, which in its augmentative form is called –सविषयक पदार्थ ज्ञान-इच्छा-कृतिप्रयत्न- in Nayaya Vaisheshika Darshan. This unique construct of *Savishayaka Padartha* could be considered as a universal model of

knowledge and its fitting implementation can pave way for achieving development in all spheres of life and even after life.

The content and the subject material of *Rajadharma* in ancient India have been immensely vast and substantially inclusive. Besides incorporating the institutional structure of the statecraft with social, administrative, judicial and financial regulations, *Rajadharma* also imparts significant relevance to ethical values, cultural ties, religious growth, economic stability and power-driven international relations. Generally, we don't find any specific aspect of human life which has not been wholly and partially covered in the periphery of *Rajadharma* in ancient India.

Dandaniti deals with the actual process of governance and the goals it aims to pursue. Ensuring *Yoga-kshema* of the people by properly distributing the wealth among the needy was the goal of *Dandaniti*. *Yoga-kshema* consists of two words 'Yoga' and 'kshema'. Yoga means the acquisition of the object and kshema means peaceful enjoyment of the same. In the later period, due to the growing influence of *Dharmashastras*, the word 'Rajadharma' was used. Subsequently, *Rajadharma* gave way to *Nitishastra* or *Rajaniti*. Therefore, all later works from Kamandaka through Kshemendra, Somadeva Suri, Shukra, Chandeshvara, Bhartrihari and Malhar Ramrao use the word *niti* (Chousalkar: 2018). Danda is a means to maintain *Anvikshiki*, *Trayi*, *Varta* and the method of proper use of Danda is called *Dandaniti*. It helps man acquire the thing not acquired, preserve the thing acquired and bring about its increase, distribute the increased wealth among the needy. It encourages proper well-being of the people (Bloomfield: 2000). *Dandaniti* was required for the orderly management of public affairs of men who wanted to live in a civilized society (Shashtri: 2001). The development of the terminology of Danda Niti has comprehensible and systematically been connoted by K.P. Jayaswal. According to him, "the terms *Niti* (Policy or Principles) and *Nayay* (Loading, Principles) might have superseded the previously used words *Artha* and *Danda*. Kamandaka, famous disciple of Kautilya, named his metrical treatise a *Niti-Sara*. The book attributed to Sukra, which, in its present form, is a revised edition of an earlier renowned work, is probably based on the Ushanas' *Danda Niti*, and is called as *Sukraniti Sara*. The *Panchatantra*, which is a book on general knowledge of politics puts into interesting jungle based fables for the early education of princes and would-be statesmen, adopts the term *Nayay-Shastra* to represent the literature." (Jaiswal: 2005). "The norms, beliefs and traditions of India's political thought have been carefully nurtured and nourished in the schools of *Artha*, *Niti* and *Dharmashastra* and also in the great epic of all times, the *Ramayana* and the *Mahabharata*" (Upadhyaya,: 1979, p.6). It has been pointed out that the proper use of Danda depended on three sciences, which ensured the *Yoga-kshema* of the people (Bloomfield: 2001, 1-5, 1-2).

The identification of *Rajadharma* in ancient Indian thinking was only through identified institutionalized structures of political system. State is the first institution to be recognized in any political system; hence, it has a central place in the circle of political system. The origin of the state is also inherent in the concept of *Rajadharma*. The elements of the state in ancient Indian thinking have been expressed in the form of original sources of *Rajadharma*. According to the standard belief, the operationalization of statecraft requires different functional elements. According to one significantly prominent theory, the significance of the elements of the state traces theoretical genesis in physical coordination of various parts of the human body to make possible the working of a human body in synchronization. Likewise, the state is also comprised of seven elements namely, Swami, Amatya, Janapada, Durga, Kosha, Danda, Mitra. Philosophers of ancient India have given them different nomenclature such as Saptanga, Prakritisampada, Saptaprakriti, Rajyaprakriti, etc. Many of the ancient Indian thinkers have considered these seven elements as equally complimentary as well as supplementary to each other and being equally relevant in the working of the state.

It is gripping to note that the ancient Indian concept of *Rajadharma* necessitates the essential centrality of the welfare of all the beings (bhut) residing within the Kingdom. It is the foremost duty of the ruler to ensure overall welfare of everyone in the state including social, moral, materialistic, spiritual, etc. which would lead towards the achievement of inordinate harmony, everlasting happiness and prosperity. This has to be ensured by the king by means of assigning appropriate rights, duties and legal authority to the other essential organs of the state as well as through procuring assistance of liberated intellectuals of the society. These liberated knowledgeable public intellectuals were often termed as Rishis, Munis or Kulapatis. These were the torch-bearers, not only of the ancient knowledge systems but were also the disseminators of *Dharma* through providing wide-spread education to students, catering to their overall growth and development, moral assistance to people at large as well as the kings by indicating their respective *Dharma*.

We have witnessed abundant literature on Republics in ancient India. Studies on various aspects of ancient Indian political systems have lately acknowledged two types of Republics. One, a set of commentators and analysts has termed them post-tribal, post-Vedic temporary administrative arrangements of early India. Two, the other set of scholars have gone into studying them deeply on the basis of their geographical and territorial expansions. The most common analysis that both these set of academicians have reached is of a pre-conceived notion of these Republics being guilds, tribal administrative arrangements, warrior rulership, etc. We wish to significantly underline the fact that sincere, serious, unbiased and objective research attempts should be made to study the philosophical bases and wider public acceptance of these ancient Indian Republics which would necessarily

pave the way for greater fundamental understanding of the Indian tradition of building structures and idealistic institutions with increased public participation and involvement in larger as well as smaller decision-making even in the times assumed to have existed thousands of years before Christ. These systematic attempts would also re-structure and re-frame the whole basic framework of the research and study of the discipline of political science and especially in the field of ancient polity to a substantial extent.

Writing about the ancient Indian king; K.P. Jayaswal comments, that he expressly cannot be arbitrary or autocratic because of this moral contract with the society. He is bound by the law and is himself also under the law. He undertook to act according to the law established. He was further bound by the rules of political science. These two moral grounds were to regulate his actions in internal administration and foreign relations as he undertook a pledge to never disregard them” (Jaiswal: 2005, p. 220)

Upadhyaya also argues in the same manner. “Coronation Hymns of the Vedas carry reminiscence of recognition that kings are custodians of the sacred trust of the state for the common good, peace and security of the people. They are to administer the affairs of the state efficiently so that they may foster and promote justice and righteousness.” (Upadhyaya: 2001, p.6). It has also been observed that the kingship is divine only to the extent when the king is performing his duties and acts as an above average human being. This gives him a sense of responsibility and makes him worthy of the position he is holding. Therefore, Jayaswal further argues, “the country put under his care is to be regarded by him as nothing less than GOD which implies sincerity, respect and awe. This relation is far from being patriarchal, theocratic or aristocratic.” (Jaiswal: 2005, p. 219).

The state apparatus partially appeared to emerge towards the end of the Vedic period and fully around 500 B. C. in the middle Ganga Valley. There appeared a full-fledged state with a sound social base and endowed with the elements of sovereignty, territory, taxation and public officials (Sharma: 1989, pp.34,38,39)

There is one common element in almost all the ideas and theories propagated by ancient Indian thinkers about the origin of the state. That common primary element is the establishment of peaceful, orderly, and systematically regulatory order in juxtaposition to anarchic state by creating the aura of it being a divine state. The divine theory essentially highlights the element of divinity in kingship, in order to strengthen the authority and position of the king as it could be easily acceptable and command power due to its divine origin by the subjects at large.

Indian tradition of Sabha and Samiti has vastly been indicated in Vedic literature as well. These two institutions inform us about the participation in the decision-making processes that has been a part of daily affairs of the state. In later-

Vedic period, mentions of Sabha and Samiti have found prominent place in the literature on *Rajadharma* and *Dandaniti*. This mantra from the Atharva Veda is enquiring about the genesis and the working of Sabha and Samiti, and also wishes that the deliberation in these two bodies be helpful for the overall development of the people of the state and would bring wealth and pride to the people at large.

सभा च मा समितिः प्रजावतां

प्रजापतेर्दुहितरौसंविदाने।

येना संगच्छा उप मा स

जिज्ञक्षच्चारु वदानिपितरः संगतेजुः॥ अथर्ववेद 7.12.1

In one such prayer, the king is requesting the members of the Sabha to conduct themselves in such a manner that they protect the king as well as the people and ensure the execution of *Raja dharma* in appropriate way.

तं सभासमितिश्चसेनाच। (अथर्ववेद 15.9.2)

The Rishi of Rigveda is praying that a king attains widespread acceptance and legitimacy only through the consent of the people from all the regions of the state. In other words, it is the acceptance of the people that gives legitimacy to govern. This sense has been reflected in many of the other Vedic prayers as well.

विषस्त्वासर्वाः वाञ्छन्तु। (ऋग्वेद 10.173.1)

In one other mantra, it is prayed that the ability of the king should keep on increasing so that he could provide better conditions of life to his subjects and also for developing capacity to coordinate between Sabha, Samiti and Sena (Army) to ensure the incremental growth of knowledge, prosperity and wealth of the people.

सभ्यं सभां मे पाहि ये च सभ्याः सभासदः। (अथर्ववेद 19.55.6)

The king has been expected to be pleasing and delectable but should, at the same time, remain uncompromising towards the rules and regulations of the state and must ensure its proper execution and extract justful obedience.

सुप्रणीतिश्चिकितुषो न शासुः। (ऋग्वेद 1.73.1)

Vedic sages have expected that the king must be involved in increasing the affluence of his subjects and also should provide them with better opportunities wherever possible in their lives. Besides aspiring for their material prosperity, the king must ensure their moral and mental upliftment through sustained reverence to the learned and being increasingly engaged in the pursuit of ultimate pleasure of the subjects.

ये देवा राष्ट्रभृतोऽभितो यान्ति सूर्यम्।

तैष्टैः रोहितः संविदानो राष्ट्रं दधातु सुमनस्यमानः॥ (अथर्ववेद 13.1.35)

In one of the mantras, the ancient Indian rishi is praying that the king must be benevolent towards the knowledgeable. Like the sun, he must be capable of providing energy and life to all people, yet he must be irrepressible and immersed in establishing strict adherence to law and order. His working must be such that it strikes a balance between easy access and inaccessibility.

सं पूशन् विदुषा नय यो अज्जसानु शासति। य एवेदमित्तिब्रवत्। (ऋग्वेद 6.54.1)

This particular mantra of Yajurveda prays for a prosperous nation which has ensured the welfare and affluence of all the sections of society along with ensuring moral, humane, and multi-dimensional development of the people. This visualization of the Yogakshema is absolutely the most beautiful aspect of the thinking of ancient Indian idea of an ideal state and a depiction of the ultimate aim of Rajadharma.

योगक्षेमो नः कल्पताम्। (यजुर्वेद 22.22)

One of the prayers of Atharvaveda quite diligently describes the ability of the earth to sustain itself where people speak in various languages and observes different modes with astute articulation and *Dharma* by their side live together in complete harmony with nature and enjoy the prosperity of resources in a peaceful and cordial co-existence. In such a way, the people of the state must enjoy their social and political life. This prayer is illustrative of the inherent sense of assimilation prevalent in Indian tradition.

ज्मं विभ्रती बहुधा विवाचसं नाना धर्माणं पृथिवी यथौकसम्।

धारा द्रवणस्य मे दुहां ध्रुवेव धेनुरनपस्फुरन्ती॥ (अथर्ववेद 12.1.45)

The following prayer in Atharvaveda is offered for the well-being of the king so that he is able to perform his duty of protection and welfare of the people because only if he is free from personal problems that he will be able to perform better without any baggage.

इन्द्राग्नी विश्वेदेवाः विशिते क्षेममदीधरन्। (यजुर्वेद 20.9.)

One of the mantras of Yajurveda proclaims that the king is stable and secure only through his capacity to remain such in the minds and hearts of the people of his state.

विशि राजा प्रतिष्ठितः। (अथर्ववेद 3.3.5)

Another prayer wishes that he is in contact with the Gods and by way of attaining the good wishes of the God; he is accepted by the people as their natural ruler; and thus, people residing in all directions and region gives him acceptance and legitimacy to govern.

विशो वृणतां राज्याय त्वमिमाः प्रदिशः पञ्चदेवीः। (अथर्ववेद 3.4.2)

Atharvaveda explains that moral strength of the king gets translated into his ability to protect his state with increased capacity and skills. His personal character would greatly influence the nature of the governance of the state. These Vedic prayers provide us with an idea of the expectations that could be held from the king and the ways of regularly increasing his capacity to govern more ably.

ब्रह्मचर्येण तपसा राजा राष्ट्रं विरक्षति।

आचार्यो ब्रह्मचर्येण ब्रह्मचारिणमिच्छते। (अथर्ववेद 11.5.17)

Another prayer of Atharvaveda talks of harmony and coordination between the people as if they were members of a family which would essentially lead the state towards the path of glory.

जायाः पुत्रः सुमनसः भवन्तु। (अथर्ववेद 3.4.3)

Kingship in ancient India has been casually termed as 'benevolent, paternalistic autocracy bound by the instinct of service to the people.' King was considered to be a servant of the people. His main functions were protection, prosperity, maintenance of righteousness and *Dharma* and imparting impartial justice. He was not expected to act according to his personal likes or dislikes but only according to the wishes and will of the people and dictates of *Dharma*. He was expected to devote his entire life to the service and the welfare of the subjects of his state. Mahabharata expects the king to deploy secret and trusted agents to ascertain and be informed of the opinion of his subjects about his own conduct, actions, and reputation. Speaking in the terms of modern times, the king was expected to be aware of public opinion and act accordingly. Mahabharata essentially believes that the possibilities of any tyrannical tendencies of the king could best be controlled through moral, spiritual and religious sanctions imposed in the form of *Dharma*. Therefore, at one place it has been observed that although the king is entrusted to decide the course of life of his subjects but the course of life of the king has to be determined by the priests entrusted to protect the *Dharma*. This depicts the control of the forces of knowledge and reason over the forces of physical power. Any dereliction and deviation from his duty would have invited so many punishments for the king during and after his life that following the path of *Dharma* is the only way for his fruitful existence. *Dharma*, it was said, upholds the wellbeing of all the creatures. The king was to perform his duties according to *Dharma* otherwise in his afterlife, he would be a resident of hell and this notion supposedly served as a great deterrent for the brute. The story of the origin of the king emphasizes that king has come into existence for the maintenance of peace and *Dharma* on the earth. Mahabharata in more than one instance preaches of the paternalistic character of the king.

The king's main function, as observed by Ray, was to maintain the established social order. Since a society, was believed to remain well ordered, only so long as each individual observed his personal and formal *Dharma*. The king's *Dharma*

consisted of maintaining the rule of *Dharma* in society at large. In concrete terms, this would mean that he was to facilitate the study of *Vedas* and philosophy, encourage the development of industry and commerce, maintain harmonious relations between different sections of society, ensure the observance of parental, filial, matrimonial and other duties, enforce *Dharma* pertaining to different stages of individual life, and so on. The king derived his authority from the fact that he needed it to maintain *Dharma* (Ray: 1998, p. 13).

Thus, *Rajadharma* in ancient India is manifested through the social and institutional responsibilities of the king in managing the affairs of the state, with the ultimate goal of overall development and well-being of the life of the people. This moral edifice of the cultural structure of *Rajadharma* in ancient India makes the king anxious and cautious about his own *dharma* in conducting his authority, influence and power. In this parameter, *Rajadharma* is the lifeline of the whole state system, which moves all other subsystems into the right direction and the populace is also nurtured and headed towards their respective *Dharma* and duties. For the subjects, *Rajadharma* is the reflection of the fruitfulness of their existence and the only way to ease their path in the achievement of Purusharth *Chatushtaya*. In fact, the extension of *Rajadharma* is associated with several dimensions of human life. *Rajadharma* does not only provide for political, social and economic development of individuals by the king but also supplements considerably in their spiritual and metaphysical journey. According to Indian conventional knowledge system, *Rajadharma* confirms the well-being of the individual in the present as well as complements in their future welfare scenario.

These discussions prove the existence of a well-planned and consistent thought process about state in ancient India. From the above sketch of the characteristics, roles, duties, functions and qualities of the king described and discussed in various ancient Indian treatises at length, it may fairly concluded that the principal duties of the king were the maintenance of *Varnashram* system, protection of the people, establishment of rules and general principles of activity in the state, appointment of royal servants, inspection of the functionaries, and economic well-being and social welfare of the people of the state. Besides this, day to day functions of the king have also been systematically discussed and analyzed in great detail in various ancient treatises. We have to look into some other aspects also for understanding the administrative, financial and participatory dimensions of ancient Indian polity. This analysis is a modest endeavour in this direction and undertakes to peep into further details of structural and functional aspects of ancient Indian politics. Some of the traits of the kings described and enumerated in these treatises may very well pave the way for more Indianized political socialization of our newly recruited political leadership.

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WAGE INCREASE AND THE NIGERIAN CIVIL SERVICE: AN UNENDING 21ST CENTURY DEMAND

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Abstract

Minimum wage has been a very controversial issue in most countries of the world which has generated series of negative industrial action due to the inability of workers to satisfy their basic necessities of life. In recent times, Nigeria is engulfed with the crisis of the N30,000 minimum wage issue. This study therefore investigated the phenomenon through a qualitative research approach and found out that the new minimum wage is desirable but may not be adequate due to lack of adequate monetary and fiscal policy measures, factors of socio cultural and economic setting, prevalence's of institutional corruption, and above all, the absence of political will. As such the study recommends that the government should look beyond the 30,000 minimum wage and come up will effective monetary and fiscal policies that will stabilise interest rate, price, taxes, exchange rate fluctuations and employment opportunities. The study also suggests stringent actions on corruptions and institutional reforms amongst the three ties of government especially in the local government with a view to stimulate the rural economy.

Keywords: Minimum Wage increase, , Civil Service, Demand, 21st Century

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INTRODUCTION

A Minimum wage is used in many countries as a redistributive tool for the benefits of unskilled workers. However, its normative justification is highly controversial due to its adverse effect on employment and the possibility of redistribution through the tax and transfer system.

New Zealand is one of the first countries in the world that passed the world first national minimum wage laws that dates back to 1894. This minimum wage law covered all businesses and all industries across the entire country. Then, followed by Austria (especially Victoria) which covered some selected industries known for exploiting workers labour by paying low wages. By 1904, these minimum wage laws had grown to cover 150 industries. New South Wales and Western Australia had also passed their own minimum wage laws 2 years earlier in 1902. Following the “Minimum wage experiment” in Australia and New Zealand, other countries began considering existing minimum wage in their own borders.

As a result, the UK passed its own set of minimum wage laws in 1909. America in 1938 introduced by Franklin Delano Roosevelt. The Minimum wage was set at 25 cents an hour, which works out to about \$4 per hour in today’s money equivalent to N1,440. It was introduced as part of the fair labour standards Act (FLSA). The FLSA also covers things like youth employment standards, overtime pay, record keeping and standards for government employees at the local, state and federal levels. But prior to that, at least one state had passed its own minimum wage laws in 1912 although exempting women and children.

The history of government wage review in Nigeria is as old as the history of the nation’s minimum wage. Minimum wage which relate to some legal restrictions on the lowest wage rates payable by employers to their workers have influenced wages in Nigeria since 1955, courtesy of the Wages Board Act of 1955. From 1955, successive governments have set minimum wages for all kinds of occupational trades especially the ones that can be considered formal. More often than not, whenever the minimum wage is set, it affects the levels of wages/salaries in Nigeria. In the past 9 years, the federal government has formulated two directives/ legislations that sought to increase the prevailing minimum wage and other levels to pay. The first became effective in September 1998 and the second on 1 May 2000, and most recently, in 2019 after a series of strike and peaceful demonstrations by civil servants. Therefore, this paper intends to reflect on the history of minimum wage in Nigeria and also discuss the desirability.

Research Problem

One of the duties of the government of the country is to ensure that the welfare of her citizens are provided. This can be reflected in the constitution of the country under

section 14(b) of the 1999 constitution that states that the security and welfare of the people shall be the primary purpose of the government. One way through which attempt has been made to address the issue of citizens' welfare is the legislation of a national minimum wage. Many commissions and committee between the period 1934 and 2011 has been established in other to undertake either a holistic or partial review of the salaries and wages in the Nigerian public service. Most of the workers in the public service no longer survive on what they earn since those that work have support their families that form part of the unemployed in the society.

There are a lot of cases of frequent strike action by workers that is aimed at getting government to agree to negotiate a minimum wage and upward review of wages. Currently, the Nigerian labour congress (NLC) is still battling the implementation of the recently approved 30,000 Minimum Wage with the federal Government. As it is yet to be implemented at the federal level only time will tell when it will be implemented at the state level where some states are yet to implement 18,000 minimum wages.

It is on the basis of this that this research intends to answer the following questions

- Is there any the need for frequent review of minimum wage in Nigeria ?
- What are the challenges and how can the government enjoy a long period of time without a minimum wage review like other countries?

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Among the few variables that helped to locate and showcase Nigeria on the world map include football, big size, population, poverty and corruption. It surprises many as to why a country so endowed with human and natural resources is as well riddled with man made caused poverty through embezzlement of public funds and under utilisation of available natural resources. Embezzlement of public fund in Nigeria is primarily the major cause of poverty among workers as well as a barrier to overcoming it. Today a civil servant in Nigeria, cannot afford three square meals, let alone affording other services like electricity, water, health care and education due to insufficient salaries.

The international labour organization (ILO) define minimum wage as a wage that provides a floor to the wage structure in order to protect workers at the bottom of the wage distribution. The ILO further points out that minimum wages are nearly a universal policy instrument that applies in more than 90% of the ILO member states including Nigeria. As the ILO further noted, minimum wage must take a legal perspective that must have the legal backing of the law and be enforceable under threat of penal or other appropriate sanctions.

In Nigeria the history of minimum wage cannot be separated from the history of public service negotiations and increments. It dates back to the colonial era and the setting up of Hunts commission in 1934 (APPENDIX 1). It is significant to note that the first national minimum wage act of 1981 prescribed a minimum wage of N125 per month (Faro official gazette 1981 A53-57). This was revised in 1991 to N250 per month, again reviewed in 2000 to N5,500 per month and in 2011 to N18,000 per month. The justice Alpha Belgore Committee submitted a bill on the national minimum wage amendments to the National Assembly on July 1st 2010, with the following recommendations;

1. A national minimum wage of N18,000 per month for all establishments in the public and private sectors employing 50 workers and above.
2. An upward review of the sanctions that would serve as a deterrent for not paying the new national minimum wage as follows-a fine not exceeding N100,000 or imprisonment for a term not exceeding 6 months or both.
3. A more frequent review period not exceeding 5 years to be carried out by a statutory tripartite committee that would be appointed from time to time by the president of Nigeria.

This bill was passed into law on march 5, 2011 by both arms of the national assembly with minor adjustments as follows:

That as from the commencement of the National Minimum Wage Act 2011, it shall be the duty of every employer to pay a wage not less than the national minimum wage of N18,000 per month to every worker under his employment. The penalty for failing to pay minimum wage is N20,000 while the penalty for every additional day the default continues is N1,000. The federal government of Nigeria and the organized labour later in 2011 negotiated the new minimum wage on August 2011.

November 6th 2018 the Nigerian Labour Congress (NLC) Called off a general strike after agreeing with the government to increase the national minimum salary by 67% to N30,000 Naira (US \$83). In typical fashion, Bloomberg, the American business news service, couldn't help pointing out that "Nigerian labour is flexing its muscle before an election, winning a large increase in the minimum wage despite investor concerns about the oil-exporting nation's deteriorating budget balance" The wage increase has been described by the usual dial-a-quote anti-labor expert as a populist move that will distort the state economy and further fuel inflation. Another Reuters "Economists say the new minimum wage risks stoking inflation, which currently above the central bank's single digit thereby creating a new headache for the bank as it defends the currency hit by lower prices".

Formally the minimum wage agreement is a recommendation to parliament, which has to pass it into law. The parliamentarians that will vote are among the richest of the world. While using private salaries to support patronage networks

is not necessarily illegal, using private or public funds to stay in political positions through vote buying is corrupt. Nigerian political corruption is well-known, vast and systematic, and politicians misuse of public funds for personal and political support tend to increase in the run-up to elections (as in now), and it is particularly strong at state levels.

Nigeria has 36 states. They are key public sector employers. Despite the fact that the governors of these states had six representatives at the tripartite forum, they refuse to accept the new minimum wage and have threatened to sack workers because they cannot pay the bill.

In addition to many of them not implementing minimum wage rules, 33 out of 36 states are late in paying workers. The chairman of the Nigerians governors' forum, Abdul-Aziz Yari, told reporters "the problem of state is the capacity to pay what is agreed. As we are struggling with N18,000. Some of the states are paying 35 percent, some 50 percent and still some states have salary arrears. So, it is not about only reviewing it but how we are going to get the resources to cater for it".

However, the multi-national private sector in collaboration with the international economists are arguing against increased salaries in developing economies so as to penetrate weaker economies by exploiting there available resources. An advocate of such ideas is the former Nigerian president Olusegun Obasanjo, is his book "Making Africa Work" arguing that the best way to attract investments for growth and job creation, is to reduce minimum wage in such countries. this is no doughta neoliberal manifesto! In fact, former president of Malawi Joyce Banda is quoted to have said: "I wish I had this handbook when I was president of Malawi. It not only offers convincing arguments on what to do, but practical examples and steps on how to get things done".

Theoretical Framework

This research adopt the motivation theory founded by Abraham Maslow known as motivation theory Abraham Maslow in his study identified needs in different categories. The orders of the needs are physiological, safety, social, self-esteem and self-actualization needs.

The physiological needs are the basic needs of sustaining the human life that include food, clothing, shelter, education.

Safety needs are freedom from physical danger and the fear of losing a job, property or shelter, have a safe home, secure income, sufficient salary and medical insurance.

Social needs mean to belong and to be accepted by others like to have a family and friends to satisfy the needs for affection, acceptance and friendship etc.

The esteem needs mean to be held in esteem both by self (internal esteem) and by others (external esteem). The internal esteem calls for self-respect, personal strength, competence, mastery, self-confidence, independence etc. while the external esteem calls for respect for others in terms of status, recognition, fame, power, prestige and attention.

Self-actualization that is the highest need in Maslow Hierarchy is to fulfil one's potential and self-fulfilment and maximizes one's potential and to accomplish something one desires.

There are some criticisms to Maslow hierarchy of needs that include there are concerns that the number of levels of needs may be only two or three levels instead of five levels (Aamodt et al 2007).

Some also argued based on methodology, some argued that the number of people included in the samples are small which might be a suboptimal sample, scientifically spoken (Bowen 2000). Maslow theory predicts that once the needs at one level are satisfied, the next needs level should become more important and human beings will move up the hierarchy, satisfying one needs before moving on. Researchers have shown that this order does not necessarily happen.

In the light of the above analysis, motivation is a complex phenomenon which is influenced by individual, cultural, ethnic and historical factors. Motivating employees is a key factor for a company to succeed in their business. From the foregoing understanding, Maslow's hierarchy of needs will be very useful in articulating a good minimum wage package for workers in Nigeria. Evaluating the different needs, values, drives and priorities of people from different backgrounds individually or collectively will be incredibly valuable in giving workers living wages within the workplace.

METHODOLOGY

The design is a survey research design; the study adopts a descriptive approach which relies on primary and secondary data. Nigerian labour congress Gombe State chapter, Ministry of education Gombe, and ministry of works Gombe were purposely selected as a source of primary data. The choice is these case studies hinges on the facts that the labour congress is the pressure union which is very conversant with issues of salaries and wage policy, Ministry of education is has the largest number of staffs. While, ministry of works has peculiar feature with other ministries. The staffs of these ministries were then randomly selected for the interview. The analysis is however thematised based on the research questions using triangulation from various sources.

DISCUSSIONS

Desirability/Needs

The responses from the respondents (staffs), regarding the need in reviewing the minimum wage was overwhelming. 99% of those interviewed said it was desirable. In fact more than 50% said it is long overdue. This suggests a lot of explanations which can be viewed from different perspective based on their reasons. The subsequent theme discussed the reasons in many folds looking at so many factors.

Challenges

The reasons given by the respondents falls in the categories of inflations, changes in family structures, institutional corruption, selfishness and lack of patriotism. However the majority gave reasons of inflation, which is the rise of price of goods and services. This is true that a current study puts Nigeria as the 8th most inflated country in the world. The rate of inflation in Nigeria was as high as 18% and relative low to around 11%. Not just increase in food price but other imported items especially on building material pushing up rent cost due to high cost of building. Apart that, the cost of school fees in private primary and secondary is high adding to the expenses of parents earning not up to \$100 a month. They are expected to also pay for medical bills, electricity, water etc all within the earnings of less than a \$100 a month.

The respondents also voiced concern on lack of family communal cultures where individual members do not intervene to help other members. Rather every member is entirely to his own self (wife and children's alone). This can be ascertained by looking at the northern were people today marry less number of wives and bear less number of children and live outside the family house. Perhaps, these demographic changes may be due to reasons of external cultural influence and poverty. This suggests in cases where the minimum wage is poor individual workers will live from hand to mouth. Even with the present moves of increment government to N30.000. Looking at the present economic situations in Nigeria.

Bureaucratic corruption is perpetrated though means such as delay in promotions, denial of allowances, training and retraining, poor postings etc. most of those interviewed were victims of such case. About 7 of the interviewees claimed that were it not for the denial of these promotions they would have now been earning almost more than a \$100 in a month. While on the case of allowance over 90% of those who are teachers claimed that they hardly receive their leave grants. Such kind of denial inhibits the ability of the civil servants in meeting their basic needs in life. While on the end of the spectrum the elected politicians at various levels of government (state and national house of assemblies, governors etc) never

had their allowances denied. Worst of all they are trying to implement pension benefits to themselves while civil servants are dying without receiving their benefit. This is a clear case of lack of patriotism and selfishness.

SUMMARY OF MAJOR FINDINGS

Based on the analysis presented above, the research shows that periodic review of civil servant salaries is desirable. However, socio-cultural and religious factors play a great role in determining its sufficiency or insufficiency. An extended family system with many wife's and children constitute a drain and at the same time an individual with a nucleus family earning a minimum wage may still find it difficult to survive. This contradiction is explained within the volatile nature of the Nigerian economy where individual savings propensity is low due to poor monetary policies. This is as a result of the existence of an extractive economic system created through none inclusive and corrupt political system. Miscellaneous findings also show that salaries disparity especially between permanent secretaries and his immediate subordinates (directors) is a great source of concern.

The research is although carried out within the environment of Gombe state. Further research can be replicated in other part of the country which may produce similar or dissimilar findings.

RECOMMENDATIONS

From the above findings the government should look beyond the 30,000 minimum wage and come up with strategies that will have other sectors of the economy to create employment opportunities especially in the rural areas. In connection to this the government should also evoke a holistic fiscal and monetary policies with a view of creating long term stability of prices, interest rate, low taxation, just as in the United Arab Emirate (UAE) countries. This suggests that the Nigerian labour congress should focus on issues of good policies not on salary increment or minimum wage alone. Nigeria should also intensify it fight against corruption especially within the civil service circles. Nigerian should also take a leap from especially Asian countries by unifying salaries scale at all level of government.

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PROACTIVE DISCLOSURE OF INFORMATION UNDER RTI ACT 2005 IN VILLAGE PANCHAYATS OF GOA

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Abstract

Right to information plays a vital role in a democratic country like India. It is widely accepted that information is oxygen to democracy. Its survival and progress depend upon the free flow of information. Proactive disclosures of information under new RTI regimes play an essential role in the rural population's participation and development. Unfortunately, various issues reveal that many public authorities have neglected the Act's proactive disclosure requirements in Goa's Village Panchayats. Goa is a small state in India that has 191 Village Panchayat institutions, considered the vehicles of development of rural areas. Public authorities need to understand the spirit of section 4 of the RTI Act to strengthen the democratic space at the grassroots level institutions (Village Panchayat). This paper analyzes the importance of information for strengthening democracy in rural areas. An attempt has been made to discuss the lists of proactive disclosure of information at Village Panchayats in Goa.

Keywords: Democracy, Right to information, Proactive, Rural, Village Panchayats, Goa

INTRODUCTION

All human beings are free to live a good life. For this, they need resources; the law of the land decides the criteria to distribute these resources among the masses. In a democracy, the citizens elect their representatives, often called peoples' representatives, who make laws on behalf of the people to regulate the state's affairs. The citizens have a claim to decide by whom and by what rule they shall

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be governed. Panchayat institution is one of the oldest grassroots institutions in India. It was functioning and known in a different name in various parts of the country. According to Hobbes, human beings are selfish; they cheat and fight to acquire more wealth and resources. Under this situation, the nature of the state was in the complete dark. To escape from such evil situations, they enter into a contract. After entering into a contract, the law became a reality. In modern mature democracies, “law is a controller of human behavior, but no law can effectively work unless there is an element of recognition by the populace and the society. No law works out smoothly unless the interaction is voluntary” (Borowalia, 2007: 5). The New Panchayat Raj Law and the Right to Information Law in India result from interactions held among legislators and the people at different levels. Both these enactments are essential sources of participatory democracy, especially in rural India. Goa is a small state in India, comprises 191 Village Panchayats. Together, both these laws strengthen the democratic space for developing the rural regions under the jurisdiction of Village Panchayats in Goa. It help to address important livelihood and developmental issues of villagers in Goa. This paper analyses the importance of information in a democracy. It also highlights the categories of proactive disclosure of informations in the Village Panchayats of Goa.

PANCHAYAT INSTITUTION AND INFORMATION

New systems of Panchayat Raj Institutions with the inclusion of new information law at the grassroots level have been considered tools of socio-economic transformations in rural India. Both the 73rd amendment act and the Right to information act are recognized as the institutional expressions of democratic decentralization in India. Devolution of authority, power, and responsibility is perceived as a way of empowering the people and involving them in the decision making process. Grassroots people’s Government being closer to the public can be more responsive to local wants and make fair use of resources as per the land’s law.

Kurt Eisner quoted, “Truth is the greatest of all national possessions. A state, a public, a system which suppresses the truth or fears to publish it, deserves to end and collapse” (Iyer, 1990: 20). No progress can be registered in politics and social change if the citizenry is left unlettered and the source of light sealed. In a democratic political setup diffusion of information is the base of the system. To inform the citizens is the duty of the Government. It is also equally responsibility of the people to be aware and alert and educate every constituent of it, so that the social level is kept up (Borowalia, 2006: 5). India being a democratic welfare state, takes responsibility to protect and boost welfare of people on democratic way as reflected in the Constitution of the India.

India is predominantly rural; the age-old Panchayat institutions at the grass root is seen as a vehicle for managing the local affairs, lacked to achieve the development of rural masses. Under the new Panchayat Raj system, Panchayats are considered as vehicle of development as these institutions are implementing various government schemes and programmes and are the implementing agency for RTI act, which is needed for transparent and accountable governance at the grass-root level. These grassroots level institutions in all States and Union Territories into the Union of India have an essential role in shaping the rural people's lives.

OVERVIEW OF GOA

Goa is the 25th State in India that held a unique history regarding villages and their governance (Axelrod, Fuerch, 2006). After Liberation, Goa was integrated under the Union of India as Union Territory on 19th December 1961 and became the full-fledge smallest state in India on 30th May 1987. The geography of the terrain region comprises 3702 sq. km. divided into three parts, hill land, midland, and coastal land located between the two big neighboring states, namely Maharashtra and Karnataka, and sounded by the Arabian Sea.

Politico-Administratively, Goa is divided into two districts, South Goa District and North Goa district, also called two parliamentary constituencies. Further, Goa comprises 40 constituencies to Goa legislative assembly. For grass-root democracy, as per the 73rd amendment act, Goa comprises 191 village Panchayats. The development of the countryside region depends on the Gram Panchayat. To achieve this, Goa State passed the new legislation for Panchayats' governance called Goa Panchayat Raj Act 1994. The amended Goa Panchayat Raj Act in the light of the 73rd amendment ensures the people's meaningful participation at the grassroots level. The provisions of the Act have the potential of establishing the procedural part of good governance. Section 113, Chapter IV of Goa Panchayat Raj 1994 mentions the vital role of the Panchayat Secretary, an officer of the Government and also the authority to provide information often called (PIO) under new access to information law (RTI Act) 2005, who maintain all records of the Panchayat. Through this initiative, vast responsibility and power are given at the hands of public and the executive. Still, rural development is lacking because executives do not always use their energy for the public good and public interest and rural people are hardly aware about the tool (RTI) to change the system (Civil Society magazine, 2017). There are instances of corruption in Village Panchayats, misuse of funds, promotion of illegal activities within the jurisdiction of Village Panchayat etc. The nexus between the Secretary and the Sarpanch often hamper the development of a Panchayat (Salgaokar, 2012; The Navhind Times, 2017). Record management is a severe issue in Village Panchayats. Village Panchayats are not functioning properly as the Secretary who was supposed to keep all the records and

information about the Village Panchayat, and his cooperation is important for the smooth functioning of the Village Panchayat lacked to perform their official duties related to RTI act (Civil Society Magazine, 2017). Sometimes, secretaries use their power more in their common interest with the Sarpanch rather than the people's interest. Some Secretaries are not using RTI sincerely, and they are found guilty for delaying and bending the information (O herald, Aug. 2020; The Times of India, Sep. 2018 & Aug. 2020). In the Village Panchayats RTI, proper implementations still suffer, especially in most of the Panchayats proactive disclosure are not in place (Civil society magazine, 2017; O herald, 2020). Such actions of the officers hamper the promises made by free India into its Constitution.

After India's Independence, the Government of free India declared itself committed to the objectives of the all-round development of the Indian populace on democratic lines as incorporated in our Constitution. The Constitution of free India came into force on 26th January 1950; from this day onwards, a democratic government came into existence in free India. The Constitution provides a framework for a democratic and all sets of representatives form of Government. The Constitution of India pronounces India to be a Sovereign, Socialist, Secular, and Democratic Republic. The opening statement of our (Indian) great document (Constitution) begins with 'WE' the people of India, resolved to give all citizens justice, liberty, equality, and fraternity. People are the source and strength of the country. The constitutions also include a list of fundamentals Rights as basic enforceable rights of the people and the Directive Principle of State Policy as a set of directives to the Government to introduce reforms and make those rights effective. These two are the essential components of our Constitution that play a vital role in bringing changes in the country's governance. To get changes, rights are given to the people, and subsequently, powers are also vested in the legislature's hands to enact the necessary laws. An information law has been accepted as a crucial aspect of democracy. It is an outcome of people's struggle and legislature's initiatives to bring change in the democracy.

The commencement of 21st Century manifests with the development made in the field of technology and information. The main task of information is to prepare people to make knowledgeable choices and exercise their democratic rights. As a citizen of a democratic country, an individual has the Right to know about policies, laws, and other information that directly or indirectly affects them. In most countries globally, including India, freedom of information is identified as a key to livelihood and developmental issues. In a welfare state, information is currency and requires every citizen to participate in the state's governance. It is also an essential source of livelihood for ordinary people living in rural areas of the different parts of a country.

Like other states of India, most of Goa's population resides in Villages. Village communities and their institutions (Gaonkary/Communidade) have been in existence in Goa for over centuries. It is one of the unique grassroots democratic institutions that exist in Goa (Fernandes, 2008). After independence, Mahatma Gandhi supported Panchayat's democracy, but his dream could not turn into reality. However, the maker of the Indian Constitution has given due importance to Gandhiji's ideals of Panchayat democracy under Part IV of Directive Principles of State Policy. Article 40 of our constitutions read that state shall take steps to organize village Panchayat. Accordingly, Panchayat institutions were set up, but people's participation at the grassroots level was not given adequate importance. Independence witnessed the multi dimensional approach of governments at the center and in the states for the planned development of vast rural India. (Sisodia, 2010: 184). Despite many schemes and massive investments in rural sectors, rural areas remain underdeveloped and face the challenges of infrastructure of basic amenities like road, water, electricity, schools, hospitals, and employment opportunities etc. There were hardly any hopes for access to information to the people.

Visionary efforts in the form of 73rd constitutional amendments act and Right to information act, and subsequent state-wise acts have strengthened the grass-root democratic process and decentralization in India. The objective of decentralization is to introduce participatory forms of governance by giving citizens and their representatives more voice in the formulation and implementation of plans and policies through local self-governance institutions. Accordingly the state of Goa passed its own laws to give effects to the central laws. The enactment of Goa Panchayat Raj Act and Right to information Act intended to seek more extensive involvement of the citizens for effective execution of rural development programs in Goa. These legislations attempted to bring institutions and rural people more closely to each other in various ways.

INFORMATION AND PEOPLE (INFORMED CITIZENRY)

Information is oxygen to democracy. A state cannot function without information. Every action of the Government depends upon the information. Historically the state, through various legislation, kept necessary information hidden and secrete. But in the 21st century, the influence of technology and revolutionary ideas force the state to open essential information accessible to its people. Vast freedom and responsibility are given to the citizens in the form of fundamental rights under Chapter III of the Constitution. Right to information is an implicit component of the Right to freedom under Article 19 of the Indian Consitution. Indian Judiciary, in its various judgments since 1973, announced citizen's Right to access information is

an integral part of the fundamental Right to life and liberty and freedom of speech and expression guaranteed by the Constitution.

The new Right to information means citizens' privilege to ask for information, which are controlled by public authorities. It also implies the concerned public authorities' responsibility to store all the information for the public interest. The fundamental rationale of RTI is that, in a democracy where governments draw their authority, power, and finance from the public. It's a legitimate duty of the Government to inform the public about the programme and policies and are answerable for every conduct they perform.

The Act, commonly known as RTI 2005 (Government of India, 2007), is a law passed by India's parliament, an attempt to set a particle regime to recognize the necessary fundamental privilege of the Right to access information to the people held by public authorities. "The constitution of India says; India is a democratic state and democracy requires alert and well-informed populace; openness and flow of information are important to its survival and functioning" (RTI 2005). Therefore, the RTI act aims to fulfill maximum transparency, openness, and accountability in governments' functioning at all levels (Central, State, and Local Govt.).

MEANING OF "INFORMATION"

Information is a broad term that can be used in different ways. In the context of RTI act, as per section 2 (f) of the law, refers to the material in any form, either hard copy or soft copy including any kinds of official records, documents, opinion, advices, memos, e-mails, press releases, orders, circulars, logbooks, contracts, reports, papers, models, samples, data materials held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force (RTI act 2005).

MEANING OF "RIGHT TO INFORMATION"

Provision 2 (j) of the Act explains the concept, Right to information. It refers to the privilege of the citizen to access any public information possessed by any public authority.

It is the Right of the people to inspect or check any public work, records, and documents;

It also means the privilege of the people to take notes, extracts, or certified copies of records and documents;

It is the Right of the people to ask for certified samples of any materials;

Citizens can avail information in the form of both hard copy and soft copy. Such data can be available through printout or photocopy of the documents, information on hard drives such as floppies, diskettes, videos cassettes, tapes, or any other electronic mode.

Under the RTI act 2005, the Government seized informations are disclosed to the people in two ways: i.e., Proactive disclosure and information upon request.

PROACTIVE DISCLOSURE

Proactive disclosure of the information is made available under section 4 of the Act. This type of information is made public at public authority initiatives without filing any request by the people. This provision is one of the crucial aspects of the Act. It is added to place a large amount of information in a public domain on a proactive basis to make the public functionaries more transparent and customer-oriented. Under the RTI Act 2005, the PIO/public authorities must voluntarily publish important basic categories of information to the public at regular intervals through various communications. It means that authorities should use such a mode, in which informations are easily accessible and available to common man in rural areas. Since both Panchayat legislation and RTI law directly contribute to direct democracy. Under the new Panchayat laws, the provision for Gram Sabha fulfills the criteria of direct democracy.

GRAM SABHA

The new Act opens the space for larger participation of the rural populace and successful execution of rural programs. The provision under section 4 of the Panchayati Raj Act mentions the role of Gram Sabha. Panchayat should hold Gram Sabha meetings (section 5) to discuss and approve the subject mentioned in provision 6 of the Goa Panchayat law. To achieve the development of the Panchayats, Gram Sabha shall constitute supervisory committees and ward committees. Simultaneously, to ensure the proper utilization of the funds for developmental work, provisions were made to appoint a vigilance committee within Gram Panchayat's jurisdiction.

GRAM PANCHAYAT

The Village Panchayats is the lowest institution in a rural area; the Gram Sabha people directly elect members of this institution. Village Panchayat Council consists of elected members of the Panchayat, responsible for the overall functioning of the Gram Panchayats. It comprises the head of the Village Panchayat (Sarpanch), Deputy Sarpanch, and other elected representatives (panchas) of the Panchayat, elected for five years term. The strength of the number of members and its

classification of Village Panchayats are fixed based on the population (Section 7, (1)) of the Goa Panchayat Act. At the local level, Panchayat institutions hold all the information.

DISCLOSURE OF INFORMATION AT GRAM PANCHAYAT LEVEL

Ways of Proactive Disclosure

As per the Act, public authorities must publish information at regular intervals. Public authorities can disseminate proactive information through various communication modes such as digital, print, and display of information on the internet website. It can also publish in newspapers, distribute pamphlets, display charts/banners/posters, circular, notice on notice boards, announcements through mike, publish reports and magazines, etc. The information can be made available when necessary by the village authorities to the public. Such types of information should be easily accessible, available, and free of cost.

Categories / Types of proactive disclosure of Information at Gram Panchayat Level

The Act lists categories of information that public authorities must disclose suo moto within the stipulated timeframe of RTI enactment.

Proactive disclosure of General Information of Village Panchayat

As per the Act, every Gram Panchayat shall maintain and display the primary and general Information of Village Panchayat such as population, wards, area, voters, literacy, agriculture, schools, etc. Public authority should maintain and display the names and contact numbers of all the elected representatives. It is compulsory to publish and display Public Information Officer's name, a designation under the RTI Act.

Proactive disclosure about Power, Functions, and Duties of Panchayats

To fulfill the promise assured in the 73rd amendment, the enacted Goa Panchayat Raj Act in Chapter III and IV laid down the power, functions, and duties of Village Panchayats. Under the RTI Act, public authorities have to make awareness among people regarding the powers and responsibilities of the elected representatives of Village panchayats, which should be highlighted in simple and easy language.

Proactive disclosure about Gram Panchayats Meetings

Panchayat meetings are mainly attended by elected representatives (Panchas). In reality, most of the time, information's on subjects discussed in the council meetings is primarily controlled and shared with elected members of the Panchayat. The new law provides that Village Panchayat should regularly meet, at least once in fifteen days. The meeting's notice must be given to each member on time, informing the date, time, place of the meeting, and display on the Village Panchayat's notice board. The Panchayat secretary must record the minutes of every meeting in a book maintained by the Panchayat. As per the Act, it's binding on the authority to keep the procedure followed in the decision-making process and norms set by it to discharge its functions (section 4 (b) iii of RTI Act).

Proactive disclosure about types of documents maintain by Gram Panchayat

Village Panchayat shall maintain all necessary relevant documents and files and shall be always kept available for public. Panchayats should maintain the rules, regulations, manuals, documents, and the record received from various government agencies and departments from time to time used to discharge its functions. All records of inward and outward correspondence must be properly maintained and accessible to people. Other documents of Village Panchayats about Gram Sabhas, details records related to developmental projects, services available, Salary details of staffs, budget and audit reports, details of constitutions of various committees, Panchayat acts & rules, all the guidelines received from Government, records about a council of members meetings, all correspondence with people and government agencies must be appropriately cataloged and kept open to the public.

Proactive disclosure about Funds of Gram Panchayat

Every Gram Panchayats receives and collects funds from various sources. They must maintain records of all financial transactions in the form of income and expenditures. The details of income such as Grant in aid from the Government, taxes, fees, the amount collected by way of loans, contributions and donations or gifts, etc. must be adequately maintained and accessible to public. Goa Panchayat Act 1994 empowers the Village Panchayat to propose to impose taxes, rates or fees. The village Panchayat must put a copy of the resolution on the notice board and give the people a minimum time to file their objection on the proposed matter. At the same time, Panchayat must justify such initiatives. Also, they should put such proposals before Gram Sabha for discussion and approval.

Proactive disclosure of various services available at the Panchayats

Panchayat should display the list and procedure, and time frame of services made available to the public. It includes licenses, permissions, and certificates issued by the Village Panchayats.

Proactive disclosure about Gram Sabha

All the Gram Panchayat's registered voters have the right to take part in the Gram Sabha meetings. Gram sabhas are visualised as the soul within the framework of panchayats (Nambiar, 2001). Therefore Citizens should be proactively informed about the Date, Time, Venue, and agenda for the meetings by putting notice, advertisement, public announcement, etc. They can then discuss, understand, and get a review of various developmental work undertaken by Village Panchayat and the fund and schemes available for people's benefit. New Panchayat Act provides a procedure to record the proceedings of the meetings and its confirmation in the Gram Sabha by people. Panchayat law empowers the Gram Sabha to recommend, suggest, and approve the following matters.

- i) Annual financial report
- ii) Annual administrative report
- iii) Report on Budget estimates
- iv) Information about programs and developments of a fiscal year.
- v) An accounts on the last audit and replies.
- vi) Details of Proposal for new taxations and enhanced taxations.
- vii) Gram Sabha should also approve the beneficiaries identified under various governmental programs.
- viii) Details of priorities of developmental work undertaken by Village Panchayats.
- ix) Gram Sabha should check and approve the utilization certificate pertaining to the Village Panchayat's works out of the Panchayat funds or from the funds provided by the Government (Grants-in-aid).
- x) Details of various programs proposals to organize community services

The records attendance of Gram Sabha, resolutions, minutes of the meeting must be adequately cataloged for future reference.

New information law mentions that proactive disclosure of different types of information scheduled above must be done cost-effectively in the local language and must use the most effective communication mode. Further, it states that the information under the Act can be provided to the public through newspapers, notice boards, media broadcasts, public announcements, through the website or any other means. The Village Panchayat should make all efforts for a free inspection

of records. The New Panchayat Raj act in Goa has information access provisions. The people can use the information to enjoy their democratic rights and welfare.

Need for the proper implementation of the Proactive disclosure under RTI Act in the Village Panchayats

In a democratic country like India, there are devolutions of powers and responsibilities among the departments, divisions, and organizations. Each officer is holding a different responsible task, and discretionary powers are given to them to carry out their duties effectively. There is a possibility that officials can misuse their discretionary power to fulfill various political and personal vested interests. Village Panchayats Secretary also carries the burden of work and also exercises discretionary powers. Therefore, section 4 of RTI law is an essential tool to reduce the burden of disseminating information and check the misuse of discretionary powers.

Goa being a geographically small state witnessed the people's movement and agitation over the dichotomy of development. Most of these movements had their genesis in rural areas. For the past decade, peoples have raised their voices on the destruction of land due to rampant illegal mining, special economic Zones, Regional plans, mega projects, land conversion and sale of land, etc.(Sampat, 2015). Civil society voiced their frustrations by coming out on the streets and holding morchas and rallies in many parts of rural areas and urban areas to show the Government's failure on the participatory approach of development. Since these development projects directly linked to rural people's livelihoods, their concerns were that such proposal should be put for public consultation and its information should be in the public domain. But in reality, most of such projects never been or were hardly skeptically discussed in gram Sabah. Its valid information's in the form of documents and plans are not available in the public domain. Unfortunately, public authorities have neglected the Acts proactive disclosure requirement in Village Panchayats.

Village Panchayats being closer and grass-root institution required powers to carry out their work. But in reality, there are always dilemmas over power-sharing between the state government and Village Panchayats (Times of India, Feb. 2020). Village Panchayat is a local self-governance that requires powers to shape the subjects devolved to the Panchayat by part IX under the Eleventh Schedule of the constitution. As per these subjects, village panchayats prepare plans and implements numerous governments' schemes for economic development and social justice. These schemes are for the progress of the poorest people in rural areas. But there are criticisms on poor implementation of the schemes. It was often revealed by the sources that Panchayat Funds were usually misused on a large scale. In most cases,

the rural populace does not know about the reality of the schemes. Records of the schemes were hardly maintained or made available to the public.

The Goa state information commission has addressed the cases of negligence of dissemination of information under section 4 (b) of the RTI act. In many cases, Goa State Commission has penalized the Village Panchayat Public Information officers for not disseminating information and not obeying proactive norms. In various cases, Commissions have directed the PIO at village Panchayat to catalog the information to meet the objectives of section (4) b of the Act (Govekar Vs. PIO. V.P Anjuna, 2020; Times of India, July 2020).

If proactive disclosure of information mechanisms are taken seriously by public authorities, it will increase people's participation for better access to services. Thus, it will lead to the rule of law and people's trust for the functioning of democracy at all levels, which starts from the bottom (village level). When people regularly use information, it will improve the information management system at a grassroots level.

To meet the objectives of RTI, public authorities must carry out the inventory of their records within specific periods i.e., quarterly, half-yearly or annually, and preserve the records in a systematic and much more manageable way. To perform such a task, the government may think of appointing record officers to maintain and keep the official records.

Challenges to implementing proactive disclosure of Information

1. Lack of understanding among authorities about proactive mechanism under RTI law
2. Burden of work on PIO and lack of staff in the Village Panchayats office.
3. Constraint of poor record management i.e., Maintenance, preservation, and compilation
4. Self-centric interest of politics among village elected representatives and officials
5. Lack of commitment to provide relevant information to the public

CONCLUSION

Panchayat institutions are essential for acknowledging the participation and contribution of rural people in a democracy. The initiative needs to be enhanced as per changes in society. In the contemporary globalization era, information plays a crucial role in the development of people. At the grass-root level, there is an urgent need for an awareness drive to sensitize the rural population about the availability and proper use of proactive information and public authorities about appropriate

implementation of proactive mechanisms. Together, people and institutions can work for Unnat Bharat, Swachh Bharat, and Atmanirbhar Bharat to strengthen democracy at all levels, especially at the grassroots level. Thus Empowerment through participation, participation, and development through information dissemination.

Note: Gram Panchayat also means Village Panchayat

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WOMEN'S IMPRESSION WITH REGARDS TO SHE TEAMS: AN EMPIRICAL STUDY TOWARDS WOMEN SAFETY AND SECURITY IN HYDERABAD

A. Kumara Swamy*

Abstract

India is the one of the countries in the world where women are worshiped as deities and an equal justice is given to women to that of men during the Vedic period of 4000 BC. But in modern India, around 70 percent of women are victims to various crimes. According to 2019-2020, World Economic Forum (WEF-2020), Gender index report, India is placed with 112th rank in the world. In the year 2018- 2019, an approximately 3.60 lakhs cases of crime against women were reported by National Crime Records Bureau (NCRB) in the country. Telangana stands in 9th place with 17,521 cases in the year 2019. After Nirbhaya Rape incident in Delhi, Telangana Police has started women protection initiative called "SHE Teams" on 24th October, 2014. SHE Team is a special police force to protect women against violence such as sexual harassments, eve-teasing, etc. In this paper, an empirical study has been carried out with 100 sample size to understand the what are the most unsafe places for women, level of awareness on SHE team, what makes the women to confront to complaint to police and to find out the proportionate of women are aware of SHE Team Initiative.

Keywords: Eve-teasing, crime, violence, rape, SHE teams, Hot spots, harassment, safety and security

INTRODUCTION

In Indian almost half of the Indian population women perform two-third of its working hours, earn one fourth of the income and own one tenth of property. Women have been discriminated always against and suffering discrimination in

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silence in the civilized society. Women participated in administration of kingdom in the epic legends; women were seen as Co-operating in governance. She was involved in many debates and speeches as educators during the Vedic period. "Megasthenes" writes that they were female rulers of in Pandya kingdom. And in Satavahana kingdom; the queen "Naganika" was the ruler. During Guptas period, the first *chandraguptha* wife issued some coins with their figures to make the reign of *Kumara Devi*. During the chalukyias, *Vijaya Bhattarika* reigned in the rank of queen. (Madhavi 2015) The ancient Indian history has many examples of women scholars and women rulers. The constitution of republic of India guarantees, besides other rights, protection of life and personal liberty and provides adequate safeguards against the arbitrary deprivation thereof by the state and others for women.

GENDER INDEX REPORT-2020

Gender discrimination is on the rise in India, claiming the ranking of the Geneva based international organisation, World Economic Forum (WEF) has released Gender Gap Index Report 2019-2020. India ranked 112th place for the year 2019-2020 and 2018 ranked 108th. India has moved down position 108th Rank to 112th Rank in WEF report, with the country ranked among the bottom five in health and economic sectors, Iceland is top rank in gender equality. (Forum, Global Gender Gap Report 2020)

UN GENERAL ASSEMBLY DECLARATION ON VIOLENCE AGAINST WOMEN

Marital rape has been recognized to be species of violence against women by the UN General Assembly Declaration on the Elimination of all forms of violence against women. (M.Laxmikanth, Governance in India 2019) The universal declaration in human rights was adopted by UN General Assembly in 1948. The following article contains the basic principles for women.

- Convention on Political rights of Women (1958)
- Convention on the nationality of married women (1958)
- Convention on the consent of marriage minimum age of registration of marriages (1964)
- Convention on elimination of all forms of discrimination against women (1979)
- Optional Protocol to the convention on the elimination of all forms of discrimination against women (2000)

CRIMES AGAINST WOMEN IN INDIA

Crime against women such as rape, acid throwing, dowry killings, honour killings, human trafficking, eve-teasing and the forced prostitution of young girls has been reported in India. Police records in India show a high incidence of crimes against women. The NCRB reported in 1998 to 2010 growth in the rate of crimes against women would exceed the population growth rate. (Rao 2012). NCRB 2019 Report 3, 59,849 cases of crime against women were reported in the country. State wise Uttar Pradesh topped the list with 56,011 cases followed by Maharashtra with 31,979 cases West Bengal 30,002 cases and, telangana stands 9th place with 17,521 cases. Among the 19 metropolitan cities in the country, Hyderabad city stands fourth place in crime against women with 2332 cases. The national capital territory Delhi (11,724), stood first at national level crime against women, after that, Mumbai (6,058) and Bengaluru (3,427) came next in the list respectively (National Crime Records Bureau 2019).

CONSTITUTIONAL AND LEGAL RIGHTS FOR WOMEN PROTECTION ARE AS FOLLOWS

Child Marriage Restraint Act,(1929),Muslim Personal Law (Shariat) (1937), Minimum Wages Act(1948), Hindu Marriage Act(1955),Immoral Traffic (prevention) Act(1956), Dowry Prohibition Act(1961), Medical Termination of Pregnancy Act(1971), Commission of Sati (Prevention)Act(1987),National Commission for Women Act(1990),The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act (1994),Protection of Women from Domestic Violence Act(2005), Prevention of Children from Sexual Offences (POCSO)Act(2012),Sexual Harassment of Women at Work Place (Prevention, Prohibition & Redressed) Act(2013). (M.Laxmikanth, Governance in India 2019)

In India, Incidents of eve-teasing, harassments other forms of crimes against women are filed under provisions of IPC, 1860; various Sections are invoked in case of eve-teasing. Section 294 (Obscene acts and songs), Section 354 (Assault or criminal force to woman with intend to outrage her modesty), Section 376 of IPC (Rape), Section 354 IPC (Molestation),Section 366-B,IPC (Importation of Girls) and Section 509 (Devi and Jastrotia 2013) (Word, gesture or act intended to insult the modesty of a woman) etc. Currently Tamil Nadu only the state to implementing the legislative law on anti- eve- teasing from 1998 onwards (Tamil Nadu Prohibition of Eve-Teasing Act, 1998); and 2017 July Telangana state legislative assembly is also passed the Anti-Eve-Teasing Bill (2017) is pending for approval of Ministry of Home Affairs (MHA), Government of India.

SHE TEAMS - SAVIOUR OF WOMEN & GIRLS IN TROUBLE

Telangana Police started SHE Teams for the safety and security of women in Telangana. They have noticed the policing practices that are followed in Singapore in providing security to the women. Noticing their practices, Telangana Police have come up with the initiative called SHE Team to protect the Women and Girls against crime. The Hyderabad police constituted 100 SHE teams on October 24, 2014, initially to curb the menace of eve-teasing, harassment of women and girls in public places. In the year 2018, it was extend to entire thirty-three districts of Telangana state. The Three commissionerates namely, Hyderabad, Cyberabad and Rachakonda Police commissoinerates have formed many SHE Teams and are working with a Moto to provide safety and security to women in Hyderabad. Police have identified more than 350 places as hot spots (high risk) areas such as busy public places, schools and colleges, Buses and Bus-stands, Railway stations, MMTS trains, metro trains, and tourist areas. The strangers and eve teasers in these locations are being caught and sent to jail for harassing women and girls (Refer table-A). As the concept is successful by Telangana police, the other states of India like Maharashtra, Chhattisgarh, Orissa, Andhra Pradesh, Rajasthan and Uttar Pradesh have replicated the same with different names.

THE COMPLAINTS RECEIVED BY THE SHE TEAMS FROM 2014 TO 2019

Below table-A shows the various types of complaints been received by SHE Teams through different sources in the span of 5 years (i.e.2014 -2019).

<i>Year</i>	<i>At Hot Spot</i>	<i>On Com-plaint</i>	<i>E-mail</i>	<i>Face-book</i>	<i>What-sapp</i>	<i>Hawk-eye</i>	<i>Twitter</i>	<i>Dial 100</i>	<i>Total</i>
2014	12	7	8	0	0	0	0	71	98
2015	54	36	72	250	32	6	0	634	1084
2016	62	324	143	80	157	51	3	590	1410
2017	75	508	255	6	46	45	0	203	1138
2018	123	633	326	6	240	20	4	39	1391
2019	7	94	20	0	70	2	0	12	205
Total	333	1602	824	342	545	124	7	1549	5326

Source: <https://sheteamhydpolice.telangana.gov.in/index.html> (2019); Last accessed on 16/03/2019

STATEMENT OF PROBLEM

At the national level, policy makers have taken various initiatives for the protection of women and girl. In order to ensure the safety of the women in Telangana,

government has started a project with an objective to address the women issues in terms of crime. This initiative is called “SHE Team” and it was launched on October 24, 2014 with the motto of “safety and security of women and girls”. In this backdrop this study has been initiated to measure the impact assessment of She teams and people’s perception about its successful implementation.

SCOPE OF THE STUDY

The study has been focused on various types of violence like eve-teasing, rape, unsafe places against women and girl in Hyderabad city.

OBJECTIVES OF STUDY

The study has been conducted to achieve the following objectives.

1. To understand the knowledge/ awareness level of women on SHE teams in women protection
2. To know the unsafe places for women and girls
3. To analyze how the SHE Teams helps to improve women safety.
4. To identify the factors motivate/Demotivate women to complaint in the police station.
5. To study the women’s (opinion) /perception about SHE teams.

RESEARCH METHODOLOGY

With regards to this topic, Scholar adopted an in-depth study. So, undertake the non –doctrinal research methodology, the conventional method. Doctrinal Research Methodology has been followed. Hence the Scholar utilizes those methodologies which are used for empirical, explicative, exploratory, descriptive and doctrinal research. (Kothari and Garg 2019)

- a. Empirical methodology is used by the Scholar to discover the effect of the law on women. For that reason Scholar used the data from National Crime Records Bureau (NCRB).
- b. Explicative methodology has been utilized to discover the nature and scope of the research area. To study about the nature of crimes against women and girls, Scholar used this model.
- c. Exploratory, methodology is used by the Scholar to revise recently evolving thoughts, theories and principles.
- d. Descriptive methodology helps the Scholar to recognize the statues of interaction and the way that the laws shield the women victims of crimes.
- e. Doctrinal methodology is used by Scholar to get support during the analysis of legislative and case laws and judicial pronouncement to achieve new principles.

Sampling Size: for the purpose of current study Scholar have been selected 100 sample size from selected Four areas namely, Secunderabad (Vikrampuri colony, Karkhana), Ameertepet (Nagarjunanagar colony), RTC X road Chikkadpally, jawaharnager), A S Raonagar (Sainikpuri, Moula-Ali) though cluster sampling.

A list of 10 questions, questionnaire and interview schedule is prepared based on ground conditions. These questions are related to the knowledge on she teams, and understand the factors that cause unsafe, police response in their complaint etc. and instances which have been occurred in the past sexual offences, harassment, eve teasing etc. The questions were in multiple choice formats to keep it simple and less confusing. The last question was kept open ended so that the respondents could write on issues they think are important. The aim was to elicit response from the women on issues like, gender based discrimination, sexual harassment and response of police etc. The sample size has been kept at 100 owing to the logistical issues involved and time constraint. The participants are presently residing in Hyderabad city.

Secondary data was collected from the various commissions and committee reports which are constituted by the government for the women protection and security. All relevant statistical data, letters and policy papers were collected from Police Stations. The information available on the Hyderabad police commissionerate website was also used for this purpose.

REVIEW OF LITERATURE

- a. (Tarakusal 2019): Book titled "*Why Men Rape: An Indian Undercover Investigation*" in this book author narrated the rape cases against women from 1972 Mathura, a young tribal girl to 2018 Kathua Kashmir an eight years girl brutal sexual assault and murder. She has emphasis on the government of India laws, act to protect the women. But perpetuate and even justice to victims has remained same over the decades. At glance the book provides the necessary perspective to understand violence against women in India in the larger context of economic and politics of the country.
- b. (Vadhani 2019) Article in The Indian Police journal, April-June titled "*Hot Spot Policing: An overview of 'SHE teams'*". She had emphasized the functions, structure of SHE teams which protect the women and girls in trouble in Hyderabad. And also discussed the various laws, sections of Criminal Procedure Code (Cr.P.C), Civil Procedure Code (CPC), Indian Penal Code (IPC) etc., to protect the women and punishments to the culprits.
- c. (Dubey 2018) Book titled "*No Nation for Women: Reportage on rape from India, the largest Democracy*"(Book), Simon and Schuster Publication

- (2018). She had focused women and rape cases issues in India. It is close look at what makes India unsafe for its women, from custodial rapes to rapes to honor killings. She raised the questions, that why India is referred to as one of the world's rape capital and statically data one women is raped every fifteen minutes and in fifty years there has been a staggering rise of 873 per cent in sexual crimes against women and girls.
- d. (Debrati and Jaishankar 2011) 1st Edited Book, (2017) "***Cyber Crimes and the victimization of women laws, rights and regulations***": it helps to analysis the issues which are related to cyber victimization of women from a legal view point. With regards to cyber victimization is explore the basic question and provides an insightful about the character and level of cyber victimization of women, cyber laws of five major countries and cyber rights.
 - e. (Nayak 2016) Book "***Combating Violence against Women: A Reality in the Making Hardcover.***" In this work author have narrated all forms violence such as rape, sexual harassment, acid attack, domestic violence, female feticide and infanticides, dowry torture and dowry deaths etc. She expressed her opinion eliminate all forms of violence against women still remains just a political agenda in national and international level.
 - f. (KerstiYllo and Gabriela 2016) "***Marital Rape: Consent, Marriage and Social Change in Global Context***" have demonstrated an impressive analysis of rape in marriage in cross cultural perspective. The book deals with the important conceptual issues including the evolution of the notion of marital rape and the ideology of permanent consent. Kersti states that forced sex in marriage could legally be rape is relatively a new concept globally and argues that the origin of marital rape exemption is the patriarchal understanding of women as property.
 - g. (Kapadia-Kundu, et al. 2007) Published an article entitled "***Whose Mistake? Gender Roles & Physical Violence among young marriage women***" in "Economic & Political Weekly". Young married women in India experience physical violence at the hands of their husbands. This study, based on a survey in Maharashtra, aims to provide contextual information on gender roles, household any family dynamics, and the occurrence of physical violence.
 - h. (Sagade 2011) "***Child marriage In India, Socio-Legal and Human Rights Dimensions***" Similarly under the offence adultery the consent of the woman is inconsequential as she is not punished even as an abettor. And with respect to age of consent in marriage women's consent is a mere biological factor, a stage when a female body is ready to accept sexual penetration without harm. Consent was linked to physical capabilities; it was disassociated from issues like choice of partner, sexual, emotional, mental capability and other considerations.

- i. (Renzetti and Bergen 2004) “*violence against women*” Research and advocacy aimed at understanding and ending violence against women had its beginning in the early 1970s, emerging as a central concern of the feminist movement. This book has expanded dramatically over the past three decades to influence practice and policy at the local, state, and national levels in the chapter three author advice analyzed by Gardner reinforces women’s fear of stranger danger
- j. (Carol Brooks Gardner 1990) *Article “safe conduct: women, crime and self in public places”*. Women have different experience in public places than do men, particularly when they appear alone. Belying the US idle –class ideal of an egalitarian etiquettes for the place are dotted with contacts that evince judgement of status and discrimination no less finely tuned and expressive than those evinced in private regions, another discuss the character of advice to women with regard to crime.

Data analysis: Scholar has been used simple parentage with charts textual interpretation.

AGE WISE CLASSIFICATION OF THE RESPONDENTS

The respondents for the present study were selected on a convenience basis with a focus on including people from various age categories of the Hyderabad City. Therefore, people from all age groups have come forward with their perceptions on the subject of the study. Their age varied between 15-24 years with a mean age of 24 years. The young age people (15-24 years) were found to be comparatively higher with 34 percent, followed by Middle age people 25-34 years as second highest with 32 percent. The least percentage of respondents which is 16 percent is found with the age group of 45 years and above. The figures amply highlights on the different perceptions on the influence of perceptions of the people on SHE teams have been brought forth by the inclusion of people from different age categories.

EDUCATION QUALIFICATION OF RESPONDENTS

Yet, another social characteristic that has a bearing on the perception on the subject was the educational status of the respondents. The educational background shows that most of them were at graduate level with 25 percent and the second highest is recorded for higher secondary (10+2) education with 23 percent, Post-graduation and above is 18, Secondary School 14 and illiterate 12 percent, though lesser in number was also covered through the study. It is evident from the Table 2 that the study has attempted to highlight a holistic picture on the subject by incorporating the dimensions of people from different educational backgrounds.

OCCUPATION OF RESPONDENTS

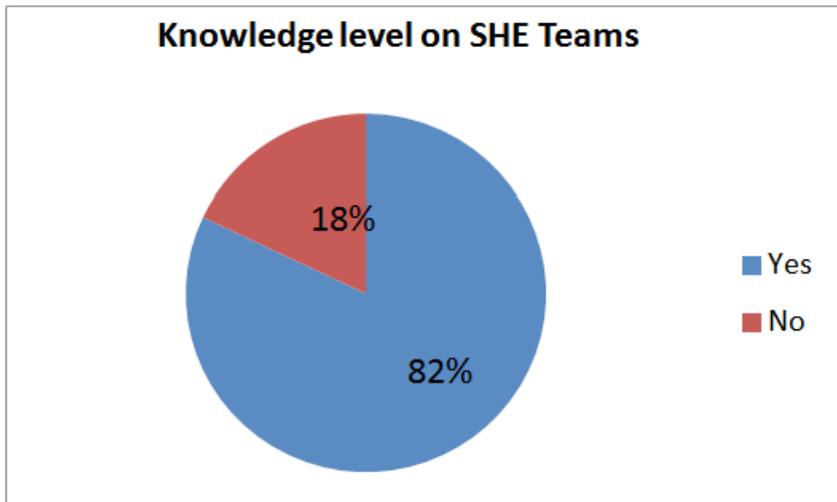
The respondents for the present study were selected from various occupations taking into consideration the significance of the opinion. It is seen from the above table 3,21 percent of respondents found to be students, 19 percent manual/supervisors, 17 percent house wives, 16 percent lower employees and 14 percent High managerial/professional/big business occupations have been taken into consideration for the study.

KNOWLEDGE /AWARENESS LEVEL ON SHE TEAMS

Table 1

<i>Sl. No</i>	<i>Knowledge level on SHE Teams</i>	<i>Percentage</i>
1	Yes	82
2	No	18
	Total	100

Chart-1



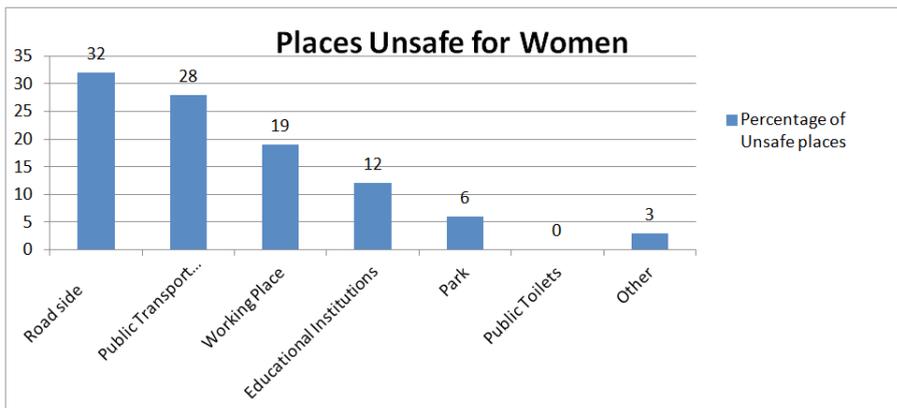
Out of 100 respondents in Hyderabad city 82 percent of women and girls have knowledge /awareness about the SHE teams, remaining 18 percent of respondents reported that they do not have knowledge about SHE teams. Hence data says most of women and girls in Hyderabad know about their women safety organization. Police are also trying hard to reach the concept of SHE Team initiative to every women and girl through the media, community meetings, hoardings in public places, awareness programmes in schools, colleges, working places etc. (Refer table-1)

PLACES UNSAFE FOR WOMEN

Table 2

Sl. No	Places Unsafe for Women	Frequency	Percentage
1	Road side	32	32
2	Public Transport (Waiting and Travelling)	28	28
3	Working Place	19	19
4	Educational Institutions	12	12
5	Park	6	6
6	Public Toilets	0	0
7	Other	3	3
	Total	100	100

Chart 2



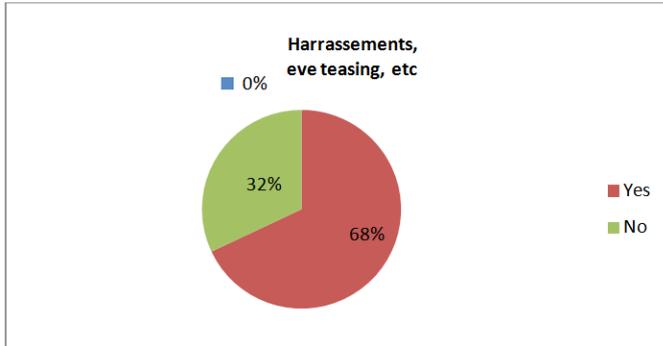
Amongst the most unsafe places in Hyderabad, are listed as per the respondent's response (Refer table-2). They have expressed that, walking through roads is 32 percent; public transport waiting & travelling is 28 percent followed by working place with 19 percent and educational institutions is 18 percent are unsafe for women and girls in the Hyderabad city.

HAVE YOU FACED ANY TYPE OF HARASSMENTS, EVE TEASING, ETC.

Table 3

Sl. No	Have you faced any type of Harassments, eve teasing, etc	
1	Yes	68
2	No	32
	Total	100

Chart 3



In order to know percentage of women in Hyderabad, facing the harassment, eve teasing, staking etc., against women, a study was conducted and concluded that 68 percent of respondents faced harassment, eve teasing etc. And 32 percent haven't faced any issues. The most common forms of harassment are verbal, followed by visual –both of which contribute to the general anxiety and discomfort experienced by women, increasing their perception of threat. (Refer table-3).

REPORTED TO POLICE ABOUT INCIDENTS

Table 4

<i>Sl. No</i>	<i>Complaints to Police</i>	<i>Percentage</i>
1	YES	73
2	No	27
	Total	100

Chart 4

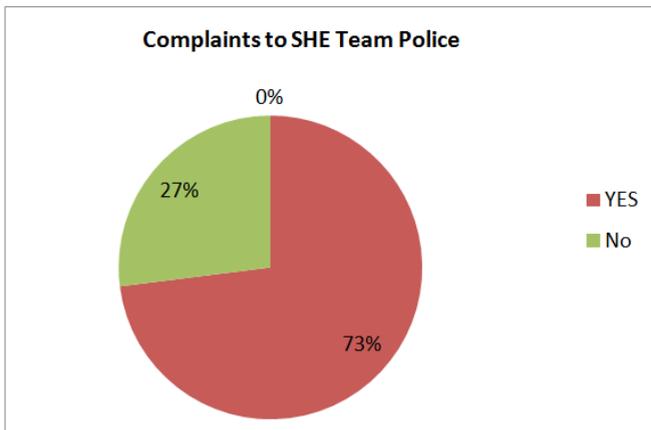


Table-4 shows average reporting of crimes against women and girls to police. Out of 100 respondents from the age group between 15-50 years and above only 73 percent women have come forward to report any type of crime/violence against them. Remaining 27 percent of respondents have not shown the interest to report to police for various reasons.

SHE TEAMS RESPONSE ON COMPLAINT

Table 5

<i>Sl. No</i>	<i>Response of SHE Team on your complaint</i>	<i>Frequency</i>	<i>Percentage</i>
1	They blamed me for the incident	2	2.74
2	They minimized/trivialized it	1	1.37
3	They didn't do anything	2	2.74
4	They recorded the incident	29	39.73
5	They investigated the incident	9	12.33
6	They caught the offender	30	41.10
	Total	73	100.00

Chart 5

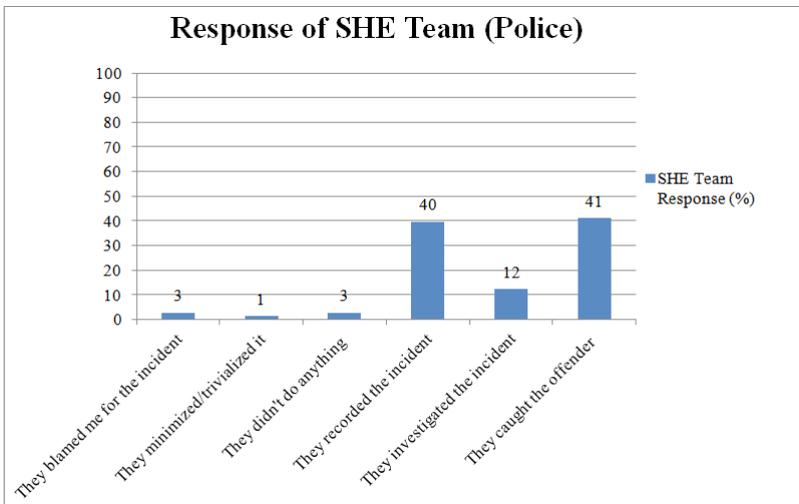


Table-5 shows the positive opinion on police response on complaints of women against crimes. 41 percent respondents acknowledged that police caught the offenders, nearly 40 percent expressed police have recorded the incidents and 12 percent said that police have investigated their cases. Only 3 percent said that police did not take any action on their complaint.

REASON FOR NOT APPROACHING /REPORTING TO THE POLICE

Table 6

Sl. No	Reasons not to Complaint to SHE Team	Frequency	Not Complained (%)
1	Complaint is not serious enough to report	3	11.11
2	Afraid to approach the police	5	18.52
3	They wouldn't take any action	2	7.41
4	They would blame me	2	7.41
5	The process is too tedious	14	51.85
6	Others	1	3.70
	Total	27	100.00

Chart 6

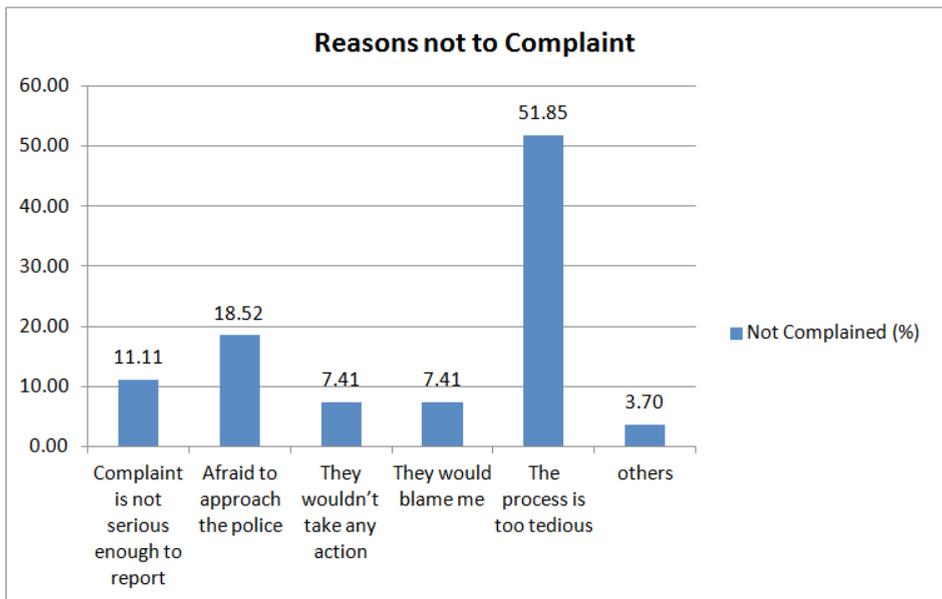


Table-6 shows the reason for not to complaints SHE Teams (police) about the incidents because of police will take tedious process for the complaint (52 per cent), 18.52 per cent respondents feels police would blame complainant. 11 per cent respondents expressed that complaint is not serious enough to report. Only 7 per cent of respondents reported that police would not take any action. Hence majority of respondents come forward to complaint to police.

RESULT ANALYSIS & DISCUSSION

With the ushering in of economic liberalization Indian cities have witnessed a continual recasting of spaces to keep pace with the burgeoning urbanization. The present scenario is such that while on the one hand the cities provide ample opportunities for both women and men, on the other the nature of urban development has resulted in increased exclusion of women, particularly from the marginalized sections; it has reinforced the existing structure of gender-based violence. The emergence and growth of the 'Hyderabad metropolitan city', essentially exclusive in character, has generated new research that draws linkages between urban development, governance and the ever increasing violence and marginalization. Gender-based violence and safety are now being analyzed.

The Scholar found in the research that out of 100 respondents 68 respondents between age 15-50 years and above from different occupations are facing different forms of harassment – from staring and leering to stalking and sexual assault, visual harassment are most common, followed by passing comments, flashing and stalking. Another main finding is that palaces are unsafe for the women is moving on road side (32 per cent), using Public transport (28 percent), is found to expose women to high risk of harassment and violence in Hyderabad. The about the she teams, which protect them from trouble and with good number reporting that 73 percent they had tried to confront to complaints to SHE Teams or in police stations about the research also point out awareness level of women on SHE Teams 82 per cent respondents have knowledge /awareness harassers or perpetrators of violence. And whenever they reported to police out of 73 respondents 41 per cent expressed that after they complaint to police, police caught the offenders, 40 per cent expressed that police have recoded there complaints, 12 per cent said police have done the proper investigation, and police proceeded with the further action against the offender. As per the respondents opinion and data also shows the successful functioning of she teams in Hyderabad city. SHE Teams has gained the high level of trust and confidence by the society.

CONCLUSION

The Number of commissions and committees suggested and recommended to the government of India and also the state on the women and girl child protection from the inception of constitution to till date. Government of India is trying the modify introducing innovative programs, laws, acts to protect the women and girls from various kinds of crimes against them. In this endeavour Telangana police "SHE team is "one step ahead in women safety compared with the other states. Due to this, the SHE Teams concept is replicated in other States like Maharashtra, Chhattisgarh, Orissa, Andhra Pradesh, Rajasthan and Uttar Pradesh, with different

names. As per the respondents 73 Percent of stakeholders satisfied with she teams. It is the result and constant efforts of police to popularize the she teams for women safety and security. Government is also taking initiative and various measures for the successful implementation of she teams. In all the states women protection laws should be implemented in stringent. This will make our society crime free against women and brings pride to our society.

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LOCAL GOVERNMENT IN ANCIENT INDIA: SOME FACETS WITH REFERENCE TO MODERN TIMES

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Abstract

The present crisis of Covid-19 Pandemic has reminded us of our traditional wisdom in all spheres of life - social, economic and political. Though it is not a new attempt to trace the relevance of ancient Indian governance in present times, yet the felt need of involvement of local civil society in containing the crisis makes it an urgent imperative to review the local government in ancient India. With this view in mind, the present paper intends to underline the main features of local government of ancient India and trace its relevance in present crisis period. It has been attempted, in the present to paper, to establish the need of roles of people at grassroots level. The Vedas, other religious literature and Arthshashtra have been visited for tracing the essence of democratic government at local level.

Keywords: Village Governance, Arthshashtra, Local Functionaries, Sabha, Samiti, Ancient India

INTRODUCTION

The introduction of village level governance in modern India is taken from initiatives to establish local government by Lord Rippon, the-then Viceroy of India in 1882. Following the Government of India Act 1919, village Panchayats were established in many provinces and the trend continued after the Government of India Act of 1935. But the history of local governments and its functionaries can be traced back to ancient periods. The scholarship of modern times has argued that the local government in ancient Indian still carry relevance to day.

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The governance philosophy in ancient India sets such norms that modern democracy encompass them today. The participative governing institutions, well being of people, equality, fraternity and human values are the basic components of democracy. Our Vedas prescribed these elements in *Rajdharmā*. Prayers in Yajurveda recommend that a prosperous nation must ensure the welfare and affluence of all the sections of society along with ensuring moral, humane, and multi-dimensional development of the people. It prescribes the term *ygakshema kalpatam* meaning that 'taking care of all possessions and requirements of the people as the prime obligation of state or ruler (Yajurved: 22.22). This value of statecraft prescribed in ancient India, makes an ideal state. So far participatory governing institutions is concerned, the Indian tradition of Sabha and Samiti has vastly been indicated in Vedic literature as well. In later-Vedic period, mentions of Sabha (Assembly of elders) and Samiti (Assembly of people) have found prominent place in the literature on *Rajadharmā* and *Dandaniti*. The mantras from the Atharva Veda (Atharva Ved: 7.12.1) prescribe the working of Sabha and Samiti, and also wish that the deliberation in these two bodies be helpful for the overall development of the people of the state and would bring wealth and pride to the people at large. Sabha and Samiti' (assembly of people) have the obligation to protect the people and even the king and ensure well being to the people. The traditional literature in post Vedic period also prescribe the participatory governing institutions and making kings committed to welfare of its subjects.¹

Our ancient wisdom does also recommend the democratic decentralisation in governance. The term necessarily seeks to realise the goals of development in 'democratic' way. Normally decentralisation refers to transfer of planning, decision-making or administrative authority from the central government to its field organizations, local administrative units, semi-autonomous organizations, local governments (Chakravarty and Bhattacharya: 2003). In short, 'democratic decentralisation' is devolution of powers on the lower level democratic institutions having participative nature. It emphasizes the devolution of 'finances' on such democratic bodies. It is not simply the devolution of finances on the lower levels but it seeks devolution of financial powers such as - generating revenues and freedom to make expenditures by their own decisions (Siva & Choudhary: 2002). In ancient India the guiding principles of rule and decentralised governing institutions were prescribed and practiced. The Vedic literature, religious literature and political discourses like Kautilya's *Arthshashtra* mention about local governments for prosperity of society and delivery of justice.

In view of the above situation, it becomes an urgent imperative to trace the traditional wisdom and its relevance in present crisis period.

¹ This section is based on (i) Chakrabarty and Bhattacharya (ed), (2003), Chousalkar (2018) and Bhat (1954)

LOCAL GOVERNMENT IN VEDIC PERIOD

The governments have two basic functions - administrative and justice delivery. What administration stands for is managing the socio-economic affairs like fiscal management, maintaining law and order as well as benevolence for citizens. The justice delivery encompasses protection of citizens' rights and resolution of conflicts. Both these functions of state were decentralised down at the local level for local affairs. Indian 'Administration' traces its earliest known form to the tribal system which later emerges as a monarchical system. We gain a lot of knowledge about ancient Indian Administration from ancient religious and political treatises. In the early Vedic period there were many tribes who elected their own chiefs and he handled all their responsibilities and the administration of the tribes and the Sabha and Samiti were the local assemblies. The grassroots level mechanism of conflict resolution persisted in the ancient civilization. There are evidences of existence of democratic governance down at village level in India since ancient times. George Mathew (1994) has given a detailed account of history of panchayati raj and mentions the first reference of existence of administration of village affairs in Rigveda period 1200 BC. The civil legal system for managing public affairs had emerged in the Vedic period (1750-500 BC). These legal systems derived power from religious prescriptions depicted in *vedas*, *upanishads* and such other religious discourses, however, King was the supreme power and these local governments wield power from the King also.

So far the local institutions of justice delivery and conflict resolutions are concerned, there were institutions consisted of local elders and experts of religious prescriptions. These were known as popular courts. *Yajñavalakya* mentions three types of popular courts at work namely Kula, Sreni and Pug. Kula courts were meant for resolution of conflicts occurred within Kula (Joint family). Sreni courts were above the Kula courts which not only settled the inter-kula disputes but also of commercial affairs like matters related to betel sellers, weavers, shoe makers and local traders. Sreni had their own executive committees of four or five members and it is likely that they might have functioned during 500 B.C. Puga was an institutions above Sreni courts. It was an association of persons drawn from various castes and following different professions but staying in the same village or town. Bhargava narrates that these bodies were not elected ones. They were not for a limited tenure. The powerful sanction of religion and caste made their authority supreme but "those bodies were wonderful admixture of feudalism and democracy." (Bhargawa: 1979).

LOCAL GOVERNMENT IN POST-VEDIC PERIOD (KAUTILYA'S ARTHASHASHTRA)

Kautilya's Arthshashtra written during 321-300 BC is a comprehensive and finest treatise on the art of governance. It is composed in the form of brief statements called Sutras and is compiled in 15 books (Adhikarnas), 150 sections, 180 chapters (prakarnas), 6000 verses (sutras). It was followed by almost all the ancient Indian rulers till seventh century AD. Prescriptions of rule in Arthshashtra carried all features of democratic and benevolent state i.e. decentralisation of functions, participative, welfare, citizen-centric, inclusive and environmental protection. Arthashastra declares, in numerous occasions, the need for empowering the weak and poor in one's kingdom. 'The rulers shall provide the orphans, the aged, the infirm, the afflicted, and the helpless with maintenance. They shall also provide subsistence to helpless women when they are carrying and also to the children they give birth to' (Brian, et al eds: 1993). The text values not just powerless human life, but even animal life and suggests in Book 2 that horses and elephants be given food, when they become incapacitated from old age, disease or after war. Mauryan rulers practiced the prescriptions of governance in Arthshashtra. It was the era of major development in Indian Administration. Decentralisation was prevalent as the village units played a very important role as the base of administration since ancient times. Empires were divided into provinces, provinces into districts, districts into rural and urban centres for efficient administration. Decentralisation and graded surveillance on officials dominated the features of state.

Kautilya's Arthashastra provides an exhaustive account of the system of village administration and statecraft. It is argued that Kautilya recorded the experiences in the book. Kautilya, like Plato on size of state, prescribed the ideal size of the village, its demarcation, distance between one village and another, and grouping of villages for purposes of deploying officials for law and order, tax collection, maintaining local trade etc. The villages had a number of officials, such as headman (Adhyaksha) Accountant (Sankhyaha) etc. All of them enjoyed property rights over certain areas of land, without right of alienation, in lieu of their services to the state. The village headman exercised several duties and performed innumerable functions. Above the village head there was an office named 'Gopa' for administration of a cluster of villages ranging between five to twenty five villages. He was also entrusted with several responsibilities such as registration of land, census, maintenance of records of temples, irrigation works etc. Further at Janpad level there was head of administration named Rajuk who was entrusted with several functions mostly in relation to survey of land and settlement of land revenue. They also performed certain judicial functions. But these authorities were not elected officials rather were nominated by the King (Jain: 1981)

However, they served the village interests by establishing political links with higher levels. All these gradually restricted the areas of rural self-government. The system which had evolved during the ancient-period, did not change under the Guptas. However, there were certain minor changes mostly in the nomenclature. During this period, the rulers in South India introduced several administrative units at village level or groups of villages such as Kottams below district level, Kurram at village or group of villages. These bodies were mostly responsible for management of land, temples, educational institutions, irrigation works, etc. (Jathar: 1964)

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Let us now discuss the decentralised justice delivery mechanism in ancient India. Kautilya has described the four tiers of courts below the king's central courts- *Dronemukh Nyayalay* that had jurisdiction of 400 villages, 'Karyatik' with jurisdiction of 200 Villages *Sangrahan Nyayalay* which had the jurisdiction of 10 villages and *Janpad Sandhi Nyayalay* which were situated at conjunction of two villages and their jurisdiction was limited to these villages. *Janpad sandhi* courts can be compared to *gram kuchaharies*. The judges at this level should be acquainted with names, gotra, jati, aged people, learned people, witnesses, village etc. of the locality and the litigants. Besides, he prescribes that seniors and *samants* should be entrusted for resolution of conflicts. He further said that local disputes should be settled at local level. Interestingly he debarred certain categories of people to be allowed as witness, those are sala (brother-in-law), assistant, slave, money lender/ loaned, enemy of the litigants and handicapped and the convicted persons.

OVERVIEW IN THE CONTEXT OF MODERN TIMES

It touches upon topics like functions of the chief executive, hierarchy, bureaucracy, corruption, local administration, supervisory management, motivation, morale and job description. The most noticeable aspect of the Arthashastra is its emphasis on Public Welfare even in an autocratic agrarian State. That is where its timelessness lies. Kautilya viewed the State as an institutional necessity for human advancement. State's prime function was to maintain law and order, punishing wrong doers, conflict resolution and protecting subjects.

The provinces possessed a good amount of autonomy in this feudal-federal type of organisation. Elites were preferred in job recruitment and the procedure for appointing is the same as it is practiced today. A centralised data bank of all government transactions and records were maintained in an organisation of the centre just like the cabinet secretariat and this performed audit and inspection functions of the three tiers of government that is local, state and central.

Kautilya stated that whatever pleases the king only is to be avoided and only that which pleases the people is what needs to be followed (सुखे प्रजा सुखम् राज्ञः). This is conceptualised as Welfare State in Modern times. Corruption was not tolerated at all and dealt with severely where the ill-earned money was confiscated. The Guptas carried forward the Mauryan legacy of administration in many respects. Kautilya stresses on the need for specialist and generalist personnel at different levels of administration with full accountability to the King, thus talks about division of labour and coordination between them for efficient administration. It talks about local self government that very much resembles a precursor to the Modern State local self government model. There were some weaknesses in Kautilya state craft. He was over suspicious of piety of government officials, as result there was overcharged

mechanism of supervision and surveillance. He put stress on individuals instead of institutions and officials were always subject to mistrust.

CONCLUSION

In ancient India State had many autonomous associations and guilds including that of village level governing functionaries in its jurisdiction and the ensuing polycentric arrangements checked the rise of absolute power. Arthashastra visualizes a huge bureaucratic structure, a complex tax structure, and an intricate intelligence system. The only source of state power was King and his edicts known as Rajsasana which ordered the relationship between the three major social groupings - the citizen, the association, and the state. The constitutional rules at the state level were specified in the rajasasana but the constitutional rules at the level of the association were to be decided by the members of the association. The collective choice and the operational level rules of the association were also decided by the members of the association though the state did promulgate laws to safeguard the individual member from the tyranny of the majority in the association.

Kautilya sought to tackle this issue through three means - elaborately monitored standard operating procedures (SOPs), spies/intelligence organization, and decentralization of authority. SOPs minimized the room for subjective interpretation of the rules by the bureaucrats. The superiors carefully monitored the performance of the officials under their control. Thus, Kautilya did not hesitate to use the institution of religion for the purpose of statecraft. For him, the most important condition for the practice of dharma was not the institution of religion but the institution of the state.

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WOMEN'S POLITICAL PARTICIPATION AT GRASSROOTS LEVEL: EXPLORING THE ROLE OF VOLUNTARISM AND SOCIAL CAPITAL

Vijay Kumar* and Anita Kuamri**

Abstract

In view of the dominant assumption that women cannot be substantially empowered without their share in political sphere, the present paper attempts to examine the state of political participation of women in Indian rural milieu. Many studies reveal that the political participation of women has been on rise in recent decades, particularly after introduction of new Panchayati Raj arrangements. Here the question is - what are the factors responsible for the rise in women's political participation in rural Bihar? As such the present paper examines the theoretical tenets, trends and factors responsible for rise in women's political participation in rural Bihar. Our attempt to explore the fact reveals that women can be sensitized for political roles through voluntary efforts and situation of social capital among them at the grassroots level. Their educational and socio-economic status have little impact on their level of political participation.

Keywords: Women, Political Participation, Social Capital, Voluntarism, PRIs, Bihar

INTRODUCTION

Women, after feminist movements, have been sensitized to take roles in social domain, in which the role of the new Panchayati Raj Institutions (PRIs) cannot be ignored. The introduction of substantial reservation for women in PRIs pushed women in political arena in one go, particularly after passage of Bihar Panchayati Raj Act 2006 (BPRA) resulting into rise of proxy leadership. The term MP (Mukhiya Pati) and SP (Sarpanch Pati) became famous. But with passage of time, the women's

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political participation and self assertive roles gradually grew, though not fully. On the other hand, the socio-economic status of women like education, health and employment conditions did not improve much. Again there are classes among the women, say Scheduled Castes, Scheduled Tribes, Backward Castes, rural, poor, slum dwellers and uneducated are among those categories of women who are more vulnerable than other categories. There are evidences that women over numbered in voters turnout statistics in general elections in Bihar since the beginning of 21st century. At the grassroots level more than half of the seats in PRIs and urban local bodies (ULBs) are occupied by women and also in the statistics of voters turnout. Now the question is - how women of rural Bihar, to whatever extent, improved in political participation? There are following predominant assumptions that prompt us to attempt this paper as a curtain raiser:

1. The Indian socio-economic and cultural environment is inadequately conducive to improve the situation of women,
2. The political institutions and actors (political parties) have largely ignored the women, particularly the weaker categories of women in terms of giving them adequate opportunities and political education,
3. Their psyche and unique physical texture have also inhibited them to come up despite the feminist movements.

Thus the present paper intends to throw light on some conceptual tenets and explore the factors responsible for the rise in women's political participation, particularly at the grassroots level. Prima facie it has been hypothesized that despite poor demographic structure, the women have been getting politically sensitized.

CONCEPTUAL CONSIDERATIONS

The term 'political' refers to 'shaping and sharing the power is political'. In other words, anything – action, idea, and incident that relates to 'power' can be termed as 'political'. Thus the political empowerment of women denotes their role in political sphere i.e. political participation, political behaviour and actions related to influencing the decision making process and participating in the process of governance. Political participation has been considered as a voluntary action employing legitimate methods to influence the choice of public policies, administration of public affairs or the choice of political leaders at any level local or national. Voting, the most common, is one of those actions that are considered as political participation. S M Lipset (1960), Sidney Verba (1967) and many others have defined political participation as participatory engagement of aggregate individuals either in formal or informal modes, of course to influence the decision-making processes. Milbrath (1965), Ahmed (1971) and several others have categorized the level of political participation right from expression of political will to hold a public or political office.

The voluntarism (actions taken by the voluntary associations) has been the subject of study of, by and large, three disciplines – sociology, social psychology and public administration. Sociologists, whose contribution is significant in this regard, study the associations as part of the social system; social psychologists are concerned with voluntary associations in an environment of their individual members; and the students of public administration are concerned with their organizational processes. There is lack of comprehensive research efforts so far to explore the motivating sources of voluntarism, which is required in case of political motivation among the deprived classes. Inequality among individuals is a perennial source of motivation for voluntary action in any society, whatever is the state of its development. Inequality may be in material, moral and intellectual terms. A F C Bourdillon (1945) observes that it has always an element of betterment of compensating inequality and motivating individuals to volunteer their services. Social services are designed to help compensate for the inequality and to uplift the under privileged. On the other hand, its character changes in conformity, both with changing views of the problem of the state action and with the growth of spirit and substance of democracy. In deed, as long as there are rich and poor, privileged and deprived and subjugated and dominant exist, the social service will continue in some degree. Approaches that saw the communities' primarily passive recipients of any policy reforms have been given way to those which seek to make more of the potential that more active community participation might offer for enhanced accountability and improve responsiveness in services. This ideological alliance left and right on behalf of devolution of power has created immense pressure for expansion of the roles of the voluntary and non-governmental organizations. The development funds are channeled through such organizations. Thus, their role becomes significant. Here another dimension is added, that is 'political' perspective of the voluntarism, which sounds unique but not impossible.

The term 'social capital' has been in prolific use by the social scientists particularly in context of analyzing democracy, political participation or grading the quality of democracy. Putnam's (1993) work is worth referring. The concept is not concerned with formal associations but refers to trust, networks and norms shared by a group of actors that enable them to act together more effectively to pursue shared objectives. It is a resource – a capital that consists of relations one has with other people. It is social since one cannot have it in isolation, contrary to human capital. It does not refer to any social or political action rather a condition or situation in which a group of actors feel united or togetherness. For example, if a group of unprivileged people such as dalits lives in same place, trust each other and have shared norms, can be said a situation of social capital (Blomkvist and Swain: 2001). It makes the actors much likely to act together against the oppressor. Thus, this concept is useful in understanding the functioning of democracy in the segmented societies like India in general and Bihar in particular.

WOMEN'S POLITICAL PARTICIPATION

A sizeable of the women contestants and PRI members were found to be dependent on their male family members who either provided immense support to their leadership roles or alone performed on their behalf in almost all spheres of grassroots politics. Besides, most of the women contestants in the PRI elections had no prior experience of political activities. A sizeable of them did not even participate in campaign for their own elections as their male family members took up the responsibility (NCW: 1998). In short, despite their ensured entry in the grassroots level power structure, they are found less vibrant to utilize the opportunities created by politico-legal arrangements (reservation provisions) for acquiring share in power structure at the micro-levels.

The situation in Bihar has been found a bit better in comparison to the national findings. It was found after Panchayat elections (2001) that women could win 37 per cent of positions as against 33 per cent reservation. The post of panchayat headship (mukhiya) saw trivial share for women (0.9 %); however, their share at the upper layers of PRIs (Panchayat Samiti and Zila Parishad) was higher in that comparison (ranging between 10 and 20 per cent). Their higher share at the two upper layers of the PRIs does also not match with their male counterparts (SEC:2004). It is interesting to note that Bihar Panchayati Raj Act 2006 has made a drastic change in shape of provision of reservation in favour of women (50% per cent of all categories for women). This has assured certain entry of women into the power structure at lower levels in proportion to their population. But the trend of proxy leadership among women grew and prevail in the state of Bihar. The illustration in various studies depict that their family members pitted the women candidates, as the seats were reserved for women. A sizeable of the women PRI leaders admitted that they had neither awareness nor interest in the 'power-play'. Their male family counterparts, on their behalf, do all. However, in those areas where voluntary agencies were active, the women were able to win from even unreserved seats (Kumari: 2016). It has also been found interesting that most of the women candidates in those areas (falling under the operation of the voluntary organizations) were from the voluntary activists and nearly 70 per cent of them were elected from their respective seats. In short, it is evident from the present study that though the substantial share to women in power structure at the grassroots level is not visible, yet the voluntary agencies have made them assertive to the endeavours for acquiring the their due share (Verma and Singh: 2001). It will take some time to mature, as we know that Rome was not built in a day.

The women voters turnout figures in general elections has been rising since then. The Lok Sabha and Vidhan Sabha elections from 2010 to 2020 in Bihar witnessed women voters turnout at par with that of male voters turnout, rather in many constituencies they over numbered in polling percentage the male voters.

So far the elections of PRIs is concerned, the women voters turnout reached over ninety per cent in many districts of Bihar. There has not been much improvement in demographic parameters, educational and economic status of women in Bihar rural milieu, even then women are found politically sensitized. Now the question is - What are the factors responsible for this much rise in women voters turn out? No doubt, the reservation provisions for women in PRIs played significant role in sensitizing women politically but the reservation for women in PRIs cannot be taken as sole reason. Many studies found that Voluntarism and situation of social capital have facilitated women to take self assertive roles in public affairs and social domain (Pai: 2001, Verma and Singh: 2001, Kumari: 2016).

RISE OF VOLUNTARISM FOR WOMEN'S POLITICAL SENSITIZATION

The core voluntary organization working in the field of preparing people, particularly the deprived sections of the society, for the Panchayat election in Bihar has been 'Centre for Communication Resources Development' (CENCORED) popularly known as 'Sansarg' in Hindi. It had promoted a large number of grassroots level voluntary development organizations (Sansarg: 2000). Established in 1989, the jurisdiction of 'Sansarg' was limited to the territory of Bihar. Its main objective was to support voluntary development organizations (VDOs), which promote people-centered development through participation and partnership with special focus on women and people from the deprived sections of society. It also aims at providing training, communication network and conducting research and evaluation studies to support and promote the working of VDOs at village level.

'Sansarg' took up the Panchayati Raj related programmes and activities in the State of Bihar, just after the passage of 73rd Constitutional Amendment Act 1992, in order to promote and strengthen the grassroots level democratic institutions. This voluntary organizations has conducted over 100 programmes in which around 5000 participants from over 350 VDOs took part, out of which as many' as 2736 were female. The 'Sansarg' has taken upon itself the task of educating the poor, illiterate, ignorant, deprived people for participating in the democratic process at grass roots level from which they earlier distanced themselves because of the fear of oppression by either patriarchal dominance or traditional dominants of our society.

Sansarg focused especially on women and dalit sections of society as target groups. For this purpose '*Kishori Panchayats, Paramshakti Mahila Samiti*' at Gramsabha level were formed. The Kishori Panchayats, literally means Panchayats of young girls, were formed of adolescent girls of the village who would be incubated into future women leadership. These girls were trained with an objective to educate elder women in their families and community about the Panchayat system and elections. To quote 'Sansarg, "the Kishori Panchayat is a setting, designed and developed to

have access beyond the barricaded segments of the community without breaking the barricades. If the information centre as an instrument provided the backward-linkages, backward in the sense of age groups, in the sense of deprived sections, in the sense of gender discrimination and in the sense of income groups, in the years to come when these adolescent girls blossom into womanhood, they become the active participative/responsive women of the society.” (Sansarg: 2000). These girls were also made to participate in other communication modes such as street plays, cultural programmes etc. It is interesting to note that there was no formal organizational structure for these Kishori Panchayats. ‘Paramashakti Programme’ (an abbreviation for ‘Panchayati Raj Mahila Sashaktikaran Programme’) was meant for women political empowerment as the name itself suggests. Women volunteers in each Panchayat were selected in large number and they are imparted training from time to time. Three most active of them in each case were selected for leadership training for furtherance of the programme.

SOCIAL CAPITAL AND WOMEN’S POLITICAL PARTICIPATION

The political empowerment here refers to the level of political participation in shape of voters’ turnout, contesting the elections and working as the election workers at the grassroots level. We have taken the contesting panchayat elections as the major indicator. The study conducted by NCW (1998) across the country in the selected states like Hariyana, Orissa, Tamil Nadu, Uttranchal, Chhathishgarh, Madhaya Pradesh, Rajasthan, Uttar Pradesh throws ample light on the level of political participation by women at the grassroots democracy and the issues related to the components of social capital. It finds that women lacked the social capital at large; therefore, they could win only from those constituencies or wards, which were reserved for them (women). Most of the contesting women candidates interviewed (97 percent) were from the reserved constituencies. This was, however, not surprising, as politics had not been too friendly to women all these years. Out of these, some came from the special reservation for women under SC, ST and OBC categories. A few had also come through constituencies reserved for SC and ST in general.

Most significant is to note that the social factors heavily came out as obstacle in their political role taking. Many mentioned the patriarchal view of men and even women, which considered that women were not capable and not fit for politics. Some women candidates also found illiteracy to be a handicap. They also came under scrutiny because of their inability to read and write, or because they were economically not well off. Quite disabling them. Domestic work, childcare, lack of mobility partly due to social reasons etc. have also been the main handicaps in electioneering. This was also found in case of Bihar. Many elected women found themselves unable to take roles in the panchayat bodies due to domestic work and

childrearing related functions. Many women all over India said that the family members were helpful, that they gave them moral and even financial support and campaigned for them. In some case, of course, men alone campaigned. Villages and family members seemed to have given the women maximum support in the elections. In context of social capital, it is pertinent to mark the issues taken up by women in the campaign. By way of conclusion we may find that the reason of whatever the success they got in the panchayat elections were to some extent influenced by social capital evolved among them. Many of the elected women claimed that villagers supported them as a whole, consisting of both males and females. This support, in turn, they attributed above all to their own personal work, popularity and influence (Kumari: 2016).

Though there was 33% reservation for women seats till 2001 panchayat elections but surprisingly approximately 37% of women won elections in Bihar. Now the Bihar Panchayat Raj Act 2006 makes provisions of 50 per cent seats reserved for women in all categories. This is indeed a very healthy trend. Even women voters turned up in large numbers during Panchayat Polls. At some booths, like Danapur, Naubatpur, Bhojpur, Bakhatiyarpur, they even out numbered their male counterparts. Interestingly such an awakening was not witnessed in Bihar assembly or parliamentary elections. Experts say that it was due to the fact that good number of seats for the membership of local bodies has been reserved for women. Election Commission report shows that tribal women won more seats than tribal men both in Purnea and Katihar in Gram Panchayat elections. The numbers were 43 males and 56 females, 84 Males and 87 Females respectively in both the districts. 7 Males and 9 Females, 7 Males and 12 Females at Panchayat Samiti election respectively the studied districts 2 Males and 6 Females in Purnea and 2 Males and 6 Females in Katihar at Mukhiya level. It is interesting to note that these districts were under the programmes of the SANSARG, the voluntary agency worked intensively in Bihar. Such a change is a welcome move towards women empowerment. It will be evident from the discussions below.

Another novel experiment was done in Panchayat Raj by allowing adolescent girls (Kishoris) just out of teens to participate in Panchayati Raj system of administration in the rural area with surprising results. Two girls Guriya and Sangita of the “Kishori Sabbha” in Karnapur Bochahan in Muzaffarpur district were assigned the task of going to every house where a woman lived to a varying degree of purdah to talk to them to come out to cast their vote in Panchayati Raj elections. Similar incidents happened in other districts too. A study on the innovations, awareness generation on the Panchayati Raj was under taken by Centre for Communication Resources Development (CENCORED) during 1993 found that “kishori Sabha” not only helped to create awareness about electoral process. Voter’s rights and duties but also empowered them to deal with adverse situation

and articulate their problems in forum comprising their own peers. Hence they were more enthusiastic. There is a wind of change in our villages and people are more aware of their rights.

EPILOGUE

To cap it all, the whole gamut of discussion suggests that the voluntarism may play a very effective role in creation of social capital towards sensitizing women for political participation. The programmes of 'Sansarg' in Bihar sound systematic and fruit bearing. When the government and the political parties are hypocritical in their approach towards empowering women, voluntarism may work wonder. It may make women politically more socialized, participative and assertive. It is clear that the new panchayatraj system has given rise to involvement of more women into political arena. But still there is need to enable them economically, educationally and socially so that they substantially participate in local level governance.

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FEMINIST CONSTITUTIONALISM: WOMEN IN MAKING AND WORKING OF CONSTITUTION

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Abstract

The present paper attempts to analyse women's involvement in constitution-making and the recent engagement of feminists with constitutionalism studies. It discusses the various themes that have emerged in the project of feminist constitutionalism and the potential of feminism in redefining constitutional concepts and bringing questions which have been largely ignored within the framework of liberal constitutionalism and transformative constitutionalism. The project of feminist constitutionalism tries to broaden the agenda and scope of the field of constitutionalism and makes room to address issues which were hitherto ignored.

Keywords: Agency, Equality, Feminist constitutionalism, Multiculturalism, Rights, Representation

One of the most important achievements of feminist activism and practice has been to challenge the public-private distinction which relegated many of the concerns of women to the realm of private. Thus, women issues have been brought to the realm of political. More recently feminist theory and activism has attempted to constitutionalize issues belonging to the domain of family. The patriarchal ideology rests on the assumption that women are the caretakers of their family including their husbands, children and senior citizens. Some of the recent constitutions have gone a long way in challenging this assumption, for example, Article 27 of the Rwandan Constitution 2010 grants equal right and equal responsibility to both parents to bring up their children.¹ It also mandates the state to draft an appropriate legislation and to establish necessary institutions for the protection family in general and women

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and children in particular. Article 46 of the Colombian constitution mandates the collective responsibility of the state, family and society for the protection of senior citizens. It mandates the state to provide social security and food subsidies in the event of destitution. Similarly, the Colombian constitution has provisions for the protection of children, adolescents and women².

This paper is divided into two sections. The first section analyses whether the participation of women in constitution-making makes a difference? The second section analyses literature on feminist constitutionalism and its potential in redefining constitutional concepts and raising issues hitherto ignored within the framework of liberal constitutionalism and transformative constitutionalism.

WOMEN AND CONSTITUTION-MAKING

Women did not take part in the writing of the constitutions in most of the states. Even in few cases where they took part in the constitution drafting process, they were present only in small numbers. It is the men who have chiefly interpreted constitutions and have narrowed deliberations to terms they set³. Irving⁴ explores the history of women's participation in or association with constitution-making. She points out that though women were missing from or underrepresented, in the official process of constitution-making and amendment, this should not be mistaken as silence of women on constitutional issues.

The first modern written constitution was drafted in America in the post-Revolutionary period. Despite the fact that there were no women at the Philadelphia Convention of 1787, where the U.S. Constitution was framed, this should not be seen as the absence of views or anticipation among women regarding the new American Constitution. In 1776, Abigail Adams (wife of John Adams, member of the Philadelphia Convention) wrote to John Adams with a reminder to 'Remember the Ladies, and be more generous to them than your ancestors... Do not put such unlimited powers in the hands of the Husbands. Remember all men would be tyrants if they could'⁵. Elizabeth Katz writes, 'women around the world remain uninvolved in their constitutions creation and revision, leaving their rights in men's hands'⁶. Another woman from Massachusetts, Mercy Otis Warren, wrote an anti-federalist pamphlet titled 'Observations on the New Constitution, and on the Federal and State Conventions' in 1788, during the time when the newly completed U.S. Constitution was debated for ratification. In her pamphlet Warren noted the absence of a Bill of Rights from the Constitution and argued that the 'constitution's design for complex and centralized government resembled an aristocracy, rather than a republic'⁷.

During the same time, women's rights and their inclusion in the French Constitution were also under discussion. Olympe De Gouges authored 'Declaration

of the Rights of Woman and the Women Citizen' in 1791. This text can be regarded as an 'edited and gender-sensitive' version of the 'Rights of the Man and the Citizen'. She inserted the words 'woman' or 'women' in place of 'man' or 'male'. She also included a defence of reproductive autonomy in Article 11 of her text. In the postscript, she includes a 'Form for a Social Contract between Man and Woman' which was in essence a declaration for equality in marriage understood in contractarian terms⁸.

Another woman, Elizabeth Cady Stanton, a U.S. delegate, was excluded from the delegates' seat at the World Anti-Slavery Convention in 1840. This experience led her to turn the 'constitutional rhetoric of self-independence on itself.' She rephrased the text of the 'American Declaration of Independence' as a 'Declaration of Sentiments', inserting a 'woman's voice'. In second paragraph of 'Declaration of Sentiments', Stanton began by mirroring the famous line of American Declaration of Independence, 1776: 'We hold these truths to be self-evident that all men and women are created equal'. She recited the history of continual wounds and intrusions by men towards women. Stanton's grievances comprised the denial of franchise and the legal right to property to women. She asserts that women have been deceitfully deprived of their most revered rights and asked for their 'immediate admission to all rights and rights which belong to them as citizens of the United States'⁹.

A suffragist leader, Rose Scott in New South Wales, considered the projected confederation of the Australian colonies as an imprudent experimentation planned by men, for which women would give the price Her biographer Judith Allen notes that Scott's opposition to federalism included its propensity to women's power: As Scott stated, 'The cost of national institutions including, the military would be borne by women taxed without representation'¹⁰. She further added that the Constitution would allow men to 'lay [their] hands' on matters of 'intimate concern to women-marriage and custody of children among others-without giving them political representation'¹¹.

Irving points out that in recent times, we can see examples of women participation in the framing of their country's constitutions. Women have actively pursued the adoption of the 'Canada's Charter of Rights and Freedoms'. Women were active participants in the framing of South-Africa's Constitution in the mid-1990s and the new Colombian Constitution in 1991. Their participation was noteworthy in the framing of constitutions in African countries, most notably in Rwanda. During the review of Nigerian constitution, a set of proposals and recommendations were framed by National Women Outreach on Constitutional Reform to make the constitution more 'women-friendly'. These included constitutional provisions providing for the affirmative action, freedom of religion, the justiciability of the socio-economic rights, and making the judicial process both affordable and

accessible to the average Nigerian and the translation the constitution into local languages¹².

During the making of Iraq Constitution in 2005, women's organizations, both domestic and international were occupied in agitating and lobbying. Women for Women International met in Jordan in June 2005 and prepared a report on the meeting which was titled, 'Our Constitution, Our Future: Enshrining Women's Rights in the Iraqi Constitution.' This report mentioned ten recommendations for constitutional provisions. These were:

a strong and visionary preamble (some participants recommended that the preamble should affirm the country's adherence to international conventions such as CEDAW); the principle of supremacy of the Constitution;...the establishment of a gender equality commission; gender quotas for women in the national legislature; and the creation of a dedicated position at all levels of government to advise on and to monitor gender equality and women's access to services¹³.

Most of these provisions found place in the 2005 Iraqi Constitution¹⁴.

Elizabeth Katz has analysed the contribution of women in constitution-making process of four countries and concludes that women's involvement has made a vital difference, and even in cases where their desires have not been wholly included in the text of the constitution, women's participation nevertheless paves the way for future debates and enhancements¹⁵.

Katz argues similarly to the minority groups, women have distinctive interests in the framing of their nation's constitution. Women's participation is vital in order to guarantee that women's rights and primacies are encompassed or at least talked in a national discourse. She argues that the legitimacy of the constitutions should depend on the meaningful involvement of women in framing and adopting the constitution of their country. Katz further argues that women's involvement is vital for both symbolic and substantial reasons. Women's participation fundamentally changes constitutional text, brings distinctive and often 'taboo issues' into the national limelight, and empowers women participants. She argues that women's participation in constitution-making process meaningfully influences the 'regulative', 'constitutive' and 'transformative' facets of constitution framing¹⁶. First, women's voices impact the ultimate content of constitutions. Women's promotion and proposals both modify and augment constitutional provisions, stretching from the modification of constitutional language to the incorporation of equality and non-discrimination provisions. For instance, deliberations on gender equality during the course of the South African constitution-framing transformed the language of the text into a gender-sensitive language. The only exception is with regard to appointment to political office, where the text utters 'women and men' to avoid the prospective that de-neutral language would lead to enduring typecasts that disregard women. Another example is the Rwandan women's drive for legislative

seats ensued in their constitution bestowing 30 percent of the seats in parliament to women. In Rwandan parliament, women's members now constitute around 45 percent which is the second highest in the world¹⁷.

Based on the study of constitution-drafting process in four countries, Katz argues that women's impactful involvement necessitates two principal elements: 'women members of the constitution drafting body and an active, organized and inclusive national group'¹⁸. The mere inclusion of women to the constitution-framing body is inadequate for the reason that women delegates many a times have allegiances that undermine or dwarf women's rights. Therefore, the most significant ingredient in women's significant input is an active women's organization that overcome religious, ethnic, economic and other diversities and bond women around shared objectives. The organization should also emphasise on advocating for women representatives within the drafting body. The significance of this effort is clearly exemplified by the constitution drafting process in South Africa, where the demonstrations led by the Women's League ensued equal representation of men and women in the constitution drafting body¹⁹.

FEMINIST CONSTITUTIONALISM

The project of feminist constitutionalism is to explore the association between constitutional law and feminism by investigating, interrogating and 'redefining the very idea of constitutionalism from a feminist perspective'²⁰. Feminist constitutionalism entails not only that we re-examine conventional themes from novel perspectives, but more notably to raise novel questions and introduce novel themes and take charge for varying the axis of constitutional dialogue and debate. The standing of constitutional law needs to be recognized for feminist analysis. The project of feminist constitutionalism is to be appreciated to counterpart feminist legal theory. Constitutional law is foundational to legal systems in most of the countries; it shapes central assumptions about the conceptions of 'citizenship, rights and responsibilities', therefore feminists who engage in critiquing law must comprehend that legal systems cannot be altered without changing their 'constitutional foundations'²¹.

Mackinnon²² contends that feminist constitutionalism needs to be enthused by different values. Male dominance would be challenged tactically but squarely. It necessitates that not only the constitution but also the social order be infused with substantive equality for women, and requires a vigorous engagement with inequalities (bases on sex and gender) in society. She argues that though we need to remain receptive to context but the project of feminist constitutionalism should not be side-tracked by 'essentialist questions' such as 'sameness versus difference debate' or 'cultural relativist' questions regarding whether the cultural specific practices of different communities based on subordination of women can be tolerated. It needs

to abandon the assumption that 'a private sphere defined around home and family is a place of sex equality' and therefore impervious to public rules. The matters where there is no effectual choice to disagree or influence to affect the contour of options or outcomes that exists such as 'the form of government or sexual access, forms of force from socialization to physical aggression would not be rationalized as consensual'²³.

Nedelsky²⁴ argues that one of the key tasks of contemporary constitutionalism is finding means of holding democratic decision making accountable to core values. She argues that to guarantee elementary rights such as equality, an intensely 'transformative dialogue about gendered division of labour' is required²⁵. There is necessity to reconsider our values so that numerous layers of norms, practices and institutions, and laws can be held accountable to those values. She asks to move beyond state institutions to ponder much more broadly about novel forms of discussion about core values and accountability to them. Thus, the central idea of constitutionalism needs to be stretched for its fundamental objective to be achieved²⁶.

THEMES IN THE PROJECT OF FEMINIST CONSTITUTIONALISM

Equality: An elementary precept of feminism is engagement with different interpretations of the right to equality. In the beginning, struggles for equality were fixated on asking for formal equality and stereotypes detrimental to women were confronted. In contemporary times, a consensus has been achieved among most feminists that formal equality is only facet of the multifaceted objective to attain gender equality²⁷.

Equity and Agency: Irving argues that both 'equity and agency' are essential to attain full 'membership in the constitutional community'²⁸. Equity entails 'justice and fairness, recognition and respect' and agency involves 'inclusion and effective participation in decision making', both with respect to one's own self as well in the political-legal sphere²⁹.

Constitutional Design: Irving argues that one of the principal questions regarding constitutional design is: Whether a constitution is 'compensatory' or 'transformative'? Should the constitution be a reflection of social reality or should it transform that reality? According to Irving, the ideal response is to avoid a blunt choice amongst the two³⁰.

Gendered Words: Constitutions of most of the countries use masculine language while referring to the people, both individually and collectively. This might be discarded as inconsequential on the basis of supposition that masculine specific language in law is in fact 'gender neutral' in its 'real' meaning as well as in practice and thus no 'gender-disparate implications' flow from the referring to people as

'men' and individuals as 'he'. The framers of some new constitutions have sought to circumvent gender specificity 'by repeating nouns and avoiding pronouns'³¹. Where gender specificity is unavoidable, 'he or she' and 'man and woman' are the alternatives for those eschewing masculine rule³².

Rights: The edifice of the rights safeguarded as per the constitution can carry an important impression on their worth in endorsing gender equality. Some constitutions defend only negative rights, that protect individual citizens from interference, while others in addition defend positive rights, which enable the person to claim a source or occasion. Positive Rights are of specific significance to women as women are generally poorer than men in all parts of the world. On consequence, women members of the society frequently are not in a position to procure the facilities to realize their rights without demanding support from the government. The language in which rights such as reproductive rights are framed also bears significant impact. For instance, a negative right with regard to reproductive choice is worth almost nothing to the numerous women possessing no right to use to birth regulation or abortion³³.

Irving points out that the recognition of reproductive rights in the political sphere is a novel development, and the recognition of reproductive rights in constitutional domain is recent and rare. She points out that though none of existing constitutions fully address the range of issues related to reproductive rights, needs/interests, and duties, the South African Constitution is unique as it lays out meticulous provisions that identify women's reproductive capacity³⁴. Article 12(2) of the Constitution of South Africa, 1996 states that 'Everyone has the right to bodily and psychological integrity, which includes the right (a) to make decisions concerning reproduction; (b) to security in and control over their body (c) not to be subjected to medical or scientific experiments without their informed consent'³⁵.

Institutions: The project of feminist constitutionalism needs to defend against the inducement to relate gender issues in constitutional law with 'specific rights promoting struggles' and move towards a comprehensive discussion of institutions³⁶. Vickers points out that 'the constructions of masculinity and femininity are part of political institutions' basic logic³⁷.

Representation: Rodriguez-Ruiz and Rubio-Marin argue that the conventional representational model, 'the model of unitary general representation', came with the inauguration of the liberal state after the French Revolution and is adverse to equality and any plausible form of quotas that would flout the conception of a unitary electoral body ('conceived as abstract citizens coming together to exercise their individual right to suffrage')³⁸. Gender quotas challenge the conventional, 'liberal model of unitary general representation' as they interrogate the belief of both 'abstract citizens' and 'abstract representatives'³⁹.

Electoral System: Electoral systems can also influence representation of women. The proportional representation based on multi-member constituencies is more favourable to women's chances of getting elected. If more than one member is to be chosen, then parties may be more prepared to choose some women candidates. The first past the post system based, where the candidate getting majority votes is declared is less favourable for women's chances of being elected. The single transferable vote system may result in the election of candidate who is least detested and may offer indirect advantage to women candidates. Irving argues that proportional representation system is most favourable in facilitating the election of women, if all other things remain equal⁴⁰.

House rules: Irving argues that an examination of 'gender of representation' needs to take into account more than the right to vote and electoral rules as the 'rules, practices and standing orders in a country's legislature may assist, or alternatively obstruct women's representation' The rules might necessitate members of legislature to be missing from their home for long periods of time, or may require sitting in the legislatures till late evening. In countries with large geographical area, travel to the national capital might take several hours even by airplane and thus the prospect of returning home during sessions is missing. This presupposes a culture in which the lives of politicians take place outside the home and is unsympathetic to every day realities of nurturance and sustenance. This is culture attributed to 'traditional, elite masculinity.'⁴¹

Women in Government: Even in countries where women constitute a large number of legislative members, their presence in government offices is dismally low. At least the constitutions of some countries emphasize the necessity of gender balance in government offices. Chapter 2, Section 4 of the Rwandan Constitution embrace a constitutional commitment to 'equality of all Rwandians and between men and women reflected by ensuring that women are granted at least thirty percent of posts in decision making organs'⁴². Article 40 of the Colombian Constitution declares that 'any citizen has the right to participate in the establishment, exercise and control of political power'⁴³ It also explicitly stipulates that, in order to make this declaration operative, amongst other things, 'the authorities will guarantee the adequate and effective participation of women in the decision-making ranks of public administration'⁴⁴.

Redefining Multiculturalism: Narain emphasizes the necessity of crafting an perceptive of multicultural citizenship that makes way for the prospect of 'difference without exclusion and pluralism'. She argues that we need to move beyond the naive acknowledgement of cultural relativism that may validate all manner of subordination, reimagine multiculturalism in a manner that brings a new 'perspective to rearticulating women's rights'.

Customary Law: Himonga⁴⁵ argues that ‘engagement with customary law must serve to protect women’s human rights rather than seek to preserve custom, tradition, and culture for their own sakes’. She points out that ‘engagement with customary law should seek to use custom, traditions and culture to protect the rights of women within cultural contexts’ in a way that does not refute the universality of women’s human rights⁴⁶. Thus the ‘good aspects of custom, tradition and culture’ that included values and protections for women in the past to underline the ‘protection rather than the control of women under customary law’ should be preserved⁴⁷.

Intersectional Theory: Jewel Antoah⁴⁸ argues that by juxtaposing feminism and multiculturalism, gender is pitted against culture. Intersectionality offers for the cohabitation of competing rights (such as gender and culture) and it does not necessitate choosing one over the other⁴⁹.

International Law: The advantage of International Law is that it permits women to converse across nations and in the process allows them to ascertain their common experience of subjugation in transnational, supra constitutional terms. A constitution may explicitly incorporate international law which leads to its entrenchment directly in the constitution⁵⁰. For instance, Article 16 of Constitution of Serbia, 2006 lays down that ‘[g]enerally accepted rules of international law and ratified international treaties shall be an integral part of the legal system in the Republic of Serbia and applied directly;’⁵¹. Another example is found in Article 51 (c) of the Indian Constitution, which provides that ‘[t]he State shall endeavour to . . . foster respect for international law and treaty obligations in the dealings of organized peoples with one another.’⁵².

Models of Governance: Constitutional design involve choices of models of governance, for instance between a presidential and a parliamentary, or between a republican or monarchical government. A feminist perspective would consider the nature of power, entrenched in presidential institutions and the extent to which it results in concentration of power and thus be disposed to favour the concurrence of men over women⁵³.

Constitutional Interpretation: Even if the original process of framing has been informed by the goals of equity and agency, gender auditing of constitutional interpretation is required so that the benefits of original process of framing are not watered down Constitutional interpretation, customized to the function of endorsing and defending gender equity, will engage incessant obligation to carrying in concert ‘purpose and current context’⁵⁴. Kannabiran⁵⁵ argues that the constitutional interpretation should take into account the intersectionality of discrimination, a woman in India experiences discrimination not only on account of her sex but also on account of other factors such as caste, language, religion, race,

place of birth. She gives a call for intersectional jurisprudence which necessitates radical constitutional interpretation which is embedded in constitutional morality rather than societal morality⁵⁶.

Enforcement of the Constitution: Irving⁵⁷ argues that the enforcement of the constitution cannot lie solely in the judicial process. She asserts that if enforcement depends upon individual litigation, it can lead to inequitable results. It leads to the privatization of execution of public welfare and puts the burden on the deprived party, and buttresses the very asymmetry in power that resulted in deprivation. Therefore, additional compliance mechanisms are required to complement or supplement judicial review. The South African Constitution provides for Commission for Gender Equality which can be regarded as non-judicial institution of compliance for women's rights Irving argues that 'political' and "judicial' acquiescence will counterpart each other. Political compliance functions as a public process whereas judicial compliance permits private enforcement.

Amending the Constitution: No constitution can serve its purpose for all times to come since changes in the context brings to fore the issues which could not have been foreseen by the framers of the constitution, therefore intermittent amendments are necessary⁵⁸. If women have to be 'full members of the constitutional community' and to be 'equal owners of a constitution', they ought to be granted an 'equal and equitable part' in the process of amendment⁵⁹.

CONCLUSION

Women were not directly involved in the making of older constitutions, but few women did raise their concern through their writings when the constitutions were being drafted. But gender equality was not in the minds of framers of the constitutions in 18th and 19th centuries and as a result the constitutions framed during that period are devoid of any reference to gender equality. During the first of the twentieth century, few constitutions such as the Constitution of Germany (1919), Austria (1934), Soviet Union (1936), Japan (1947), China (1949), India (1950) included explicit reference to gender equality (Dhingra 2015). The Constitution of Soviet Union, 1936 went farthest as it enshrined gender equality in all spheres, namely, economic, social, cultural and political and also provided for maternity relief (The Constitution of Soviet Union, 1936). New constitutions were adopted in various countries as a consequence of regime changes and the end of cold war. Women were part of the constitution making bodies in many of these countries and both domestic and international organizations took active interest in the formation of new constitutions, thus most of them recognized gender equality. But reference to gender equality is not enough; the project of feminist constitutionalism tries to assess the extent to which the constitution can facilitate in transforming the living

conditions of women. We need to differentiate between measures that reinforce existing inequities even while addressing them and the measures that can transform society and help in equalizing it. For example, maternity leave is significant for working women but it also reinforces the existing belief that caring of a child is the sole responsibility of women; on the other hand, parental leave for both men and women can go in challenging the belief.

The project of feminist constitutionalism attempts to extend the boundaries of constitutionalism and makes room to address issues which were hitherto ignored. It attempts to bring the issues concerning women to the mainstream which were treated as peripheral issues. It interrogates the assumptions that are taken for granted by the constitutional scholars. It also offers prospects to interrogate the basic assumptions that are taken for granted. I believe that the project of feminist constitutionalism should overcome debate on same treatment versus different treatment, some cases same treatment will be useful but other cases differential treatment becomes a necessity.

The project of feminist constitutionalism is its nascent stage and needs to address queer theory in the times ahead. Though feminist constitutionalism is based on the assumption of certain commonality in the experience of women, nevertheless more recently, it has engaged with concerns of intersectionality.

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WOMEN EMPOWERMENT IN MATRILINEAL SOCIETY OF MEGHALAYA: A STUDY IN THE CONTEXT OF THE KEY PARAMETERS

Rita Biswa*

Abstract

It is an established fact that women have been subjugated, deprived and oppressed since ages by the patriarchal social system. Dominant male bastion has been blamed for women's deplorable situation. If patriarchy is to be blamed for their poor condition, then matriliney may result in favour of women. As such it becomes an urgent imperative to address the question - are women more empowered in the matrilineal societies? With this query in mind the present paper aims to examine the status of women empowerment in the matrilineal society of Meghalaya in terms of key parameters like safety and security, status of health, education, political participation and so on. Our examination finds that women of matrilineal society are not likely to be better in terms of empowerment than those of patriarchal societies.

Keywords: Matrilineal-Society, Women Empowerment, Health, Education, Power Structure, Meghalaya

INTRODUCTION

Women continue to be deprived of their rights and face discrimination at all levels, owing to being them lagging behind men in the areas of education, health, safety and political representation. Education is the right of every child, boy or girl which will aid them to realise their worth and have more control over their lives. The safety and security against crime along with good health care are fundamental issues that need immediate attention. Further, political participation is another important factor of women empowerment. If women fail to take care of their rights

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and interests and fail realising their full potential, situation cannot be improved. The international instruments and covenants like UDHR, UN Charter and various covenants for women and children etc. promise to assure socio-economic and political equality to all including women.

Further, women under both matrilineal and patriarchy do not share a common culture. Patriarchy is indicative of the control of men, vested with power and authority, over women. Matrilineal societies, on the other hand, are characterized by a kinship system in which descent is based on maternal lines. The Khasis, Jaintias and Garos of Meghalaya are social groups adhering to the matrilineal structure – the lineage is traced through the mother by tradition, "...family assets, name and wealth pass from mother to daughter and not from father to son." (Bijukumar, 2019). After marriage, it is not the bride rather the husband leave their house to settle at bride's family. In the Khasi society, for example, the youngest daughter '*khatduh*' is the custodian of the property. The cultural norms and practices of matriliney and patriarchy, thus, are fundamentally differentiated. Matriliney seems to be compatible to women's empowerment giving women distinctive privileges not shared under patriarchal societies, while patriarchy appears to conflict with the idea of empowerment, relegating women to a lower rank in the gender hierarchy.

OBJECTIVES AND METHOD

Thus it is interesting to assess as to whether the women in matrilineal society are more empowered. This will be assessed on the basis of parameters of women empowerment like social safety and security, health status, educational status and share in power structure judged by their presence in state legislature. So far methodology is concerned, the present study bases mainly on secondary sources of data collection like government reports, Census, books, journals and material available on web links.

STATE OF WOMEN IN MEGHALAYA

Demographic Structure

Before we examine parameters of women empowerment, it becomes an urgent imperative to throw light on demographic structure of Meghalaya like proportion of female population in relational to total population as well as the sex ratio.

Table 1 depicts the percentage share of female population in total population and sex ratio. The female population in Meghalaya in 2011, was 49.72% of the total population as compared to 48.53% of the female population in India. The sex ratio in 2011 in Meghalaya was better than the

Table 1: Sex ratio in Meghalaya and India (as per Census 2011)

	% share of women			Sex ratio		
	Rural	Urban	Total	Rural	Urban	Total
Meghalaya	49.64	50.03	49.72	986	1001	989
India	48.69	48.16	48.53	949	929	943

Source: Women and Men in India (A statistical compilation of Gender related indicators in India) 2018, 20th Issue, Social Statistics Division, Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India.

Sex ratio in Meghalaya with 989 females to 1000 males in comparison to 943 females to 1000 males in India. Sex ratio is an important tool to measure the status of women and an adverse sex ratio in the case of women emphasizes a significant bias against them and Meghalaya is yet to achieve an above equality ratio with only the sex ratio among urban population in 2011 being 1001 females to 1000 males.

REPRODUCTIVE HEALTH CONDITIONS

The following Table 2 reveals the real picture of maternity care indicators

Table 2A: Maternity Care indicators :2015-16

Meghalaya	Mothers who had antenatal check-up in the first trimester (%)	Mothers who had at least 4 antenatal care visits (%)	Mothers who consumed iron folic acid for 100 days or more when they were pregnant(%)	Mothers who had full ante-natal care(%)	Mothers who had received postnatal care from a doctor/nurse/LHV/ANM/ midwife/ other health personnel within 2 days of delivery(%)
	53.3	50.0	36.2	23.5	47.5

Source: Women and Men in India (A statistical compilation of Gender related indicators in India) 2018, 20th Issue, Social Statistics Division, Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India.

Note: for last birth in the 5 years before the survey

Table 2A provides the maternity care indicators in Meghalaya for the year 2015-16. Barely, 53.3% women had antenatal check up in the first trimester and the share of women who had at least four antenatal care visits was even lesser at 50.0 %. Of the total pregnant women, 36.2% consumed iron folic acid for 100 days or

more. A dismal figure of 23.5% of women had full antenatal care, which shows that matrilineal Meghalaya has a long way to go to achieve antenatal care for the entire pregnant women. The percentage of mothers who received postnatal care from a doctor, nurse or any other health personnel was unimpressive at 47.5%. Table 2A shows that on antenatal and postnatal cares which are critical for the health of women, Meghalaya fared very poorly on these indicators.

Table 2B: Anaemia among Women and Children during 2015-16

<i>Area</i>	<i>Non-pregnant women age 15-49 years who are anaemic (<12.0g/dl) (%)</i>	<i>Pregnant women age 15-49 years who are anaemic (<11.0g/dl) (%)</i>	<i>All women age 15-49 years who are anaemic (%)</i>
Meghalaya	56.5	53.1	56.2
India	53.1	50.3	53

Source: Women and Men in India (A statistical compilation of Gender related indicators in India) 2018, 20th Issue, Social Statistics Division, Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India.

Table 2B shows that anaemia among women is a major health concern both in India and Meghalaya – with the percentage of anaemic women being more in Meghalaya in comparison to India, with 56.5 % of non-pregnant women (15-49 years) in Meghalaya as compared to 53.1% in India and 53.1 % of pregnant women (15-49 years) in Meghalaya against 50.3 % of pregnant women in India. The percentage of all women who were anaemic in the age group of 15 to 49 years was 56.2 % in Meghalaya whereas it was lesser at 53 % in India. The figures in Table 2B clearly indicate a higher prevalence of anaemia among women in Meghalaya, which points towards their poor health and severe nutritional deficiency.

Table 2C (i): Status of Morbidity Among Women

(In the age group of age 15 -49 during 2015-16)

<i>Age group/ Diseases</i>	<i>Diabetes</i>	<i>Asthma</i>	<i>Goitre or any other thyroid disorder</i>	<i>Any Heart disease</i>	<i>Cancer</i>	<i>Number of Women</i>
(No of women per lakh)						
15-19	777	3565	1756	3158	299	1767
20-34	597	2470	1686	3145	318	4516
35-49	2,146	3486	3641	5244	577	2918

Source: National Family Health Survey, 2015-16 (NFHS-4)

Table 2C(ii): Status of Morbidity Among Men in the age group of age 15 -49 per 100,000 in Meghalaya, 2015-16

Age group/ Diseases	Number of men per 100,000					
	Diabetes	Asthma	Goitre or any other thyroid disorder	Any Heart disease	Cancer	Number of Men
15-19	519	129	295	129	0	248
20-34	2384	1019	841	403	0	503
35-49	9993	539	3820	5060	350	395

Source: National Family Health Survey,2015-16 (NFHS -4)

Table 2C (i) and 2C (ii) display the health problems among women and men across different age groups in Meghalaya in 2015-16. In the age group of 15-19, there were more women than men with health issues, with 1767 (per 100,000) females to 248 (per 100,000) males. In the age group of 20-34, 4516 (per 100,000) women had health problems as compared to 503 (per 100,000) men. The number of women per 100,000 in the age group of 35-49 with health issues was 2918 in contrast to 395 (per 100,000) men. In relation to men, the figures depict the poor status of women's health in Meghalaya.

CRIMES AGAINST WOMEN (SAFETY/SECURITY)

Table 3A shows the crime committed against women which is a major obstacle towards their empowerment. Though the table presents a decline in rape cases (119 to 85) from the year 2017 to 2019, yet the number is considerably high. Furthermore, the state witnessed a significant number of cases relating to assault on women with the numbers at 88 in 2017, 98 in 2018 and 100 in 2019. In addition, cases pertaining to kidnapping and abduction of women were frequently reported.

Table 3A: Crime cases reported against Women in Meghalaya for the years 2017-19

Sl. No	Crime Heads	2017	2018	2019
1	Rape	119	89	85
2	Attempt to commit Rape	20	15	10
3	Kidnapping and Abduction	56	35	25
4	Assault on Women with intent to outrage her modesty	88	98	100
5	Insult to the Modesty of Women	21	4	4
6	Immoral traffic (Prevention) Act	-	2	1

Source: <https://megpolice.gov.in/crime-against-women>

Table 3 B shows the age wise distribution of rape victims during 2016, with 49 cases each in the age groups of 12-16 years and 18-30 years. The next highest number was in the age group of 16-18 years with 36 cases. In the age group of below 6 years and 6-12 years, there were 12 cases in the former and 26 cases in the latter category. The total number of rape victims in the year 2016 in Meghalaya was 194.

Table 3B: Age wise distribution of Rape victims (by age – group) during 2016

<i>Meghalaya</i>	<i>Below 6 years</i>	<i>6-12 years</i>	<i>12-16 years</i>	<i>16-18 years</i>	<i>18-30 years</i>	<i>30-45 years</i>	<i>45-60 years</i>	<i>Above 60 years</i>	<i>Total</i>
	12	26	49	36	49	20	2	0	194

Source: Women and Men in India (A statistical compilation of Gender related indicators in India) 2018, 20th Issue, Social Statistics Division, Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India.

Table 3 C: Helps Sought Against the Crime Against Women in Meghalaya, 2015-16

<i>Help seeking</i>	<i>Type of violence experienced</i>			<i>Marital status</i>		<i>Total</i>
	<i>Physical only</i>	<i>Sexual only</i>	<i>Both physical and sexual</i>	<i>Ever-married</i>	<i>Never married</i>	
Never sought help and never told anyone	74.4	*	(66.2)	73.3	(74.8)	73.6
Never sought help but told someone	13.9	*	(13.6)	15.0	(11.0)	14.4
Sought help	11.6	*	(20.2)	11.7	(14.2)	12.1
Number of women who experienced violence	231	13	24	227	41	268

Source: *National* Family Health Survey, 2015-16 (NFHS -4)

Notes: *percentage not shown, based on fewer than 25 unweighted cases () Based on 25-49 unweighted cases

Table 3C indicates the percentage for the year 2015-16 of women in the age group of 15-49 who experienced violence and whether they ever sought help .The total number of women who experienced violence was 268 with 12.1 % of women who sought help. There were 14.4 % of women who did not seek help but told someone. A significant number (73.6%) did not seek help and never told anyone. The percentage reveals that a large number of violence that women suffered was never disclosed.

STATUS OF EDUCATION AMONG MEGHALAYA SOCIETY

Table 4A: Comparison of Literacy Rates

State and National	2001			2011		
	Female	Male	Total	Female	Male	Total
Meghalaya	59.6	65.4	62.6	72.9	76.0	74.4
India	53.7	75.3	64.8	64.6	80.9	73.0

Source: Women and Men in India (A statistical compilation of Gender related indicators in India) 2018, 20th Issue, Social Statistics Division, Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India.

Note: Literacy rates pertain to the population aged 7 years and above

Table 4A depicts the literacy rates for Meghalaya and India for both male and female. The figures in 2001 for females, 59.6 % for Meghalaya and 53.7 % for India shows just over half as literate. The literacy rates for male and female increased over time. With respect to females, in 2011, it was 72.9% for Meghalaya and 64.6 % for India.

Table 4B: Gap in the Literacy Rates of Males and Females

	Gender gap in Literacy Rate*		Declined by (%)
	2001	2011	2001-2011
Meghalaya	5.8	3.1	47.3
India	21.6	16.3	24.7

Source: Women and Men in India (A statistical compilation of Gender related indicators in India) 2018, 20th Issue, Social Statistics Division, Central Statistics Office, Ministry of Statistics and Programme Implementation, Government of India.

*Gender gap = Literacy rate for males – Literacy rate for females

Table 4B shows the gender gap in literacy rates for both Meghalaya and India for the years 2001 and 2011. The gender gap was 5.8 % in 2001 and 3.1 % in 2011 for Meghalaya and 21.6 % in 2001 and 16.3 % in 2011 for India. This gap declined by 47.3 % for Meghalaya and 24.7% for India in the time period 2001-2011.

Table 4C: Girls Enrolment Ratio

Percentage share of Girls enrolment	Academic Year			
	Category	2017-18	2018-19	2019-20
	Lower Primary	49.37	49.68	49.55
	Upper Primary	52.34	52.72	52.80
	Secondary	53.53	53.93	54.49
	Higher Secondary	53.06	54.23	54.41

Source: State Education Mission Authority of Meghalaya (SEMAM) Directorate of School Education and Literacy, Shillong, Meghalaya

Table 4C depicts the percentage share of enrolment of girls at lower primary, upper primary ,secondary and higher secondary levels in Meghalaya which was just 50 % or little more for all categories in the academic years, 2017-18, 2018-19and 2019-20 except for girls in lower primary which was slightly below 50% .

WOMEN'S SHARE IN POWER STRUCTURE

The most significant parameter of women empowerment is their political participation which can be judged by their participation in voting, contesting elections and becoming member of legislature. The following Table 5 depicts the status of political representation of women in Meghalaya vis-a-vis Indian average. As per table 5 below, the number of women contestants and the number of women elected to the Meghalaya Legislative Assembly in the last three elections has increased but insignificantly as evident from the fact that number of contestants increased from 21 in 2008, to 25 in 2013 and 32 in 2018 elections but number of elected women were meagre, negligible in percentage terms. Whereas the number of women in Indian Parliament has been between 10 to 13 percent in different elections during this period. Minimum 10 percent amounts to 6 in Meghalaya Assembly whereas they amounted below one percent.

Table 5: No of Women Contestants and Elected in Assembly Elections from 2008 to 2018

<i>Year</i>	<i>Number of women contestants</i>	<i>Number of women elected</i>
2008	21	1
2013	25	4
2018	32	3

Sources:(1) Meghalaya 2008 <https://eci.gov.in/files/file/3688-meghalaya-2008/>(2) Meghalaya 2013 <https://eci.gov.in/files/file/3690-meghalaya-2013/>(3)Meghalaya General Legislative Election <https://eci.gov.in/files/3694-meghalaya-general-legislative-election-2018/>

DISCUSSION

So far the key parameters of health, safety and security, education and political representation are concerned, women in the matrilineal society of Meghalaya are as disadvantaged as their counterparts of the rest of patriarchal societies. However, in context of female friendly demographic structure, Meghalaya society was found better as compared to that of India. The sex ratio in Meghalaya is better in comparison to the sex ratio in India. But in terms of other parameters

of women empowerment, women in matrilineal society lack access to adequate education, political participation and health care. They are far behind in maternal health care indicators, antenatal and postnatal care, present a dismal picture. Even if one observes the additional health problems of women, their health status is unsatisfactory. Furthermore, Meghalaya accounts for a high incidence of Maternal Mortality Rate (MMR), in comparison to the national Maternal Mortality Rate (MMR) which was 130 per one lakh live births. Meghalaya, on the contrary, recorded 187 maternal deaths in 2014-15 and 211 in the following year as per data of the State Health Department. (Times of India, 2019). Lately, the number of maternal deaths has been especially high in Garo Hills with, “140 maternal deaths in 6 months in West Garo Hills.” The chairperson of the Meghalaya Legislative Assembly Committee on Empowerment of Women, Ampareen Lyngdoh informed that according to the health officials the “...high presence of anaemia and very low institutional deliveries ...” are some of the factors for high Maternal Mortality Rate. (Rashir. P. G. 2019) The poor health conditions of women suggest that the government has failed in providing adequate health care to the women and the health issues of women have not received the focused attention of the government.

Added to these factors, the women are deprived of safety and security that make them more depowered. The statistics of crime against women in Meghalaya society shows a discouraging trend. The high rate of cases of rape and outraging the modesty of women in matrilineal Meghalaya is more pitiable. As per the National Family Health Survey, 2015-16 (NFHS-4), over one - fourth (28%) of women in the age group of 15-49 in Meghalaya have experienced physical or sexual violence. A high 74.4 per cent of crimes against women go unattended and unreported. The social environment in the matrilineal keep women unsupportive ignorant of their well-being. The matrilineal world in Meghalaya has failed to provide a secure and safe environment for women jeopardizing their interests and inhibiting their empowerment.

The gender gap in literacy rates is not as large as in the case of India. The enrolment figures of girls from the lower primary to the higher secondary show a slight increase from 2017 to 2020. In spite of this, there is a lot to be achieved in the area of women's education. According to the National Family Health Survey 2015-16 (NFHS-4) only 19% of women in the age group 15-49 in Meghalaya completed twelve or more years of schooling as compared with 22% of men.

In the area of political representation, male domination is reflected with the marginal presence of women in the Legislative Assembly, with one, three and four women representatives elected in the Legislative Assembly in the 2008, 2013 and 2018 elections respectively. Under matrilineal women do have distinctive privileges, yet their marginal representation or non-representation in political institutions, whether, in the *Dorbars* (Village Councils) or the State Legislative Assembly

hinders their empowerment. For instance, tradition prohibits women from being members of *Dorbars*. The belief that politics is not the domain of women is rooted in cultural beliefs and this has had significant impact resulting in the gender gap and exclusion of women in political representation. Hence, even after nearly fifty years of gaining statehood there are very few women representatives in the Meghalaya State Legislative Assembly. This deprives them of their engagement in political decision-making. The ample presence of women in political institutions at all levels is integral to the empowerment of women and on this parameter, women in matrilineal Meghalaya are more or less invisible. It is believed that patriarchy lies at the root of many a woman's problems. Matrilineal Meghalaya, however, does not present a favourable picture for the woman either.

The lack of basic parameters of women empowerment fortifies that even in matrilineal social set up women empowerment is not better. Matriliney does not facilitate the conducive conditions for women's well-being, rather it imbibes the hidden traits of patriarchy. Even in the matrilineal society women's roles are confined to household affairs and the social and political domains have masculine hegemon. Hence, a reshaping of mind-sets and entrenched attitudes is necessary. Irrespective of their cultural background, women under both matriliney and patriarchy face similar experience and on issues of education, health, crime against them and political representation, they find themselves connected.

CONCLUSION & SUGGESTIONS

The whole gamut of discussion boils down to the fact that women of matrilineal society, especially of Meghalaya are not better in terms of empowerment than that of patriarchal societies. The following are some suggestions for improvement in their situation:-

- (1) There is urgent need to provide adequate reproductive health facilities on priority basis. to women of Meghalaya and target the reduction of Maternal Mortality Rate (MMR) through intensive and adequate government programmes accessible to rural women. Furthermore, health education with focus on physical and emotional well-being are required to be part of the school curriculum.
- (2) As regards to crime against women, efforts have to be directed towards the protection and guarantees against all forms of discrimination and violence against women. Women should be enabled for self assertion. Attitude of bureaucracy and police administration should be friendly to them.
- (3) The need to educate all girls is , therefore , critical. The onus lies on the government as well as on the family to see that each girl child is educated as matter of rights.

- (4) The norms and practices of the society, rooted in tradition, which hinder the representation of women in political decision making bodies needs to be challenged. The cultural beliefs that are discriminatory have to be discontinued. This requires a mindset change and a progressive outlook on the part of both men and women. In addition, reservation for women at various levels of political institutions should be a fundamental goal.
- (5) School curriculum have to include gender education whereby both girls and boys will realize that unless we create a gender balanced world where there are equal rights and opportunities, human progress will be hampered. The civil society and media have to be associated in the creation of awareness about the significance of safeguarding and promoting the interests of women.

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DISARRAY IN THE INSTITUTIONS OF GOVERNANCE: AN ANALYSIS OF INDIAN DEMOCRACY

Iqbal Singh* and Prabhjot Kaur**

Abstract

The Indian State was conceived by the society as a tool to regulate the behaviour of the people. It is the government which has to govern the society in accordance with the rule of law as well as the wishes of the people. The concept of governance includes activities, manners and management through various modes of exercising the power of government. The goals of the Indian polity have remained substantially unrealized with a drift towards political uncertainty. The functioning of the political parties lacks direction towards strengthening the democratic process and institutions within the country. The political leaders resort to regional, linguistic, religious and communal politics to garner political power. The whole political process acquires a character of business orientation to wield power and money. These negative trends have put a question mark on the credibility of democratic institutions. This paper thoroughly analyses the working of the democratic institutions in India and suggested the remedial measures to improve their working so that these institutions can effectively contribute in the process of development and well-being of the people.

Keywords: Constitution, Democratic Institutions, Governance, India, Parliament, Supreme Court

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INTRODUCTION

Since independence, India has achieved a lot and now it is hovering for playing a bigger role in the 21st century.¹ The Constitution can provide only the organs of State such as the Legislature, the Executive and the Judiciary. But, the working of the Constitution does not depend wholly upon the nature of the Constitution. The factors on which the working of those organs of the State depends are the people and the political parties; they will set up as their instruments to carry out their wishes and their politics.² India was declared a republic after independence, thereby sovereignty was vested in the people and various democratic institutions were set up for their welfare under the visionary leadership of Dr. B. R. Ambedkar, Jawaharlal Nehru and Sardar Vallabhbhai Patel. Ironically, the democratic institutions of India are passing through various ups and down. In the present day politics, it has become a routine affair for the politicians to misuse all their powers for either own benefit or for the benefit of the party, they belong to.³

Jawaharlal Nehru introduced a robust democratic system of governance in India, which is based on core fundamental values such as universal adult suffrage, equality before the law and separation of religion and politics. Nehru's charisma overshadowed his political rivals and the activities of the opposition parties. The Congress party was at the helm of affairs at the Centre as well as in majority of the states during his tenure. Immediately after the death of Nehru, the system began to break down especially from 1969 onwards, when Indira Gandhi faced with increasing opposition strength, thereby rejected the principle of consensus in favour of the majoritarian principle. During the 1969-77 periods, the Centre-state relations were practically reduced to a state of near nonexistence and became very tense due to the centralization of power.⁴ In real sense, Indira Gandhi was a lady with an authoritarian bent of mind. During her tenure, an attempt has been made even to change the basic structure of the Constitution. The President of India served as the rubber stamp of the ruling party and Governor in the states became the defacto authority.⁵ Various negative indicators create hurdles in the smooth functioning of Indian democracy such as multiplicity of political parties, glaring economic and social inequalities, caste and communal politics, negligence of rural voters, role of money and muscle power in elections, personality cult in party system and misuse of the governmental machinery etc.⁶ The study seeks the answer of the above queries.

PROPOSED RESEARCH QUESTIONS UNDER THE STUDY

- What are the problems that have confronted by the democratic institutions of India in the last seven decades? What are the lessons to be learnt?

- What are the factors responsible for the present state of affairs prevailing in the Indian polity?
- How far and to what extent the quality of leadership/elected representatives is responsible for the crisis?
- In what way and to what extent, the politics of bargaining, opportunism, blackmailing and criminalization of politics is responsible for the decline of various democratic institutions of the Indian political system?
- What type of remedies and mechanisms should be adopted in order to improve the working of democratic institutions of India?

RESEARCH METHODOLOGY

The study aims to have critical analysis of the various organs and institutions of government and forces influencing their functioning. It is based on documentary analysis. It also requires the analysis of the behaviour of the actors, which have operationalised the Indian political system since independence. The secondary sources like books, magazines, journals and newspapers will be consulted to get deeper insight into the problem.

AMBIVALENCE OF THE CONSTITUTIONAL STRUCTURE

Immediately after independence, the Indian Union was created by including the unitary as well as federal features of the Constitution. The article 365 provided that the failure of a State government to comply with a directive issued by the Centre under any provision of the Constitution would entitle it to supersession and to be brought under President's rule. There was of course an over-reliance on the Centre.⁷ Such provisions are the root cause of tension between Centre and states.

CRISIS IN PARLIAMENT

The essence of parliamentary model is accountability of the executive to the legislature. But, the decline of the parliamentary institutions has made the task of governance more difficult. The Supreme Court hit back in the *Keshavananda* judgement (1973) that laid down the rule that the basic structure of the Constitution may not be amended and that judicial review is a feature of this basic structure.⁸ In a very shameful incident, the Member of Parliament (MP) from the Congress party from Vijaywada, Lagadapati Rajgopal sprayed pepper on other members in a bid to stall the introduction of the Telangana Bill in 2014. As a result, a few members fell unconscious and thereafter required medical attention. These members intentionally create pandemonium during the proceedings of the Parliament. The incident raises the serious questions about the working of Parliamentary institutions. Such type of logjam and unruly behaviour also create hurdles in the way of path breaking

legislations such as Women's Reservation Bill.⁹ It was really a dark chapter in the history of Indian Parliament, when 'The Andhra Pradesh Re-organisation Bill' was passed by the Lok Sabha. There cannot be a worse commentary on the state of democracy than the blackout of the proceedings of the lower House of Parliament, where the collective will of the people is deemed to reside.¹⁰

CRISIS IN EXECUTIVE

In a democratic polity, the executive has a crucial role in the implementation of the policies of the government. Jawaharlal Nehru's style of leadership was marked by vision and mushrooming of democratic institutions. But, Indira Gandhi imposed the national emergency in the country on the midnight of 25 June 1975, which lasted for a period of eighteen months. It was probably the most serious attack on Indian federal structure, because it led to the consolidation of authoritarian rule at the Centre. Her style of functioning completely destroyed internal democracy within the Congress party.¹¹ During that period, the issues of corruption in the government and authoritarianism were challenged by an extra-parliamentary mass movement, popularly called the J.P. movement.¹² During the emergency period, more than one hundred thousand people were detained by the government without trial. Apart from this, the civil servants also to reduce as a mere rubber stamp. After the national emergency of 1975, the inquiry was conducted by the Shah Commission, which found that former Prime Minister Indira Gandhi and a list of individuals, whose careers seemingly did not suffer after the Commission's publication, subverted both the Maintenance of Internal Security Act (1971) and the Defence of India Act in order to damage the political opponents.

It also found that numerous officers from the Indian Administrative Service accepted orders from above even though they believed these orders were made on improper political motives.¹³ The only purpose of Indira Gandhi was to create fear in the minds of people so that they obeyed her blindly. As per the norms of democratic society, the nation expects the state to give the assurance that the vital links of the government will not be subjected to strain.¹⁴ When National Democratic Alliance (NDA) government came to power at the Centre in 2014, the Chief Ministers of Non-BJP ruled states faced humiliation during the various programmes and functions in the presence of Prime Minister Narendra Modi. Referring to the example of Bhupinder Singh Hooda, Hemant Soren and Prithviraj Chavan (the CMs of Haryana, Jharkhand and Maharashtra respectively) strongly vindicate this argument. Contrary to it, the Bharatiya Janata Party (BJP) claimed that people may be unhappy with their governance and later on, the refusal of

Narendra Modi to intervene in the whole matter also assumes serious proportion. Even, during the explanation of genuine grievances against the government, the ordinary people will not dare to shout against a CM in the presence of large security force.¹⁵ As Nani A. Palkhivala opines:

“If experts imbued with a spirit of dedication and wisdom were to be induced into the cabinet and were to be allowed the requisite freedom of action, we could transform this country into one of the great economic powers”.¹⁶

The BJP promises that it will extend irrigation coverage by pushing ahead with the plan to inter-link rivers. But, the common assumption is that the diversion of the natural flow of rivers will lead to many more problems like water-logging than the apparent benefits. The Prime Minister Narendra Modi had also declared that the government will reopen the mines in Goa that were closed on the orders of the Supreme Court. The number of projects was hastily cleared by the government, which posed serious environmental concerns.¹⁷ These issues affect the health as well as the lives and livelihoods of millions of people in the country. Despite the National Rural Health Mission (NRHM) and Health Insurance Scheme for the poor, healthcare is getting privatized. The poor are not in a position to afford the private super-specialty health care. In most of the countries, politicians have won or lost an election on the basis of such issues. But the Indian scenario indicates that no politician has lost the election for failing to address such issues like environment, education and health, rather on the basis of caste and community loyalty.¹⁸

CRISIS OF POLITICAL PARTIES

In the present context, the problems are mostly due to the changed priorities of political parties, drifting away from their ideology.¹⁹ The major drawback of Indian democracy is that neither the political parties nor the voters, takes party manifestos seriously. Everyone knows that the election manifestos are just a ritual, not to be taken seriously. In the name of democracy, the politicians are playing havoc with the system, with those in authority twisting and bending rules to suit them. In 1992, the demolition of the Babri mosque in Ayodhya still haunts the present day politics, especially in the Hindi heartland.²⁰ Most of the parties do not have definite ideology and programme and there is a great deal of opportunism.²¹ The parties that do not win the election and consequently do not come to power, feel that they have nothing to do with “governance” and their sole purpose seems (a) to prevent the so-called ruling party from governing, and (b) to get the government to fall, so that a fresh election can be held. However, the political parties which comes to power as a result of elections seem to think that the essential purposes of “governance” are (a) to stay in power as long as possible, and (b) take all steps necessary to ensure winning the next elections.²²

In 1999, the Law Commission of India suggested in their 170th report, “It is therefore, necessary to introduce internal democracy, financial transparency and accountability in the working of the political parties. A political party, which does not respect democratic principles in its internal working, cannot be expected to respect those principles in the governance of the country. It cannot be dictatorship internally and democratic in its functioning outside” (Para 3.1.2.1).²³

DECLINE IN THE CREDIBILITY OF LEADERS

In 2002, the National Commission to Review the Working of the Constitution (NCRWC) reiterated that the country is facing the crisis of leadership and further argued that political leaders are working on the patterns of narrow partisan and sectarian interests. Their style of working is not compatible with the common national purposes and the lust for political gains proves to be a major hindrance in the nation building process.²⁴ In this sense, the politicians have become the hungry power seekers with the sole aim to acquire political power by all the possible means.

CRISIS IN THE OFFICE OF GOVERNOR

In the Indian democracy, the Governor is the constitutional head of the state machinery. Since the emergence of coalition governments (1967) in the states, the Governor remained the center of criticism because of his controversial role in various states. The discretionary powers of the Governor raise serious doubts about the working of the federal structure of India. It has been observed that the topmost priority of the Governor is to appease the political bosses at the Centre. After assuming office in May 2014, the NDA government did exactly what it opposed in 2004, when the United Progressive Alliance removed the Governors, appointed by the Vajpayee regime. In a landmark judgement in *B.P. Singhal vs Union of India* on 7 May 2010, the Supreme Court stated that the ruling party cannot remove the Governor merely because it has lost confidence in him or because he is not compatible with its policies and ideology. As per the suggestions of the Supreme Court, only “reputed elder statesmen, able administrators and eminent personalities” should be appointed Governors.²⁵

CONSTITUTIONAL BREAKDOWN IN THE STATES AND POLITICAL INSTABILITY

The judgement of Supreme Court in *S. R. Bommai* case (1994), laying down that the court has the power to examine the relevance of a Governor’s report for the satisfaction of the President (i.e., the Union government) to the effect that a constitutional breakdown has occurred in a state. The Law Commission of India also suggested some recommendations for ministerial stability at the Centre as well

as at the states, which envisages: 1.) constructive vote of no-confidence, by which the Opposition, before moving a motion of no-confidence, should elect its leader capable of taking over the reins of government, in case the government falls, and 2.) ban on a motion of no-confidence for two years, once such a motion is defeated in a House.²⁶

NEXUS BETWEEN CRIMINALS AND POLITICIANS

Unfortunately, the entry of criminal elements into politics has become a major threat to the electoral system. One solution to the problem of criminalization of politics is to bar criminals from contesting elections. Therefore, the focus should be on increasing the voter's awareness through education so that they turn out in large numbers in the polling booths and elect worthy candidates to the Parliament and State Legislatures. The veteran constitutional expert Nani A. Palkhivala further opines:

"Voters should vote for the right person even in the wrong party rather than the wrong person even in the right party".²⁷

In order to identify the nexus between criminals and politicians, the Government of India set up a Committee in 1993, known as "Vohra Committee", which concluded that, in several parts of the country, where crime syndicates/mafia groups have developed significant muscle and money power and established linkages with government functionaries, political leaders and others, the unlawful elements have been able to carry out their criminal activities with ease and impunity. Basically, this committee was the outcome of the serial bomb blasts in Mumbai in March 1993.²⁸ During that period, Dawood Ibrahim and other mafia elements had been able to establish such powerful networks. Since then, the criminal nexus has spread its tentacles far and wide and poses a serious threat to national security. In the changed scenario, the well-planned steps are required through the services of qualified, highly trained and experienced functionaries.²⁹ Later on, in Vineet Narain's case (1997), the Supreme Court took judicial note of the N. N. Vohra Committee's Report showing a powerful nexus between bureaucracy and politicians with the mafia gangs, smugglers and the underworld.³⁰ While delivering the 13th Desraj Chaudhury Memorial Lecture on 11 November 1996, Atal Behari Vajpayee (former Prime Minister) said, "...the electoral system has been almost totally subverted by money power, and vote bank considerations of castes and communities".³¹

The Second Administrative Reforms Commission (ARC 2009) underscored the large scale criminalization of politics, illustrating how the participation by criminals in the electoral process was "the soft underbelly of the Indian political system" leading to "the flagrant violation of laws, poor quality of services, protection from lawbreakers on political, group, class, communal or caste grounds, partisan

interference in the investigation of crimes, the poor prosecution of cases, inordinate delays that last for years, high costs of the judicial process, mass withdrawal of cases and indiscriminate grant of parole³² According to the Annual Report of the Association for Democratic Reforms (ADR), among 543 elected MPs, who were elected in the 2009 elections, 162 (30 per cent) had criminal cases pending.³³

The parliamentarians with criminal cases belonging to the Congress and BJP were 24 and 29 in 2004 respectively, which went up to 44 each in 2009.³⁴ According to the ADR, during the 16th Lok Sabha (2014), nearly 34 per cent of the elected MPs were facing criminal charges. The data reveals that there is a gradual increase in the entry of MPs with criminal background to the national Parliament.³⁵ What is worrying is that almost all the political parties have fielded candidates with criminal charges. The political analysts are of the view that the entry of criminals into politics is not healthy for the working of parliamentary democracy in India, because the criminals may not be good legislators at all and they cannot contribute anything positively for the functioning of democratic institutions.³⁶ The 17th Lok Sabha (2019) hosts 159 members with declared serious criminal cases like murder and rape etc. against them as compared to 112 and 76 members in 2014 and 2009, respectively.³⁷ Even in the Delhi Assembly elections (2020), the number of legislators with declared criminal cases has increased to 43 from 24 in 2015, while the number of serious criminal cases has more than doubled.³⁸ In one of the initiative to cleanse the electoral system, the Supreme Court (September 2018) has directed all political parties to upload on their respective websites details of criminal cases pending against candidates (within 48 hours of selection) in the poll fray.³⁹

VOTER'S RIGHT TO KNOW

The official expenditure allowed for a candidate for the Lok Sabha election is Rs. 70 lakh, but their actual investment is several times more. As a consequence, the elected leader becomes a feudal lord and the constituency his fiefdom, fortified by musclemen and money power. The most interesting factor is that there is incredible growth of their wealth before every election. The scenario of 15th Lok Sabha elections reveals that there were approximately 1,249 rich candidates, among them over 300 reached Parliament.⁴⁰ There is an apprehension that if one does not vote, he may be intimidated, paying the way for impersonation. The inclusion of the right to reject in voting could be misused by some people to put out an unintended political message, especially in places like Jammu and Kashmir and the North-East, where there is a perceived sense of alienation among the people. Moreover, the introduction of none of the above (NOTA) button will not imply the right to reject; it only means that a voter can express his/her opinion against candidates.⁴¹

CRISIS IN JUDICIARY

Another democratic institution that has held its ground in all essentials is the judiciary.⁴² The judges of the different High Courts such as Nirmal Yadav, P. D. Dinakaran and Soumitra Sen were found guilty in different cases of corruption. The political linkage of the judiciary and executive is another serious threat to the democratic credentials of the country. The NDA government appointed Justice P. Sathasivam as the Governor of Kerala in 2014. The nomination of Justice Ranjan Gogoi in the Rajya Sabha by the Narendra Modi government also raises serious questions about the credibility of democratic institutions in India. In one of the conference, the Chief Justice of India H. L. Dattu described the relationship between the judiciary and the executive as that of siblings, who hold each other's hands and correct each other, when needed. He further said, the judiciary was open to 'suggestions, change and dialogue' to improve the administration of justice.⁴³ Earlier, Justice Gogoi suggested the idea of National Register of Citizens to the government, which in his own words, will be the base of the future of India.⁴⁴ In January 2018, the four senior most judges of the Supreme Court hold the open press conference about the question of integrity of this institution.⁴⁵

But fortunately, people are now truly empowered to bring the highest authority of the state to court for professional misconduct and impropriety under the provisions of Public Interest Litigation.⁴⁶ Some military officers have not hesitated to be part of the process through which the military has been used to burnish the political credentials of the ruling party.⁴⁷

JUDICIAL INTERVENTION FOR THE PREVENTION OF DEADLOCK

In the last three decades, the Supreme Court has intervened in at least three types of disputes to craft neutral constitutional rules that prevent partisan federalism i.e. proclamation of regional emergencies or President's Rule under Article 356, appointment of Governors and their exercise of executive power and to prevent the abuse of Union executive power to preserve law and order in the States. However, we must be careful in characterizing federalism in India as inexorably partisan in character, particularly in the realm of new State creation.⁴⁸

ROLE OF MEDIA

Media is considered the fourth pillar of democracy. It is expected to play a pivotal role in converting structural democracy into substantive democracy. But the irony is that the reporting and editorial policies of the media reflected ideological biases, which obstruct the healthy evolution of democratic tradition. Therefore, the biggest challenge and opportunity before the Indian media is to protect the democratic ethos, traditions and institutions.⁴⁹

CRITICAL ASSESSMENT

The figures of criminal cases clearly underline the increasing acceptance of tainted candidates in the political parties and the reluctance of Parliament to amend Section 8 of the Representation of the People Act, 1951, to include legislators with pending criminal cases, under the mandate granted in Article 102(1) of the Constitution.⁵⁰ In 2014, the Supreme Court had directed all subordinate courts to conclude the hearing of cases pending against legislators within a year and if, they fail to do so, report the same to the chief justices of the respective high courts.⁵¹

CONCLUDING OBSERVATIONS

Despite a certain disarray and deterioration in some of India's democratic institutions, they have continued to function and shown resilience that has surprised many political scientists. The weapon of the vote is cherished and freely used by the people, especially the poor and the intelligentsia, to express their desires, to show their preference for particular policies and to punish at the ballot-box those who promise, but do not deliver. Thus, began an era of awakening during which Indian democracy must steadily consolidate itself. The essentials of good governance are; transparency, free flow of information, community voice, an effective public service, and a commitment to fight corruption. The Election Commission should be granted the power to disqualify candidates and de-register parties in case of concealment of vital information and other grave electoral offences. Even today, people are still struggling for the basic necessities of life such as clean water, food, primary health and education. To sum up, the aim of democracy is to make life better for the voters and people and not legislators. The task ahead is to organize a system of governance that enhances the level of people's participation in a highly diverse and plural society.

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WOMEN PARTICIPATION IN TRIBAL SELF GOVERNANCE – A CRITICAL ANALYSIS OF PANCHAYATS EXTENSION TO SCHEDULED AREAS OF JHARKHAND

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Abstract

Women participation in decentralised governance aimed to provide equal involvement in the matter of decision making at the grassroots level. The most important trend that has emerged in recent years is the assertion of tribal identity, especially tribal women. The rationale of the present study lies in finding out the role of Panchayats Extension to Scheduled Areas (PESA) Act of Jharkhand in terms of women empowerment through decentralised planning and influence of political decision making at the grassroots level. The study seeks to analyse the participation of women at grassroots level in rural areas in decentralised institutions and their decision making process.

Keywords: PESA (Panchayats Extension to Scheduled Areas), Tribal Women Participation, Self-help Groups, *Sakhi Mandal*

INTRODUCTION

Local self-governance provides the path for the empowerment of the local people by giving them voice and power of choice (Blakely & Leigh, 2010). It implies maximum decentralisation of skills to the elected bodies to function as an autonomous unit with adequate power and authority. Decentralisation aims at greater social justice and empowerment of local and marginalised people, including tribal women. It has been felt that involving rural women especially, tribal women in any political

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system and their participation in the activities of such institutions, including in the matters related to specific decision-making processes, would be instrumental in improving their status. It is a process that can reduce the violation of rights, end discrimination, and build capacity for voice and choice (Kolas, 2015). Tribal women have also been the part of discrimination and marginalisation based on the customary practices (Dzuvichu, 2012) and patriarchy mindset in governance, which leads to inequality and biases. In Tribal society, women are closely linked with the natural environment. Poor tribal women are mostly dependent on nature for survival like grazing, cattle, bringing of drinking water for daily use, collection of fodder from the forest for cooking (Human Development Resource Centre, 2013).

The 73rd and 74th constitutional amendments allowed the participation of weaker section through the reservation of seats for them in the local bodies (Patnaik, 2012). It makes enable them to impact the provision of panchayat representatives and as well as their quality of life. Some of the states like Jharkhand, Andhra Pradesh, Telangana, Chhattisgarh, Kerala, Rajasthan, Tripura & Uttarakhand, provide reservation up to 33%- 50%. These amendments do not apply in Northeast India, where states or autonomous council have a choice whether they reserve the seats or not for women at the grassroots level. The crux of suggestions came out that the creation of women unity, to address and discuss the issue of the gram panchayat (Institute of Social Sciences). Co-operation between the experience women representatives and new women representatives can assist the new representatives. The inclusion of women in the political decision making at the grassroots level is overall growth for the society and country, which can achieve the target of SDGs. Equal access to participation and decision making of women in socio-economic and political field create a proper environment to empower women and to enhance their capacity (Rao, 2012). Several burdens, including discrimination among society, family responsibility, become bottlenecks to the participation of tribal women. World Economic Forum, annual global gender gap report ranked India 112 in terms of gender equality in economy, education, health, and political representation (World Economic Forum, 2020). Gram sabha is the basic unit of a participatory forum (Sreekumar, 2016) where above the 18 years age of villagers, including women, participate in the grassroots decision-making process. It facilitates development as per the need-based local plans.

PARTICIPATION IN DECENTRALISED PLANNING

In a tribal community, women have a specific place & respect in social and economic conditions. But in a political situation, especially participation in decision making in local governance, they don't have substantial involvement. Even in the traditional way of an administrative system called *Parha*, women did not get

any administrative position for decision making. However, Tribal women have a strong influence in the decision making of daily life activities in Jharkhand, such as earning a livelihood, agricultural works, cooking, economic conditions, even access to land rights over productive forest resources and participation in natural resource collection (De & Ghosh, 2016). But they do not actively participate in the decision making of rural governance.

JHARKHAND

Jharkhand primarily comprises the mineral and forest states of Chhottanagpur Plateau and Santhal Pargana and has a distinct culture and tradition (De & Ghosh, 2016). Jharkhand geographically bounded by Bihar in North, Odisha in the south, West Bengal in east, and Chhattisgarh and Uttar Pradesh in the west. Jharkhand came into existence on 15 November 2000 as 28th states of India, after the bifurcation of Bihar. The movement of a separate state completed for tribals and *sadan*¹, which were dreamt and stoned by eminent politician cum international hockey player of Jharkhand Jaipal Singh Munda in 1938. Undoubtedly, Jharkhand is a rich source of minerals, but the benefit of that resources never seen in the development of the local peoples, especially tribal women.

RESEARCH METHODOLOGY

The objective of the study is to find out the role of Panchayat Extension Scheduled Area (PESA) Act of Jharkhand in women empowerment through decentralised planning and influence of political decision making at the grassroots level. Data collected from four blocks of Ranchi and Gumla Districts through primary survey and observation while attending the meeting of Tengaria gram sabha of Dighiya gram panchayat and Karaundi gram panchayat. Total of 109 women respondents interviewed for the primary survey. Besides, the observation technique was used to observe various factors on the participation of adult women and girls in different events.

ENCOURAGING WOMEN PARTICIPATION IN THE GRAM SABHA

Jharkhand Panchayati Raj Act has provided reservation of fifty percent seats for women in Panchayat Raj election. The active involvement of women at local governance started since 2010 when a first-time election held after bifurcation as a separate state. It was historical moments for Jharkhand Local governance that Gram Sabha involved in the paperwork of *Hamari Yojana Hamara Vikash*. *Gram Sevak* was writing the plan of gram sabha for the next five years with the help of *rojgar sewak* and panchayat secretary. The gram sabha members, especially women,

1 *Sadan* are the original inhabitants of Jharkhand with Tribal.

were participated most in numbers than men. Tribal women were not involved indirectly in the decision-making process of the plan writing of the Gram sabha. Women members, in gram sabhas, raised the issue of children's sports ground, proper drainage system, village cleanliness campaign, water shade management. They also participated in the writing process of the yojana of plaining plateau area, agricultural fields, construction of small water storage (*Dobha*).



Pictures of Studied Areas

It was observed that many tribal women were attending the gram sabha meetings. They raised questions, interacted, and gave an opinion to the gram sabha. But male representatives and husband of women representatives were more dominant in the meeting of the *Hamari Yojana Hamara Vikash programme*.

The scheme of *Hamari Yojana Hamara Vikas* gives autonomy to the gram sabha for the overall development of the gram sabha, including women empowerment. Slogans like *Hamara Gaon Hamara Raj*, which experience the gram sabha, also discussed the problems of women and tried to find out the solution. Women discussed about access to improve drinking water facilities, better access to health facilities for pregnant women. In a Patriarchal social structure of Jharkhand, the role of a family head and controller of the family means production is conventionally vested with the eldest male member.

Table 1: Awareness of the various organisations like Gram Sabha, Gram Panchayat, SHG, VSS, JFM etc.

<i>Response</i>	<i>Frequency</i>	<i>Percent</i>
Yes	70	64.22
No	39	35.78
Total	109	100.0

Out of a total of 197 respondents, 109 were women. 64.22 % of tribal women were aware of various organisation Like Gram Sabha, Gram Panchayat, SHG, VSS, JFM etc.

On the question - whether self-help group of women are functioning in the field area, 80% replied in yes. It involves planning and execution of development activities for the village, including record keeping, accounting, and monitoring of activities. Primary formal education and management skills are essentials for these activities, which tribal women are lacking. At this stage, tribal women can negotiate with others to check exploitation and control problems like land alienation in tribal Areas. Their empowerment would enable them to understand the legislature, interpret them correctly and demand suitable action from the law enforcing authority for the common good.

Table 2: How did you come to know about a various organisation like Gram Sabha, Gram Panchayat, SHG, VSS, JFM etc.

Source	Frequency	Percent
Friend	41	37.61
Through TV/Radio	17	15.59
Through Campaign in Village	27	24.77
Other	24	22.01
Total	109	100.0

37.61% of women come to know about these organisations through friends. 15.59% of women know through TV/Radio, 24.77% of women came to understand through the campaign in the village. It also observed that now women are attending Gram Sabha meetings. They are asking for the position and role in gram Sabha as a facilitator in the process of development or as a watchdog in the implementation of various protective legislation including land laws in tribal areas.

SAKHI MANDAL

Women's participation in the tribal self-rule is remarkable too at fifth Scheduled area. Besides, their Active involvement in the drive against alcoholism, they have also played an important role in tribal livelihood. The story is that the wake of the movement for self-rule, all the tribal women in the village are members of the *Sakhi Mandal*. The president of *Sakhi Mandal* and the secretary of *Sakhi Mandal* are the members of Gram Sangathan. Often the gram Sabha meeting also works as *Sakhi Mandal* meeting, where activities to be taken up by the *Sakhi Mandal* already decided. The operation of *Sakhi Mandal* spread fast after *Ajeevika*, also state rural livelihood started to empower the *Sakhi Mandal* and their members financially.

The activity of *Sakhi Mandal* started in the field area in the mid of 1990s when a group of women began *MISI*. Initially, *MISI* Group had to face social criticism. Later tribal women started to join *MISI*; it also started as a game-changer movement of women empowerment. *MISIs* activity also included regular monitoring of the forest and pushing the offenders of forest rule. They also moved the deforestation.

The formation of the *MISI* was to strengthen women empowerment segment and necessary to increase literacy, socio-economic uplift status and reduced many other complexities. It was equally important to equip tribal women properly, and appropriate training programmes should conduct for them. The basic idea of reservation of women in PRI was to provide an opportunity to the so-far deprived and depressed classes to come forward and be a part of the entire development process. This process will allow rural people; mainly economically backwards, to involve in development activities and several other works for the betterment of their life.

Table 3: Level of decision making regarding self-responsibility and other responsibility taken by Tribal women or seek other's help

Response	Frequency	Percent
By myself	26	23.9
Other's help	83	76.1
Total	109	100.0

Approx. 24% of women responded that they had decided for self and others responsibilities. 76% of women agreed that they had led others to help in the level of decision making also. As per the assessment, most of the tribal women in the study area were hand to mouth. They do not have full access to empowerment in the matter of political and personal decision making. They have to depend on the family head, husband and another male person of the family.

Table 4: Level of decision making of Tribal Women/decision taken by other's help

Response	Frequency	Percent
Most often	6	5.5
Often	79	72.5
NA	24	22
Total	109	100.0

Tribal women are actively engaged in the upliftment of status of family livelihood. They are involved in all types of jobs that provide support for livelihood to their families. Their participation in the economic and socio-religious matters is more pronounced as compared to non-tribal communities. However, in the case of political and personal decision making, 72 % of the total women respondents depend on male family members.

Table 5: Tribal women vote in the election

Response	Frequency	Percent
Yes	100	91.8
No	09	8.2
Total	109	100.0

No doubt, the tribal women are found to be more responsive to their families both in terms of household work, economic and socio-religious matters. Tribal women also maintain a living linked with agricultural work as well as forest. They spend most of their time with Agricultural activity, also collecting forest products to supplement the family income. While in the matter of casting a vote during panchayat election, state election and Member of Parliament election, they are more dependent on male decision-makers.

Table 6: Decision of tribal women vote choice to whom

<i>Response</i>	<i>Frequency</i>	<i>Percent</i>
Respondent only	25	22.9
Mutual Consent	29	26.6
Other	6	5.5
Family	49	45
Total	109	100.0

Promotion of village-level women group - During the interaction with women in the field area, the level of participation in the Sakhi Mandal was the high compared to the story of the involvement in Gram Sabha meetings and decentralised decision making. While it is inspiring that women participation has increased, because of Sakhi Mandal. The promotion of half the population through economic empowerment was the outstanding implementation of inclusive growth by the state government.

In the gram Sabha, significantly fewer people raised the question about misappropriation, because most have a fear of hassle by Mukhiya and other panchayat representatives. As one-gram Sabha member argued that let panchayat representatives make money because they have spent money to become Mukhiya or Panchayat Samiti member. These panchayat representatives generally target people who are raise or ask questions.

CHALLENGES OF THE WOMEN PARTICIPATION

There is doubtless that women's participation is the best option to implement programmes at the grassroots level. Jharkhand state government implemented *Hamari Yojana Hamara Vikas programme* with the objective of women participation at the local level. The issue is that without active participation, it cannot fulfil the dream of women empowerment. For example, when the researcher tried to take interview of women representatives of Panchayat so-called Mukhiya of Gram Panchayats. Mukhiya pati and male persons of tribal women representatives still try to become dominant because of a lack of awareness of decision-making power as a woman panchayat leader. A *mukhiyapati* did not allow to take interview of her

wife and Mukhiya of Bhandara Village. Tribal women husbands or male persons had tried to intervene in the decision during the interview and more reply from *Mukhiya pati*. There are other challenges at grassroots for the implementation of equal participation of women. There is a lack of proper fund flow for the women empowerment at the grassroots. In contemporary governance, the gender-responsive budgeting approach is to adapt to increase women's participation in socio-cultural and gender life effectively in the economic sphere by local government (Turan & Senturk, 2016). There is also a lack of budget transparency, especially for women.

Involvement of women at grassroots would change the status of tribal women in Jharkhand. But, the inadequate support systems and illiteracy are the main problems of elected women representatives in decentralised local governance. Education would make aware of the power and function and make them influential leaders. Jharkhand also has the same patriarchal hierarchy, where men always want to dominant the society in political and economic decision making. Women empowerment could not achieve with proper fund flow from the state government and central government (Chandrashekar, 2014). Even panchayat bureaucrats must work with women participation of panchayat representatives and gram sabha members. The paperwork of 50 % reservation will not exercise thoroughly without the grassroots movement of women empowerment on the field like Kerala community movement of their participation.

CAPACITY BUILDING AND TRAINING FOR TRIBAL WOMEN

Capacity building program- capacity building and training are an essential component of individuals, organisations, organisational units, and systems to perform functions effectively and in a suitable role effectively and pleasantly. It is a process of strengthening the institution's mechanism and capacity at all levels, including women empowerment. There is a lack of capacity building & training programs for the elected women representatives (Thirupphugazh, 2017). Capacity building and training programmes reduce the risk during participation and decision making. It is also necessary for achieving sustainable development goals. Separate capacity building program for SC and ST elected women representatives may undertake immediately after their election.

Trainees and trainers- Focused training will be much beneficial. During the training, trainers should be flexible and flow of ideas and experiences with relevant areas, under the leadership training program, which aims with the social development objective of the upliftment of women and children in tribal and rural communities. It provides better self-motivation, self-discipline, selfless service, teamwork, leadership, and a sense of belongingness, responsibility, and commitment. Allowing sharing the experience of tribal women representatives will

be thoughtful for other representatives. Participative training can play a crucial role during the capacity building programme (Goel, 2014) for tribal women.

For the participation of women in the gram sabha, it is compulsory to take care of their health. The outcomes of distribution of several thousand smokeless stoves have impacted the health status of women. Job oriented computer training programmes for tribal women will increase awareness about the rights and constitutional provisions (Venkatesan & Poriraj, 2013). As gram sabha members, tribal women should participate and even ask questions wherever required. Gram sabha members must remember that the Gram Panchayat Development Plan is planning for the people. And that planning interest is directly related to marginalised, low, and women, which needs to address adequately. The members can ensure transparency and make the gram panchayat accountable. As a member of the gram sabha, women can ask about the expenditure detail without detail (Gram Sabha Reader, 2016).

NON-GOVERNMENTAL SOCIETIES

NGOs can play a crucial role in achieving the target of SDGs of Women empowerment and equal participation in the decision-making process (Shinde, 2013). They can also train women representatives for their development of Human capital, education, and awareness of the power and constitutional right. In Jharkhand, there are 37,746 self-help groups in 20 districts of 80 blocks more than 4.87 lakh family have related to these self-help groups. There are 2129 village organisations and 37 women cluster organisations, have been established. As per the livelihood programmes, approx. 2 lakh family have been engaged with goat, duck, hen, drip irrigation.

Women's participation through self-help groups can play an important role in tribal livelihood in fifth Scheduled area. Their active involvement through self-help groups would start to drive against alcoholism, a wake of the movement for self-rule, easy to create a mass movement against women atrocities. The President of Sakhi Mandal and the secretary of *Sakhi Mandal* are the members of Gram Sangathan. Often the gram Sabha meeting also works as *Sakhi Mandal* meeting, where activities to be taken up by the *Sakhi Mandal* already decided. The operation of self-help groups in scheduled areas spread fast after *Ajeevika*, also state rural livelihood, started to empower the Sakhi Mandal and their members financially.

The activity of *Sakhi Mandal* started as a game-changer movement of women empowerment in Jharkhand. *MISIs* activity also included regular monitoring of the forest and pushing the offenders of forest rule. They also moved the deforestation. The formation of the *MISI* was to strengthen women empowerment segment and necessary to increase literacy, socio-economic uplift status and reduced many

other complexities. It was equally important to equip tribal women properly, and a complete series of training programmes should organise for them. The basic idea of reservation of women in PRI is to provide an opportunity for the so-far deprived and depressed classes to come forward and be a part of the entire development process. This process allows rural women to involve in development activities and several other works for the betterment of their life.

PESA

PESA is an essential Act to the fifth scheduled area; it extended to the states of Andhra Pradesh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Rajasthan, Jharkhand, Chhattisgarh, and Odisha (Pal, 2013). As per the 1996 extension Act, Gram sabha is the supreme authority where the tribal people would recognise as an organic entity that facilitates the restoration of their comprehensive rights (Dalal & Vijayvir, 2016). PESA gives power to the gram sabha, such as: - a) consult on the matters of land acquisition and settlement. b) Grant prospecting license for minor minerals, mining lease, c) management of small water bodies. c) Ownership of minor forest products d) Controls of institutions and functionaries in all social sectors (Sisodia, 2013). Women are always attached to natural resources. They connected with collections, selling of minor forest produce, forest-based economy, and traditional agricultural tribals economy. PESA 1996 and FRA 2006 cannot implement without grass-root participation of the half population. Even without grassroots participation of tribal women in gram sabha, the dream of grassroots implementation of these provisions could not complete.

STATE GOVERNMENT INITIATIVES

National policy for women 2016 given seven priority areas, includes health, education, sanitation, nutrition which need to improve for the empowerment and participation of the half population (Nair, 2016). These are health, education, economy, governance, and decision making, violence against women, enabling environment in terms of housing and infrastructure, safe drinking water and sanitation, mass media, sports, and social security. These are directly and indirectly responsible for women empowerment. This scheme has revised and identified 54 small literacy districts where the ST population is 25% or more, and the ST female literacy rate is below 35%. The revised scheme envisages convergence with Sarva Siksha Abhiyan (SSA), Kasturba Gandhi Balika Vidyalaya (KGBV). It provides residential facilities to ST girls students facilitating their retention in schools from primary level to secondary level. Mukhyamantri Ladli Yojana will boost the welfare of tribal girls and children born to Below Poverty Line tribals family (BPL) for good education and safe motherhood.

Jharkhand government initiated the Tejaswini scheme² with the collaboration of the World Bank to achieve the objective of women participation through skill training programmes. The plan will boost tribal women empowerment and socio-economic development, intensive delivery of services in scheduled areas, capacity building of tribal women, and educating about life skills of ST girls. Tejaswini Yojana will boost the status of tribal women. It would increase the level of overall awareness of tribal women so that they will enjoy reservation up to 50% seats of members and president of all the three-tier of local government for the Panchayat. They will also participate in the gram sabha meeting and raising their voice in the front of gram Sabha.

CONCLUSION

Empowerment of women is possible when decentralised governance function correctly at the grassroots level. It can reduce the other problem eradication of poverty, empowering tribal life, especially tribal women, creating equal and productive employment opportunities (Ministry of social justice and empowerment). Decentralisation gives the solution for historically derived and discriminated people, especially SC, ST, and Women. It also ensures distributive justice in society, which is the beginning of these socially deprived people. Government has to keep in mind that multiple aspects of identity and considerable differences in the economic and political status of tribal women within the state. Central Government should have to pass the women's reservation bill; it will allow at least 33% of women reservations in the Indian parliament, the Lok Sabha, and all state legislative assembly. It will enable women representatives to put issues and challenges in the pillar of democracy. Women may have already benefited the reservation in local governance, but that reservation not only as representatives. It must also ensure grassroots participation in decision making for local development. There is also a need to give more opportunity and participate in the decision making of gram sabha and gram panchayat. The dream of inclusive growth cannot exist without the empowerment of women.

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CHILD LABOUR IN INDIA: A REVIEW OF CAUSES AND REMEDIES

Daisy Sharma*

Abstract

The phenomenon child labour still persists in Indian society, despite several politico-legal measures, owing to persistent poverty, ignorance and lack of awareness. The grave situation calls for urgent action on the part of policy makers, administrators in particular and citizens in general. Labelling of poverty as an excuse is nowhere going to improve the situation. We need to have a holistic approach to deal with all the factors that contribute to this terrific situation like poverty, inaccessibility of quality education, lack of political will, state capitalist nexus etc. This paper looks into the causes and effects of child labour and their interdependency on each other. The understanding of the same provides some viable solutions for it. Finally the present paper comes out with suggestions for improvement in the situation.

Keywords: Child Labour, Child Rights, Poverty, Right to Education, Parents

INTRODUCTION

Child labour is a curse on humanity. Children should be treated as the most important asset and treasure of mankind and not a commodity. Children 'should be attended as an end and means of progress' (Gupta, 1995). The significance of child development was aptly summed up by Winston Churchill, British Prime Minister during World War II when he said, "There is no finer investment for any community than putting milk into babies." Children's right to development and security was well articulated in the Universal Declaration of Human Rights adopted in 1948. It summed up that childhood was entitled to special care and assistance.

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The declaration of the rights of the child which was unanimously adopted by the general assembly of the United Nations on 20 November 1959 says that mankind owes to the child the best it has to give.” When we protect the health and education of children we not only protect their rights but also invest in the socio-economic development of the country (Knutsson, 1990). Here Iyer’s views deserve mention, “A generation which fails to recognize that baby is its first charge is lost in barbarity and Hallmark of culture and advance of civilization consists in the fulfilment of our obligation to the young generation by opening up all opportunities for every child to unfold its personality and rise to its full stature physical, moral, mental and spiritual.” (Krishna Iyer, 1994)

Ensuring and promoting the security from all sorts of economic, political and social turmoil is the pre-condition of their development. “Indeed Human Security is an important part of the broader concept of human development- the part which treats freedom from risks and uncertainties as an essential precondition for human flourishing.” (Majumdar, 1999). Amartya Sen also supports this human security approach with the capability view of development. So securing the children from all sorts of exploitation and providing them nurturing environment is the foundation stone of development.

Child Labour is one of the gravest threats to the security of child development and welfare. As per the Committee on Child labour of government of India “Child labour is economically unsound, psychologically disastrous and physically as well as morally dangerous and harmful.” (Gurupadaswamy, 1979). It deprives children of their physical, mental, psychological growth. It hampers their education and health. It starves them from their right to play and leisure. It deprives children of their childhood itself. For the overall development of children, they must be freed from any sort of work or labour and are given a free environment where they can explore and nurture their capabilities to the fullest. That is why the UN Convention on the Rights of Child adopted in 1989 calls for the abolition of work. Its article 32 mentions, “State parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development....”. It is a matter of great concern that in India 3.9% of total child population (5-14) years is engaged in hazardous child labour work which demeans their childhood. (ILO) As per 2011 census, from a total of 259.6 million children in India 10.1 million are working as child labourers (Census, 2011). Its nature and magnitude are very complex and wide in reach. Great variations are found across states and sectors.

ABOUT CHILD LABOUR?

According to ILO child labour is “children prematurely leading adult lives, working long hours for low wages under conditions damaging to their health and their physical and mental development, sometimes separated from their families frequently deprived of meaningful educational and training opportunities that could open up for them a better future.” Francis Blanchard, *Child labour 3-4* (ILO, 1983). According to the *Encyclopaedia of social sciences*, “When the business of wage-earning or participation in self or family support conflicts directly or indirectly with the business of growth and education, the result is child labour. The function of work in childhood is primarily developmental and not economic.” (*Encyclopaedia of social sciences*, p. 413) We find great difficulty in assessing the real numbers of child labourers working in the country. Two main sources of reliable information on labour are the Census of India and the National Sample Survey Organization (NSSO) report.

Child labour is not only a socio-economic issue but a matter of human security. Human Security lays down freedom from any risk and ambiguity as to the prerequisite for human development. Human security is not limited to safety from vulnerability but it is safeguard and encouragement of human capability. It enables him to make choices regarding his life and future. In this viewpoint, labour is a very important security issue as it deprives children of the development of their capabilities. They become more vulnerable to the uncertainties of poverty and deprivation in future (Majumdar, 1999). Child labour is an economic and social Security issue as well. Since poor parents see child wages as a resource to save poor precarious conditions of the family. They use child labour to supplement family income thus as a measure of economic security. (Grootaert & Kanbur, 1995) child labour is a result of securing family sustenance against all odds. The insecurity of family income is a major push for child labour. They fail to understand that for the security of family income they are putting children and their future at risk.

THE CAUSES OF CHILD LABOUR

Child labour is the outcome of multidimensional factors. Apart from poverty, unemployment, illiteracy, social prejudices and government apathy are also contributory factors for child labour.

Poverty: Poverty is one of the most considerate factors for child labour. Parents agree to child labour due to economic compulsions. India has a high prevalence of poverty due to widespread employment and underemployment in the adult population. As per census 2011, India has 21.9% of its population below the poverty line. According to World Bank 76 per cent of the Indian population survives on less than \$2 per day. The unemployment rate is at 9.60% in India. (Census, 2011) Poor

parents are often illiterate and uneducated who are not aware of the importance of education. Hence instead of sending the child to school, they are compelled to send them to earn money. They hardly know the detrimental effect of child labour on their child's health and future wellbeing. They want to secure family sustenance at the cost of putting children in insecure conditions. ILO also agrees to it that even if poverty is not the only cause of child labour, it is one of the major causes of child labour. (ILO, 1998)

LACK OF EFFECTIVE EDUCATION SYSTEM

Myron Weiner (1990) was of the view that lack compulsory education was the main cause of persistence of child labour. Although the universalisation of primary education was not introduced by that time, yet Weiner posited that the policy makers, parents, stake holders and society were not keen to compulsory education to children. Despite laws and measures, the intention and will of both policy makers and social elites still remains the same. Although with the passage of historic Right to Education Act all children are getting free and compulsory education the associated costs of uniform, bag and study material add to the woes of parents. Besides, children are not attracted to government schools because of the lack of educational infra-structure and environment on one hand and parents cannot afford the expenses of the private schools. Again there is another problem of dropout at early stages.

Shortcomings of Legislation: Our legislations are lopsided with a piecemeal approach. There is no unanimity to decide who is a child. Different policy and legislations have set different age to define childhood. Provisions of ILO and CRC demand that child should not be employed until 18 years of age. Factories Act of 1948 defines that "a person below the age of 14years is to be regarded as a child." National Policy for Children 2013 states, "A child is any person below the age of eighteen years". Further, the legislation related to child labour only prohibits but doesn't abolish child labour. The segregation between hazardous and non-hazardous works is also a bullying one. Any labour is detrimental to the free childhood and opportunities of his growth. But our legislation fails to acknowledge it. Neither Constitution nor Child labour Prohibition and Regulation Act 1986 defines word hazardous. Even ILO in its Convention on Abolition of Worst Forms of Child Labour agreed that it can't be abolished soon (ILO convention No. 182). Neither the first National Commission on Labour nor any other group which was constituted by the government to study the problem of child labour demanded the abolition of child labour. (First National Commission on Labour, 1969 and Singh, 1976)

The laws regarding protection of working children do not include agriculture, unorganized sector, family, domestic help and shops/dhabas etc. If such practices are not covered by the laws, little can be done to improve it” (Sahoo, 1990). Either child labour should be completely banned or it should be allowed in law so that children can avail the benefits of trade unions to improve their service conditions, working environment, wages etc.

Lack of Political Will: The measures to eradicate child labour are being taken since long but without sincere intention. Despite international agencies recommended the guidelines, India’s political leadership has never tried to follow the line. Although ILO prescribed, in its Convention no 138, that children below 14 must not be put to work under any circumstances, but India did not ratify the resolution. In 1938 Britishers enacted Abolition of Child labour act but even after so many years of its passage India in 1986 legislated a law that only prohibited and regulated child labour not abolished it. Before the act of 1986, several laws prohibited the practice of child labour through laws like «The Children (Pledging Labour) Act, 1933 (ii) The Factories Act, 1948 (iii) The Mines Act 1952 (iv) The Motor Transport Workers Act 1961(v) The Bidi and Cigar Workers Conditions of Employment Act 1966»(Maurya, 2001: 494). In 1986 we again adopted only prohibition, not abolition. It shows a clear lack of political will.

Even if we can agree that at the time of Independence socio-economic situations of India had not allowed it to abolish the child labour completely. It needed a huge amount of resources the country was not ready with at that time. The constitutional provision in this regard finds place in DPSP making it suggestive, not compulsory. But even after 73 years of Independence, we are no way near to its abolition and just adding some professions in hazardous activities. Whatever law we have, are not enforced strictly. Section 16 of the Child Labour Regulation Act, 1986 authorises any citizen to file a complaint against child labour but its enactment is too poor that despite its enforcement conviction rate is also poor. The only cause for this is that children don’t vote in general elections.

State-Capitalist Nexus: State-capitalist nexus and weakness of small scale and unorganized industries are one of the prime responsible factors for this harsh reality (Sahoo, 1990). Industrialists try to earn more and more profit by employing children on cheap wages. This profitability on the part of industries cost heavily to the child labourers in their lost childhood. Moreover, children are easy to control and work for longer hours. Their interest gets fulfilled at the cost of exploitation of the child. So government turns off its eyes from the pernicious effects they cast on the childhood of millions of children as is evident from the incident of Sivakasi where despite reporting of so many accidents involving child labourers government has not taken any action.

Other Causes: It is largely argued that child labour is the result of customs, traditional attitude and lack of educational prospects, lack of knowledge and reluctance on the part of parents to send their children to school, urbanization, industrialization, exodus to cities and so on. (Gangrade: 1978). According to Thomas Paul (Paul, 2008. p.144), “With many competing demands on the country’s resources, the government has not been able to give to the children their due towards their growth and development.” It is also found that child labour is found mainly in the states where inequality is high (UNICEF (1997). In poor families when some disease or disaster hit the family income they are left with no choice but to send their children for child labour (Sekhar and Mohammad, 2002). Rapid population growth, Lopsided development, lack of sound legal security and enforcement, low capacity of implementing authorities, gender discrimination are important causes of child labour. Cultural conditions, social neglect and indifferent outlook of public towards child labour, lack of political will, inadequate political legislation, reprehensible appreciation for education, the inefficiency of the educational system, habits of drinking and crime in poor parents especially in impoverished conditions of a household. Some children have to work to pay off the debt of moneylender. Even judiciary didn’t come to the rescue of children as is evident by the case of Sivakasi child labourers in *M.C.Mehta vs. State of T. N.*

REMEDIAL MEASURES

We need to coordinate efforts for child labour, child education, child welfare, rural education starting from the local level to the national level. We need prevention, detection of child labour. Further reintegration of such rescued children in the normal education system is also a great challenge. Since poverty is one of the most responsible factors for child labour, we must intertwine poverty eradication and child labour. Parents must be assured some extra income instead of the earnings of child labour. All policies and programmes of child labour, work, education and eradication of poverty should be based on ground realities of the country and not on the ivory tower approach of child right agencies. Instead of fighting against parents who employ their child as child labour, we must have a sympathetic attitude towards them. Economic factor alone cannot be the reason of child labour but the reluctance of political regimes is the major cause. Hence, for elimination child labour, the introduction compulsory education is must.

If they will be in school there will be less chance of them engaging in child labour. So the government should make integrated policies for child labour and education.

Union and State governments can learn from Kerala’s successful experiment. In Kerala government fully financed the schools. Their students were given free education and free meals. So parents were ready to send their children to the

school. Parents need not keep their child at home to work since minimum wages are comparatively high in Kerala. Parents and family can survive on these wages. Teacher's postings are dependent on the number of students enrolled in the school. So at the beginning of every session, primary teachers take a round of the village and motivate parents to enrol their children in the school, otherwise, there will be our division cut (Grumiau, 1999). Same is the result of compulsory education in Sri Lanka that can prove an antidote to child labour.

In his study, D.C. Nanjunda found that when quality education was made approachable to poor household, their parents made every effort to send their wards to school even by increasing their workload to meet the necessary expenditure (Nanjunda & Wind, 2009). There should be no compensation in the form of informal education based on the principle «Learn while you earn.» Children should be free from the burden and compulsion of earning so that they can give their best to learning. Learn while earn is a violation of children's constitutional right to equality. Moreover, the state should bear the responsibility for the child's education so that poor parents are not burdened further. The government must open some residential schools for such child labourers where they will be provided with adequate education at their pace and level.

There is urgent need to assure parents that their children would be employed after education is over. Thus, there should be balance between parents aspirations and child rights agencies. Efforts must be made to realise the values that parents attach to education. Vocational education right from schooling is the need of the hour. Parents will be assured of a secure job of child and will be motivated to send their child to school. Along with education, state must direct its efforts to encourage adult literacy programmes. It will help in reducing child labour rapidly. (Ahmed, 1999). The government must reconsider its alcohol policy. As it is the single largest factor of diverting family's income and pushing the child into child labour.

We should have a stringent law banning all sorts of child labour in eternity. We need to have a broader definition of child labour. Any child below 14 years of age who works either in the organised or unorganized sector, voluntary or forcefully should be considered child labour. Its simple measurement can be that any child who is out of school is child labour because it denies them the right of holistic development, their leisure time and education which is crucial for his mental, psychological and overall development (Arimpoor, 1994). When we have agreed that the right to education is a fundamental right by 86th amendment, 2002 we also need to revise the perception and constitutional provision about child labour and ban it completely.

It should be implemented fiercely. Those who argue that it will be very tough to implement this law in practice must understand that creating a law is the first step in this direction. When law will be in the place we can create conducive conditions

for its proper implementation. We need to build strong social awareness on this matter in society in general and in employer and parents in particular. It is not justice to legitimise child labour in the name of poverty. People should not allow child labour in any form. Every child must have the inalienable right of childhood, right to education and right for a vigorous environment for his holistic growth. Till the suitable laws are not in place SC can make it a costlier affair for employers to employ children by raising the wages higher than adults. Parents who send their children need to be compensated for children's wages.

CONCLUSION

Child labour is a serious threat to the country's development and security. It must be eliminated in all its forms to secure a dignified and progressive future for the children of the country. Along with eradicating poverty and assuring education, we need to bring strict measures against child labour and it should be implemented in letter and spirit. The country needs strong leadership, determined vision, awakened spirit and the utmost commitment to the cause of child development and welfare. There is a need to launch a strong mass movement against child labour, educating and involving all the stakeholders like parents, employers, children, teachers, legislators and administrators. Civil society need to work upon all these factors simultaneously. Only this can lead to bring the desired pressure and help in getting the children what they truly deserve 'Independent and protective childhood with all opportunities to grow and develop.'

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NEOLIBERALISM AND PUBLIC DISTRIBUTION SYSTEM: CHALLENGES AND RESPONSE OF KERALA

Sudheesh. K. M.*

Abstract

The general improvement in the life conditions of the people through the state intervention has earned the state of Kerala the title “Social Democracy in the Global Periphery”. Public Distribution System (PDS) is one of such interventions that has pivotal significance for Kerala as the domestic production of food in state has been insufficient. Historically, the PDS emerged in Kerala amidst challenging condition of severe food shortage but with the passage of time, the universal availability of food turned as a social right of the people. The positive role of PDS in achieving greater social development in Kerala has attracted the attention of scholarship on the issue. The studies point out that the supply of rice at a subsidised price through PDS has enhanced the per capita consumption of rice in Kerala. Besides, it has also regulated the open market prices of cereals and thereby provided a certain measure of additional food security. But the neo-liberal economic reforms introduced by Government of India in 1990s have adverse impact on the PDS in the state. With this hypothesis in mind, the present paper intends to examine the impact of economic reforms on rationing system (PDS) in the state and the governmental response to it.

Keywords: PDS, Rationing, Food Security, Price-control, Neoliberal Reforms, Kerala

Public Distribution System assumes a special significance because the governments have to meet the food requirement of the people without sufficient food production in the domestic economy. Historically, the public distribution emerged in Kerala

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in a challenging condition of severe food shortage, and over the years, universal availability of food for all evolved as a social right of the people. The positive impact of PDS in achieving greater social development in Kerala has been a focus of scholarly attention in the past. The studies point out that the supply of rice at a subsidised price through PDS has enhanced the per capita consumption of rice in Kerala.

Besides, it has also regulated the open market prices of cereals and thereby provided a certain measure of additional food security. Several studies have emphasised that the Kerala PDS is far most efficient and egalitarian under Indian conditions (e.g. Kannan 2000). Most importantly, the bottom segment of the population and the lower middle class have benefited from the PDS compared to upper middle class and the rich (Nair 2000). The PDS in Kerala has horizontally arranged into a three-tier structure, which involves the rationing system coming under the Kerala State Civil Supplies Department, Kerala Civil Supplies Corporation (KeSCSC) and CONSUMER FED. All these works parallel to the private trade in foodgrains. Among these, rationing system is the most developed one. The rationing system in the state operates through a network of ration shops. In 1991 India government began to implement neo-liberal policies. The implementation of Neo-liberal policies in the 90s by the Central government adversely affected rationing system in the state. This article examines impact of neoliberal policies on rationing system in Kerala and response of Kerala.

FEATURES OF PUBLIC DISTRIBUTION IN KERALA

In Kerala, rationing networks are far wider than other states (Heller 1996:67). Through rationing system, the government distributes rice, wheat, sugar and kerosene in a specific quantity per week or month at subsidised rates to the population. Central government supplies all rationed articles to the state government. Until May 1997, the centre allotted all these items at a stable price and quantity. After 1997, the multiple-pricing system and preferential treatment system (targeting) were introduced in the rationing.

The rationing system in the state gained significance due to the prolonged foodgrain deficit. Rice is the main staple diet of people in Kerala. Kerala faces an acute deficit in rice production. The gravity of deficit is much higher because even at the best times Kerala could not produce more than 50 per cent of its foodgrains requirement (Kannan 2000). The following section analyses some of the unique features of Kerala's Food rationing system.

UNIVERSAL COVERAGE

One of the essential features of Kerala Public Distribution is its near-universal coverage. The public distribution system covers majority households in Kerala. One study says that “in 1991 around 95 per cent of all households were covered by the PDS and possessed a ration card” (Cyriac et al. 2008:5). The number of people having ration cards is very higher in Kerala, which is a reason for many scholars describing Kerala’s PDS as a model system for other states in the country (Cyriac et al. 2008:2). The Report of National Sample Survey 61st Round 2004 on the distribution of ration cards in urban and rural areas in states shows that Kerala is far better than many other states. According to the survey, only 10 per cent of household in rural areas and 11.1 per cent of households in urban areas had no ration cards in Kerala. It is important because the coverage is equal in both urban and rural areas in the state (NSS 61st Round 2007).

PROPER UTILIZATION

Proper utilisation of grains from PDS before 1997, Kerala ranked first among the states in India. The quantity of food grains bought from the PDS by Kerala was much higher than most other states. The universal coverage and the lack of urban-rural difference are the reasons for this feature. The result of this utilisation is evident from the data regarding the consumption of food in Kerala (Suryanarayana 2001:243). Cereal consumption of the poorest sections of both urban and rural people in Kerala is comparable with the higher income groups (Ramachandran 1996:248 quoted from Geetha and Suryanarayana 1993 & Ramachandran 1996:284 quoted from Kannan 1993). The annual purchase of food grains from the PDS in Kerala provided about one half of the cereal requirement of a person. According to Civil Supplies Department, the monthly entitlement of food grains per adult was 13.8 Kg in Kerala (460 grams per day), satisfying the minimum requirement of 370 gms of cereals per person per day recommended by the Indian Council of Medical Research (Kerala Civil Supplies Department 2012:10). In short, PDS benefited people in Kerala to meet their nutritional calorie requirement and reduced the poverty rate better than any other state in India.

BETTER ACCESSIBILITY

The working of ration shops and delivery system in Kerala is better than other parts of the country (Cyriac et al. 2008:5). Therefore, all income groups in both urban and rural areas almost equally became the beneficiaries. During 2010, there were 14249 fair price shops in Kerala as against 13007 shops in 1990. Each outlet served about 400 households (Kerala Civil Supplies Department: 2012: 12). This number is much higher than all India (Kerala Civil Supplies Department: 2012: 12). Out of the

14239 fair price shops, 12428 are in rural areas, and 1811 are in urban areas. One major criticism emerged against the PDS in India was its urban bias (Swaminathan 2000). But Kerala is not vulnerable to this criticism.

HOUSEHOLDS' DEPENDENCE ON THE PDS

Another significant characteristic feature of PDS in Kerala is that the number of people depending on PDS for the purchase of food grains was much large. In the pre liberalization period more than 87 percent of rural and urban people in Kerala depended on ration shops for grains (Swaminathan 2000:58). However, restructuring of PDS consequent to neoliberal reforms affected household dependence on PDS. The 68th Round of National Sample Survey on Public Distribution System and Other Sources of Household Consumption on July 2011-June 2012 says that PDS purchase of rice in the rural areas was highest for Tamil Nadu (89 per cent of households), followed by Andhra Pradesh (87 per cent), Kerala (78 per cent). The PDS purchase in the urban areas was highest for Tamil Nadu (67 per cent), followed by Kerala (61 per cent) (NSS 68th Round 2012:18).

POLITICAL SENSITIVITY

Public Distribution System is always a serious affair in the state politics of Kerala. The price rise of essential commodities is a contentious issue in every election. In many Indian states also, the public distribution system is an important electoral issue. Jos Mooij (1999) points out, while in other states the electoral considerations prompt their politicians to promise about an expansion of the food distribution schemes, the “food politics” in Kerala is qualitatively different. The primary difference between Kerala and other states is the presence of public pressure from below exerted on the state and politicians (Mooij 1998).

ECONOMIC ACCESS

K.P. Kannan points out that ‘economic access’ was the dominant feature of PDS in Kerala (Kannan 2000: 17). By economic access, he means the financial capacity of a person to purchase ration commodities from rations hops. One of the facilitating features of rationing in the state was flexibility in permitting the cardholders to purchase their ration in instalments rather than in one lot for a given period (Ibid). Emergence of middle class consequent to social reform movements, working class movements and welfare measures of the state government also increased economic access of people.

NEO-LIBERAL INFLUENCE OVER PUBLIC DISTRIBUTION SYSTEM

The economic policy adopted in 1991 by the central government has two components: Stabilisation and Structural Adjustment Programme. Stabilisation meant for short-term measures to ensure fiscal health including deficit management, regulation of inflation, modification of interest rate etc. The Structural Adjustment Programme aims at longer goals. Its purpose is to adjust the national economy to the demands of the globalising free market. The IMF and the World Bank devised the Structural Adjustment Programme as part of their lending operations in the early 1980s (Weed 2004:346). After 1991 the Government of India made changes in all sectors of the economy. It announced new policies in matters of “fiscal, trade, industrial, financial, agricultural, poverty alleviation and human resource” with an objective of comprehensively reform Indian economy (Economic Survey 1992:23). Its impact on PDS has been two-fold. “On the one hand, there is a tendency to stress the need for reduction or rationalisation of government expenditure on the otherhand, the safety net aspects of the PDS came to the forefront” (Mooij 1998:83).

Therefore, the central government made changes in the PDS to incorporate those principles in foodgrain distribution. It launched Revamped PDS (RPDS) in 1992 and Targeted Public Distribution System (TPDS) in 1997 to restructure the public distribution pattern. The present section examines how the changes affected PDS in the state and response of the state.

THE TARGETED PUBLIC DISTRIBUTION SYSTEM (TPDS) 1997-2016

The TPDS began in Kerala in June 1997 by an order dated 25th April 1997 by the Kerala Food and Civil Supplies Department titled “Commencement of the Targeted Public Distribution System in the State”. The order was based on Central government’s decision to streamline PDS with its focus on the poor. After 1997, universal ration system changed into TPDS. The Government of Kerala, as per the instruction from the centre, issued separate ration cards for APL and BPL.

MAJOR CHANGES AFTER THE TPDS AND RESPONSE OF KERALA

In two ways, the TPDS made changes in the PDS system in Kerala. First, it introduced the APL/BPL classification. Second, it announced variant pricing. The impact of the changing policy framework of PDS on the existing pattern of the rationing system in Kerala is worth analysing in detail.

The APL/BPL Classification

The main feature of the TPDS is the APL/BPL classification. Under the TPDS, the Centre allotted subsidised foodgrains to states by calculating the number of

poor in each state as per the estimates prepared by the Planning Commission. In 1997, when the TPDS implemented, the Planning Commission estimated the total number of low-income families in the state as 15.54 lakh, which is 25.43 per cent of the households. However, Planning Commission's estimate of BPL population was less than that of the state government. Under TPDS, identification of beneficiaries was the responsibility of state government. Therefore, the Food and Civil Supplies Department issued a detailed guideline for the identification of the targeted households and the implementation of the TPDS in the state (Nair 2008). The government assigned the task to the local bodies to scrutinise the lists of BPL families and identify them (The Committee on Public Accounts 2012 & Kerala Civil Supplies Department 1997). However, after the scrutiny of local bodies, it identified 20.19 lakh BPL households (42 per cent) in the state. Therefore, the LDF government decided to extend BPL benefits to all BPL households identified by the local bodies.

TARGET GROUPS AFTER 1997

After June 1997, the state government introduced changes in the target group according to specific shifts in the central government's policy. The first change was the introduction of Antyodaya Anna Yojana scheme. This was part of the guidelines from the central government. The second change was in 2009 when the state government took the imitative to widen the BPL list according to the survey of households in the year. Based on the data collected through this survey, the government expanded the list of intended beneficiaries in 2009-10 (Economic Review 2011: 364 & Isaac and Ramakumar 2010:115). Third change was in 2010-11. Hence total BPL population in the state increased to 35 lakh families, which is about 42 per cent of the total households (Isaac and Ramakumar 2010 & Economic Review 2012).

Changes in the Pricing System and Entitlement

In June 1997, the uniform Central Issue Price System was replaced by the dual price system. Under the dual policy system, the Central government fixed two separate prices for Above Poverty Line Population (APL) and Below Poverty Line (BPL) populations. "The strategy of the dual pricing system was to direct the food subsidies to the identified poor households and to wean away the remaining ambit of subsidy" (Nair 2008:68). The APL/BPL classification and reduction of ration subsidy by the Centre in 1997 necessitated the state government to spend more on food. It is important to note that the state government of Kerala started giving subsidy to rice even since 1991. However, it stopped the scheme in 1993 by citing fiscal constraints. In the late 1980s and early 1990s, many other state governments

in India also compelled to provided subsidy from their budgets to the consumers (Jenkins 2007: 178).

After the introduction TPDS in 1997, the centre would not bear the cost of subsidy for the whole volume of PDS articles supplied to the states except for those intended to the BPL cardholders. But the state government extended the benefits of subsidy to the APL households also. In effect, the state budget had to spend for subsidy under two heads for extension of benefits of the TPDS to the BPL households identified by the state and in making the essential items available to the APL households at a reduced price (Nair 2008:73).

CHANGES IN THE STATE SUBSIDY

The Kerala government made changes in the state subsidy scheme many times. After 1997, the state government increased the subsidy, discontinued it and reintroduced. Between 1999 and 2001, the Left Front government of Kerala increased APL and BPL subsidy three times when the Centre increased the issue price of ration articles (Nair 2008). In 2001, the UDF government discontinued the state subsidy scheme because of fiscal constraints. In 2006 February, the UDF government reintroduced rice subsidy in Kerala. In 2009, the state government launched a new scheme for issue rice at Rs 2 per kg to all BPL cardholders including AAY. The government, in 2011, launched a scheme for providing rice and wheat at Rs.2 per kg. to all cardholders by excluding the families having more than 2.5 acres of land, those having a monthly income above Rs. 25,000 and those having a house of more than 2,500 square feet area (Economic Review 2012:87). However, the Election Commission intervened and prevented the state government from implementing the scheme because of the code of conduct for the Assembly election 2011. In April 2012, the Government of Kerala launched a scheme for providing rice at Rs. 1 per kg. and wheat at Rs. 2 per kg for BPL cardholders.

NATIONAL FOOD SECURITY ACT SINCE 2016

The National Food Security Act (NFSA) passed by the Indian Parliament on 10th September 2013 was an initiative of the UPA II government to reform the TPDS. Its objective was to ensure food and nutritional security using “human life cycle approach” and “access to adequate quantity and quality of food at affordable prices to people to live a life with dignity” (Planning Commission Vol. II 2012). The NFSA gave statutory backing to TPDS (Balani 2013:3). The legislation makes the right to food as a legal right rather than the state’s benevolence to the population (Balani 2013:2). The central government claimed that under the NFSA 75 per cent of the rural population and 50 per cent of the urban population are becoming the beneficiaries of TPDS (Economic Survey 2011:199). The Act classifies the

households into three categories: “excluded (no entitlement), priority (entitlement), and Antyodaya Anna Yojana (AAY; higher entitlement)” (Balani 2013:3). Each category is entitled to different quantities of grain at different levels of subsidy. The Central government continued to determine the percentage of coverage under the TPDS for all states. Within the stipulated coverage of TPDS defined by the centre, the states can identify the eligible households (Ministry of Law and Justice 2013:4). The left economists and public intellectuals raised many criticisms against the Act. For example, Prabhat Patnaik says that Right to Food Security Bill provides “no right insofar as the right to food as envisaged by the Act is not universal in coverage (Patnaik 2010:33).

Though the Parliament passed the NFSA was passed in 2013, its implementation delayed in Kerala. The Kerala State implemented the Act only in 2016. The state raised severe concerns regarding the implementation of NFSA. The NFSA generated concerns in the Kerala. These are following. The first concern was a large part of the existing beneficiaries of the TPDS being left out from the purview of PDS. Under the NFSA 75 per cent of the rural population and 50 per cent of the urban population are becoming the beneficiaries of TPDS. However mechanically applying NFSA criteria for identifying priority beneficiaries, only 46 percent of Kerala are included in the beneficiary list (CPI (M) <https://www.cpim.org/pressbriefs/resolution-implications-nfsa-implementation-kerala>). That is, a large part of the existing beneficiaries of the TPDS being left out from the purview of PDS. Second reason was concern about the reduction of allocation of foodgrains to the state. As per the allocation policy under NFSA, the allotment of foodgrains to the state was limited 1425 M.T whereas the average offtake of foodgrains for the last three years from 2010-11 to 2012-13 was 1601 M.T, which implies a shortage of 176 M.T of foodgrains annually (Suresh 2017).

CHANGES AFTER THE IMPLEMENTATION OF NFSA

Kerala government started NFSA implementation in the state with effect from 1st November 2016 (Economic Review 2016). The rationing system in the state underwent major transformation after the implementation of NFSA. One major change is instead of APL/ BPL classification, four types of ration cards with different colour codes for households came into existence: Yellow Colour Cards, Pink Colour Cards, Blue Colour Cards and White Colour Cards. The Yellow colour code represents the AAY card, pink colour represents the priority cards, blue colour represents non priority subsidy card and white colour code represents the non- priority non subsidy cards (Economic Review 2018). Secondly, state increased coverage of NFSA by its own state subsidy scheme. As on November 2018 number of ration card holders in the state was 81.92 (Economic Review, 2018). Out of the 81.92 lakh ration cards, 35.40 lakh cards come under NFSA and 46.52 lakh come

under non- NFSA (Economic Review, 2018). The NFSA section includes 5.85 lakh AAY cards, 5726 Annapoorna cardholders and 29.55 lakh priority cards. The non-NFSA section includes 26.27 lakh non priority subsidy group and 20.24 lakh non priority non subsidy groups. Third change is installation of E- Pos (Electronic Point of Sale) machines at the ration shops. It introduced to increase transparency and diversion of subsidized food grains at the Authorised Ration Dealers (ARDs). “As per the new scheme, the cardholder will be correctly identified and the allotted quantity of supply will be distributed. The consumers will be recognized by cross checking their finger print in Adhar using the biometric system in the machine. The name and details of all the members will be displayed on the screen, when the card is entered. As the finger is touched on the machine the ration supply allotted for each card and its price also will be displayed and the bill will be printed” (Mathrubhmi 6th April 2018). Fourth change is fitting of GIS in Vehicles transporting foodgrains. Fifth change is implementation of door step delivery of ration articles. The Supplyco has been entrusted responsibility of implementation of door step delivery of ration articles under PDS in Kerala.

HOW NEOLIBERALISM AFFECTED PUBLIC DISTRIBUTION SYSTEM IN KERALA?

The neoliberal restructuring of PDS affected via targeted PDS the rationing system in Kerala in many ways. The important effects are detailed as follows.

The Decline of Availability of Rice from PDS

The availability of rice in Kerala is mainly through three sources; own production, central pool (rationing system) and private trade. The rice production in Kerala was not sufficient to meet the requirement of people. Even at the best of times, Kerala could not produce more than 50 per cent of its foodgrain requirements. In 1971, internal production accounted for 47 per cent and declined to 18 per cent in 1998. In 2009-10, the rice production in the state declined to 538.3 M. T, i.e. only around 14 per cent of the domestic requirement. That is the state heavily depended on other sources to meet the food requirement of people (K M 2019).

Rice from PDS is another source. Between 1971 and 1998 large share of rice consumption of people met through PDS. Its contribution in that period varied between 29.5 per cent to 44 per cent. Many studies indicated beneficial impacts of rationing in Kerala. “The increased flow of rice at subsidised prices through PDS has contributed to an increase in the per capita consumption of rice. Besides, it has also depressed the open market prices of rice and thereby provided a certain measure of additional food security. Another aspect worth pointing out is that the bottom segment of the population has benefited more from the PDS compared to

middle or top groups” (Nair 2000: 315). Jos Mooij (1999) also noted the advantage of in Kerala in the pre-reform period in PDS (Mooij 1999:244). However, after the TPDS, the share of rice from the rationing system declined. In 1998, the share of rice from the rationing system accounted for 44 per cent of the total rice requirement, and in 2010, it further declined to 26 per cent.

Private trade is another source of rice in Kerala. Private merchants in Kerala import rice from states like Tamil Nadu, Andhra Pradesh, Madhya Pradesh and sell in the market. Since the mid-1990, the private trade of rice increased. From 2000 onwards private trade of rice outstripped the supply of rice from PDS. That is; when rice share from rationing system declined private trade of rice increased in the state (K.M, 2018). Table 1 gives the details of rice sold by the ration shops and private traders in Kerala (1991-2010).

Table 1: PDS and Private Trade in Rice in Kerala (1991-2010)

<i>Year</i>	<i>Requirement (in M.T)</i>	<i>Internal Production (in M.T)*</i>	<i>PDS Contribution (in M.T)*</i>	<i>Private Trade (in M.T)*</i>
1991	3403	978 (28.73%)	1750 (51.42)	675 (19.83%)
1996	3637	858 (23.59%)	1350 (37.11%)	1429 (39.29%)
1998	3705	688 (18%)	1640 (44%)	1377 (38.0%)
2000	3773	694 (18%)	621 (17%)	2458 (65%)
2002	3820	633 (17%)	328 (8%)	2859 (75%)
2005	3888	567 (14.5%)	597 (15.5%)	2724.6 (70%)
2010	3903	538.3 (14%)	1014 (26%)	2350.6 (60%)

Source: Economic Review (Relevant years), Kerala Civil Supplies Department (2012) Kerala State Planning Board (2012)& Kasim 2012:521 Quoted from Economic Review (Relevant Years).

Note: * Number in parentheses indicate the percentage of the total requirement.

Many studies pointed out that universal rationing in helped to depress the market price of rice.¹However, there is an unprecedented hike in the price in the post-TPDS phase. In 2000, the price of rice in the open market was Rs. 13.34 per kg (Economic Review 2001:26). However, it increased to Rs 26.52 in 2011 (Economic Review 2011:356). The price rise was not a problem in Kerala alone. It was an issue at the national level (Planning Commission 2007 Vol. II: 136).

Declining Offtake from Ration Shops

Another impact of TPDS is a decline of offtake from ration shops. The annual offtake of rice was 1804 M.T in 1992-1993. But it was 1358 M.T in 1999, and in 2000 it was 656 lakh M.T. In 2002, it further reduced to 423 M.T, all-time low

quantity after the introduction of PDS in Kerala. After that, it was slowly picking up. It was 1159 MT in 2011 (Kerala Civil Supplies Department 2012:13). However, it did not reach the level of the pre-reform period. The annual distribution of rice after the introduction of TPDS is given in figure 1.

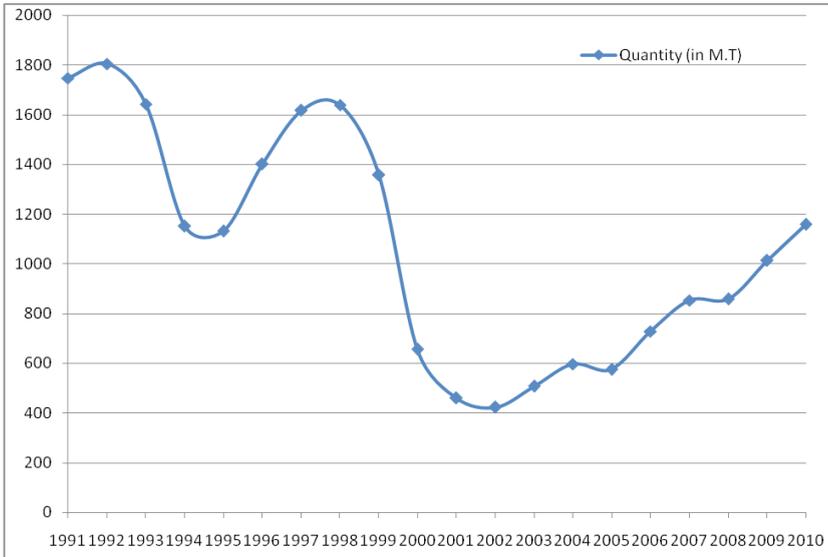


Figure 1: Rice Distribution through Ration shops (1991-2011)

Sources: Economic Review (1999-2010)

The Non-viability of Ration Shops

The reduction in off take affected the viability of the ration shops in the state. The owner of a ration shop earns only 20 paise when s/he sells a kilogram of rice. The practicality of running a shop before the TPDS was beneficial due to the large quantum of business and a large number of customers. Under the TPDS, they declined (Isaac and Ramakumar 2011:112).

CONCLUSION

Kerala faces an acute deficit in rice and other food items. It imports 85 per cent of its food requirements from other states. Therefore, PDS is critical to ensure food security of people. The state has three-tier structures of PDS. Among this, Rationing system is the most developed one. The rationing system emerged during the Second World War period. By taking into consideration of food grain deficit and popular protest, the centre undertook the responsibility to supply foodgrains to Kerala. The system continued until May 1997. In the 1990s, the rationing system

emerged as a model. Many studies emphasised its features. All these features should have led to a serious consideration of the Kerala PDS for replication in other parts of India where economic and physical access to poor to food remains a significant problem in ensuring their food security and consequently on alleviating poverty (Kannan 2000). In many states where foodgrain production is adequate to meet the demands of the people, poverty persists due to failure in the public distribution system. However, Kerala's case is different. It did not produce adequate foodgrains to meet its requirement but successfully meet food requirement of people through the establishment of strong PDS. The main reason for this difference is political commitment. Madhura Swaminathan (2000), for example, argues that 'Kerala's experience shows that with political commitment, food and nutrition security can be enhanced through an effective system of public distribution of food' (Swaminathan 2000: 21).

However, the introduction Targeted Public Distribution System in 1997 made a new challenge to the PDS system in Kerala. The restructuring of PDS caused in the decline of foodgrain availability in the state from Central pool, increase private trade, price rise of rice in open market, decline of sales in ration shops and consequently affected viability of ration shops. As a consequence of neoliberal restructuring of PDS 'one of the best runs and most effective PDS networks in India' (Ramachandran 1996:326) in the pre liberalization period are in peril. The state governments have taken some measures to address these issues within its limitations. But this is not enough to retain effectiveness of PDS in Kerala. Certainly, it needs corrections in the policy at the macro-level.

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REVIVAL OF POLITICAL PROCESS IN JAMMU AND KASHMIR: POST ARTICLE 370 ABROGATION

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Abstract

With the abrogation of Article 370 the politics in the erstwhile state of Jammu and Kashmir underwent a dramatic change. There were many challenges before the Union government in restoring the democratic space and credibility of mainstream politics in the erstwhile state. In this context the Union government took many steps to restore democratic process in the Union territory, the District Development elections (DDC) were one such step. It was imperative to open-up the democratic space in the union territory so that the mainstream politics revive itself, which over the years created its own space through democratic process. The established mainstream political parties lost its credibility with the constitutional change and their narrative became redundant. New Political parties prop-up in the erstwhile state and the BJP intended to create new leadership by strengthening grass root democracy. Once the political space was opened up the established the mainstream political parties challenged the dominant narrative of the BJP and reassert itself and make its presence felt. The objective of the paper is to study the various steps taken by the Union government to open up the democratic space after the abrogation of Article 370. The paper examines the electoral politics of mainstream political parties in the DDC elections.

Keywords: Union-Government, Democratic-Space, DDC Elections, Mainstream-Parties

INTRODUCTION

On August 5, 2019 the National Democratic Alliance (NDA) government led by Narendra Modi brought major changes in the Indian Constitution by deleting

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Article 370, that granted “special status” to the erstwhile state of Jammu & Kashmir (J&K), including the Ladakh region. By revoking Article 370 from the Constitution Jammu and Kashmir were fully integrated into the Union of India. The BJP called this step an important step in mainstreaming the erstwhile state which according to them was long overdue and was a long-standing politico-ideological demand of the Bharatiya Janata Party (BJP). This drastic constitutional change was initiated in the backdrop of the BJP’s landslide victory in Lok Sabha election of 2019 and subsequent dominance in the Rajya Sabha. Besides this the Jammu and Kashmir reorganization Act 2019 was passed to bifurcate J&K into two Union territories (UTs): Jammu & Kashmir and Ladakh. The change to Union Territory status gave New Delhi more control over local administrative and legislative powers in J&K, in addition to direct control over the police and protection and maintenance of public order. Following this the Union government took stringent measures such as a communications blackout, indefinite curfew, and arrests of mainstream political leaders, including two previous CMs, in order to avoid violent street protests and civilian casualties in J&K. A complete political vacuum in the mainstream political space was witnessed. There was a complete absence of any political activity in the state. Professor Rekha Chowdhary writes, “The mainstream leaders and parties are in a quandary and don’t know how to approach the people and what to offer them”. She further said, “The political discourse that formed their linkage with the people has become redundant and they have lost their relevance”.¹ The special status to Jammu and Kashmir was linked to its identity and specificity”.² And all the mainstream politics particularly in Kashmir revolve around it. Although this sort of political discourse was initiated by Sheikh Mohammad Abdullah after he assumed power as a Chief Minister in 1975. But with the emergence of competitive coalition politics in the state the mainstream parties raised local concerns and brought the agenda of separatist politics into the mainstream political space. This proved quite beneficial for the political environment in the state as mainstream politics gained legitimacy and squeezed space of separatism. This new brand of politics expanded the space of mainstream politics in the state, particularly in the Kashmir valley and higher voting turnout in the state in the Assembly elections of 2002, 2008 and 2014 was reflection of that. As Rekha Chowdhary writes, “There is an inverse relationship between mainstream politics and separatism. Separatism tends to flourish in a political vacuum. Instead of valuing the contribution of these mainstream political parties in stabilising society and giving meaning and space to electoral politics an attempt was made to demonise them, which would only help to further alienation but create a dangerous vacuum to be occupied by separatist forces”.³

The Political vacuum was quite visible since the state assembly was dissolved in 2018. Although some political activity from the mainstream political actors were seen but

in reality voters haven't really got an opportunity to express their aspirations and elect representatives, and political figures haven't been able to channelize citizen aspirations and scrutinize the policies of state administration. The Panchayat election did give some chance for the revival of political process but the turnout in the election was quite low as comparison to 2011 and 2018 panchayat elections.⁴

EFFORTS TO REVIVE POLITICAL PROCESS: EMPHASIS ON GRASS ROOT DEMOCRACY

The democratic deficit in the new Union Territory was much discussed and debated. The first step towards opening up the political space in Jammu and Kashmir since the Centre revoked its special status on 5 August 2019 came in March 2020. The process to kick start the stalled democratic process got underway on 17 October 2020 when the Centre made legal changes in the Panchayati Raj Act to enable direct elections for the creation of the District Development Council (DDC). The Jammu and Kashmir Panchayati Raj Act, 1989 was amended to include a new layer of governance in the form of the DDCs, which together with the Panchayats and Block Development Councils (BDCs) would constitute the three tiers of Panchayati Raj Institutions.⁵ Besides this the Union Government led by BJP had also announced the delimitation process to be carried out in the newly carved out Union Territory of J&K for reworking the constituencies. The Delimitation Commission is headed by former Supreme Court Judge Justice Ranjana Desai.⁶

Political activity began to get impetus in the state with the release of political prisoners. With this the political environment in the state began to expand and political parties began to hold press conferences, organising protests, and responding to various policy matters and legislation concerning the erstwhile state. One of the important political developments that took place was the coming together of the mainstream parties and formation of Peoples Alliance for Gupkar Declaration (PAGD).⁷ This is also for the first time in J&K's electoral politics that the major mainstream parties, National Conference and Peoples Democratic Party, have buried the hatchet to "prevent the BJP from invading the mainstream political space". Although initially they decided not to engage in any electoral process until the Pre-August 5, 2019 position of the state was restored but later after due consideration and widespread process of interaction and consultation among conceivably every segment of the diverse electorate in both the regions of the Union Territory they decided to plunge into the DDC elections. The decision to jointly contest the DDC polls has sprung a surprise, both within the political leadership of the parties and the people. Badri Raina writes, "They (PAGD) believed that the District Development Council elections results will carry a telling political message to all those who have either vociferously supported the Centre's life-changing moves in Jammu and Kashmir or argued against it"⁸

Thus, reading the writing on the wall the People's Alliance for Gupkar Declaration (PAGD) reversed their stated reluctance to participate in any election till August 5, 2109 position was reversed. The decision of PAGAD to contest the election reflects their political expediency. Professor Noor Ahmad Baba says that, "The regional parties now face a predicament. Boycott and risk getting marginalised as was the case when they boycotted the urban local body and panchayat polls in 2018 or accept the polls and get painted as legitimizing the central government's last year's decision of abrogating Article 370". Nayeem Akhtar of PDP while defending the decisions of participation in DDC polls said, "This (decision) was necessary." He added, "It is already being said that we have no representative character. We expect a landslide victory and we would like to send a message to the world that what was done on August 5 last year was done without any consultation with us, without any endorsement, and we disapprove of it. That is the purpose and that is why we have joined forces"⁹ Badri Narain Says, "The Gupkar Alliance has seized the opportunity to reinstate mainstream footprints within the polity after more than a year of stasis. The decision to contest election was taken into that context and it "surprised many but mainly the BJP leadership in particular who have thought to replace the existing mainstream political parties with a new set of people and to create institutions and use them to their advantage"¹⁰ Moreover, for the central leadership of BJP the election to DDC election was important to put the seal of democratic approval on the revocation of special status. According to Indian Express, "The decision to hold direct elections for DDCs was taken by Shah with the approval of the Prime Minister. In order to initiate this process, it adds, "It was the PM who handpicked former Union Minister Manoj Sinha, who has the reputation of being able to implement plans without upsetting many, to oversee the process"¹¹

SHARING ARRANGEMENT AMONG GUPKAR ALLIANCE

The DDC elections were held in eight phases from November 28 to December 22 in 20 districts. Besides this the Chief Electoral Officer (CEO) Hardesh Kumar also issued the first notification for conducting an eight-phase by-poll for the civic bodies for 234 vacant wards. The eight phase by-election for Panchayats to elect 12,153 *Sarpanches* and *Panches*. The elections were be held for 24 blocks spread over 10 districts of the Kashmir Valley and 53 blocks in six districts of Jammu division. The by-election to the Panchayat was necessitated largely because of the vacancies. The last elections to the panchayats were held in November-December 2018, in which 22,214 *Panches* and 3,459 *Sarpanches* were elected by the respective returning officers. Moreover, the vacancies have accrued on account of deaths and resignations of the elected *Sarpanches* and *Panches*. Another 307 seats fell vacant

due to election of chairpersons to the block development councils in October last year.¹²

In the follow-up to the notification of DDC elections the PAGD decided to contest polls on their own symbols and fielded one candidate of alliance in each segment. For the first phase the alliance fielded 27 candidates. Among them 21 were from the National Conference, 4 from the PDP, and two from People's Conference. However, from the beginning fissures among the allies started to grow. The speculation gained ground after PDP's founder member and former J&K deputy chief minister Muzaffar Baig resigned from the party citing unjustified seat sharing arrangement in the elections favouring the NC.¹³

For the second phase the People's Alliance for Gupkar Declaration allocated eight seats each out of total 27 to the National Conference and the PDP. Meanwhile, J&KPC contested from five seats. The Congress fielded its candidates on three seats, while Jammu and Kashmir Peoples Movement got two seats. Awami National Conference got one seat to contest. A difference, however, continued to persist between CPI (M) and PDP over 'Pombay' seat in south Kashmir's Kulgam district, which was represented in the erstwhile Jammu and Kashmir's State assembly during its last few terms by CPI (M) leader M.Y. Tarigami. While the alliance has allocated the seat to the PDP, the CPI (M) was adamant to field its candidate from there. For third phase the Mehbooba Mufti-led PDP contested on eight of the 16 seats in the third phase and the NC on seven. The Awami National Conference (ANC) contested on one seat. For the fourth phase the alliance partners agreed that out of the 16 seats, the People's Democratic Party (PDP) will contest seven and the National Conference (NC) four. The Awami National Conference contested on two Jammu and Kashmir Peoples Movement contested on one and Peoples Conference on two.

For the fifth phase of the District Development Council (DDC) polls the NC has bagged 16 seats while the People's Democratic Party (PDP) was given five, Jammu and Kashmir People's Conference was given two seats to contest and Jammu and Kashmir People's Movement contested on one seat.¹⁴ For the Sixth phase of DDC elections 13 segments went to polls the National Conference contested on eight segments, PDP three, while the ANC and JKPM contested one segment each.¹⁵

VOTER TURN OUT

In the first phase of the DDC election an average voter turnout of 51.76 per cent was witnessed. The Jammu division registered 64.2 per cent polling, while the Kashmir division saw 40.6 per cent. In Jammu, Reasi recorded the highest polling, with 74.6 per cent turnout, followed by Rajouri (70.5 per cent), Poonch (68.69 per cent) and Samba (68.61 per cent). Likewise, in Kashmir valley, District Budgam saw

the highest polling with (56.9) per cent turnout, followed by Kupwara (50.74 per cent), Ganderbal (48.60 per cent) and Shopian (42.5 per cent). Pulwama district in south Kashmir reported the lowest turnout (6.7 per cent). However in the southern district of Kashmir Valley the turnout was uneven. In the volatile areas of south Kashmir, where a low voter turnout was expected, Pulwama witnessed less than 7 per cent in the first phase, while Shopian, which witnesses highest number of counter-insurgency operations, recorded 42.58 per cent voter turnout.¹⁶

The second phase recorded a voter turnout of 48.62 per cent turnout. Jammu region witnessed 65.54 percent voting, while Kashmir valley recorded an average of 33.34 percent turnout. Bandipora district recorded the highest turnout in Kashmir at 69.66 percent which was the third-highest in the Union Territory. Poonch recorded the highest turnout of 75 percent on. While the district Pulwama retained its position at the bottom with just 8.67 percent votes. Out of the 280 constituencies in Jammu and Kashmir, 43 went to polls in the second phase with 25 in Kashmir and 18 in the Jammu division. Voting was held in 43 DDC constituencies including 25 in Kashmir and 18 in the Jammu region in the first phase.¹⁷

In the third phase of the District Development Council (DDC) election the Kashmir valley saw 50 per cent voter turnout, with south Kashmir's Kulgam district recording the highest voting percentage of 64.45 per cent. In Jammu region Reasi district recorded 75.20 per cent voting, the highest in the Union Territory followed by Rajouri district with 72.81 per cent. Jammu division recorded an average voter turnout of 68.88 per cent. Poonch recorded 72.18 per cent voting followed by 70.44 per cent in Jammu, 70.35 per cent in Kishtwar, 70.15 per cent in Samba, 64.79 per cent in Ramban and 62.18 per cent in Kathua. The lowest turnout in Jammu division was in Doda district, which recorded 59.51 per cent voting. The Kashmir division recorded an average turnout of 31.61 per cent with Kulgam district having recorded the highest polling, followed by Bandipora district with 56.73 per cent and Budgam with 50.18 per cent. Kupwara recorded 46.25 per cent polling, Baramulla 30.94 per cent, Ganderbal 24.69 per cent, Shopian 22.68 per cent, Anantnag 21.64 per cent, and Pulwama 10.87 per cent.¹⁸

The Voter turnout in the fourth phase of District Development elections was 50.08 per cent. In total 249 candidates contested in the fourth phase of the District Development Council (DDC) elections. The Kashmir valley recorded 31.9 percent votes and Jammu recording 69.31 percent. In this phase, 34 DDC constituencies went to the polls, 17 each from Jammu and Kashmir divisions, with 249 candidates in the fray. In Kashmir, the highest voting was reported from district Ganderbal of central Kashmir, recording 56.28 percent, while the lowest polling was reported from Shopian of southern Kashmir, at 1.96 percent. In Jammu division, Poonch recorded the highest 75.42 percent voting while Udhampur recorded the lowest 59.90 percent.¹⁹

In the fifth phase of Jammu and Kashmir's District Development Council (DDC) elections 51 per cent voter turnout was registered. In Kashmir Valley the Ganderbal district recorded the highest of 56.40 per cent. While Poonch district of Jammu region polled the highest of 71.62 per cent votes. The voting was held in 2,104 polling stations, including 1,190 in Kashmir division and 914 in Jammu division. Jammu division recorded an average voter turnout of 66.67 per cent, with Poonch district recording 71.62 per cent polling, Doda district 70.95 per cent and Rajouri district 70.83 per cent. The lowest turnout in Jammu division was in Jammu district which recorded 60.24 per cent votes. Meanwhile, 64.71 per cent polling was recorded in Samba, 69.47 per cent in Udhampur, 68.27 per cent in Kishtwar, 67.11 per cent in Ramban, 69.15 per cent in Reasi and 62.36 per cent in Kathua. The Kashmir division recorded 33.57 per cent voter turnout with Bandipora district recording the highest polling at 56.40 per cent followed by Kupwara district 52.35 per cent and Budgam 45.65 per cent. Ganderbal recorded voting percentage of was 37.47, Baramulla 44.31, Anantnag 21.89, Kulgam 26.94, Pulwama 8.12 and Shopian 5.52.²⁰

Over 51.5 per cent of 7.48 lakh electorates exercised their franchise in the sixth phase of the District Development Council elections, which covered 31 constituencies spread over 18 districts of Jammu and Kashmir. Jammu Division recording 68.56 per cent voting and Kashmir Division registering 31.55 per cent. Poonch district in Jammu recorded the highest voter turnout of 76.78 per cent. Followed by Rajouri at 74.03 per cent, Reasi 74.02 per cent, Udhampur 72.04 per cent, Ramban 71.34 per cent, Samba 70.01 per cent, Jammu 66.32 per cent, Doda 62.93 per cent and Kathua 60.95 per cent. Similarly, in Kashmir Division, Ganderbal recorded a voter turnout of 58.45 per cent, followed by Kupwara (51.08 per cent), Bandipora (47.66), Kulgam (37.74), Baramulla (34.56), Budgam (30.99), Anantnag (24.06), Pulwama (8.16) and Shopian (4.60).²¹

The seventh phase of the District Development Council (DDC) polls registered the highest voting percentage of 57.22 percent. The Kashmir division witnessed 39.52 percent while Jammu division witnessed 71.93 percent of voting. In Kashmir valley the Bandipora district saw the highest polling in the Valley at 70.47 per cent followed by Baramulla 59.53 percent and Kupwara 59.23 percent. South Kashmir also showed a rise in voting percentage in this phase, with Anantnag recording 22.46 percent followed by Kulgam 17.98 percent Shopian 6.55 percent and Pulwama 11.06 percent. In the Jammu division, voter turnout remained on the higher side in all the constituencies. 74.38 percent was recorded in Samba, 72.85 percent in Kathua, 67.75 percent in Ramban, 73.10 percent in Rajouri, 69.89 percent in Kishtwar and 68.66 percent in Jammu district.²²

ELECTION RESULTS: MIXED MANDATE

The People's Alliance for Gupkar Declaration (PAGD) emerged as the leading coalition by winning 112 seats of the 278 for which results have been declared. The Bharatiya Janata Party (BJP), the ruling party at the Centre which was behind the twin decisions last year, emerged as the single largest party in the elections, winning 75 of the total seats for which results have been declared. The BJP has secured the largest vote share in the local body elections in Jammu and Kashmir. The BJP had got a total of 4.87 lakh votes. Out of the 75 seats which the BJP has won, victories in three have been registered in the Kashmir Valley – an important development for the national party. This is for the first time the BJP has registered a win in the Valley while facing regional heavyweights like the NC and the PDP. While Commenting upon the development BJP general secretary Vibodh Gupta said 'The people of Kashmir exhibited their faith in Hon'ble PM Narendra Modi's vision of Naya Kashmir, and *sabka saath, sabka vikas, sabka vishwas,*' Among the PAGD constituents, the National Conference has bagged the highest 67 seats so far, followed by PDP (27), J&K People's Conference (eight), CPI (M) (five), J&K Peoples Movement (three), and PDF (two). The alliance has secured more than 3.94 lakh votes together. Besides PAGD and BJP, Independents have won 50 seats, Congress 26, Apni Party 12, National Panthers Party two and BSP one. While the PAGD has secured a clear majority in six districts, the BJP has achieved the same in five in the maiden DDC election in Jammu and Kashmir. The PAGD has an edge over the BJP in six other districts where it is just short of one or two seats from the majority. Independents hold sway in the rest of the two districts. The striking feature of the PAGD's was its surprise win ascent in Jammu region, where it got majority seats in Ramban, Kishtawar, Poonch and Rajouri districts. Senior Congress leader P. Chidambaram said the DDC election results show that the voters of Kashmir valley have firmly rejected the BJP and its 'misguided' Kashmir policy. 'Undeterred by the denial of democratic rights, the voters of the Kashmir valley have firmly rejected the BJP and its misguided Kashmir policy. I compliment the voters for their courage and resolve.'²³

CONCLUSION

The democratic space in Kashmir needs to be enlarged. The DD Elections could be the first step in the process. Democracy could play an important role in bringing peace to valley. It is due to lack of democratic opportunity in Jammu and Kashmir that a sense of disillusionment is seen. The central government should be committed towards democratic fundamentalism by giving respect to democratic norms and procedures. For the complete revival of democratic process in the state the democratic forces should be encouraged and given space to operate. The Union

government should value the contribution of the mainstream political parties who have given stability to the democracy when the insurgency was at its peak. The approach to demonising them will accentuate alienation among people. The legislative election should be held to further the democratic space in the union territory.

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- 4 While there was keen competition and massive participation in the 2011 Panchayat elections, in 2018 many of those elected were returned unopposed; and many panchayats were left vacant for want of contestants
- 5 *The Tribune*, October 8, 2020.
- 6 Ibid.
- 7 The People's Alliance for the Gupkar Declaration (PAGD) is a political alliance between the multiple mainstream regional political parties of Jammu and Kashmir aimed at restoring special status along with Article 35A of the erstwhile state of Jammu and Kashmir. Farooq Abdullah is the president of the alliance. It is an alliance of seven political parties, including National Conference, People's Democratic Party, Communist Party of India (M), Jammu and Kashmir People's Conference, Awami National Conference, Indian National Congress and JKPM alliance.
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INDIA'S POLICY TOWARDS SOUTH-EAST ASIA: POSITIVE CHANGES IN MODI REGIME

Sohan Lal* and Raghendra Pratap Singh**

Abstract

The present age of globalization is marked by interdependence and interconnectedness. States are, today, very close whether it is economically or politically and this interdependence makes the world system very complex as well as cooperative too. The region became the arena of great power rivalry. As far as, India is concern, the South-east Asian region has always been important factor in its foreign policy domain. It is also important to note that despite the strong relationship between India and ASEAN, the growing Chinese presence in South-east Asia raises concern for Indian security dimensions. However, the India's 'Look East' policy in 1992 was the watershed moment. Prime Minister Narendra Modi's recent visit to South-east Asian nations is also a step forward in cementing the ties. As such the present paper intends to underline the positive changes in recent years.

Keywords: ASEAN, Foreign Policy, Politico-Economic Relations, Security, China, India

This complex interdependence ¹of state make them unique in international politics. The relationship between India and South-east Asia² is a reflection of complex interdependence. The South-east Asian's geopolitical situation make the region very important in international politics. During the Cold War era this geopolitical situation make the region very important. Relations between both the entities are centuries old. The cultural impact of India can be seen on many South-east Asian nations like Indonesia. During the Cold War period Indian foreign policy had its

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tilt towards Non alignment Movement. On the other hand the South-east Asia became the arena of big power rivalry. So, New Delhi was cautiously establishing relationship with South-east Asian countries despite historic linkages.

HISTORICAL PERSPECTIVES

Different countries in the South-east Asia region established their foreign relations in different ways. Burma, Indonesia,, Laos and Cambodia established their relations keeping distances themselves from both the blocs. North Vietnam supported the Soviet Union bloc while Thailand and South Vietnam preferred the American bloc.³ In 1978, a complicated situation arised when Vietnamese military invaded in Combodia. **Khmer Rouge** regime was replaced by **Heng Samrin**. India recognised the Vietname installed regime in Combodia. Japan, United States and the European Union Criticised Indias move. The decline of Soviet Union in 1991 and thereby emergence of globalisation, the rise of United States results in the opening of Indian economy, were some of the crucial changes that took place in 1990's.⁴

Now the situation has considerably changed. ASEAN'S view of India has changed. Also India initiated its' Look East' policy to increase its relations with ASEAN region. The policy was also seen as to counter Chinese influence in the region. India take various initiates to rejuvenate the economic, cultural and security ties. In today's context, India has also took some proactive measures and the results can be seen where India is looking beyond South East Asia with its new enriched "*Act East*" policy. Through this initiative , India has also enhanced its presence in the region. New Delhi is also collaborating with ASEAN members through different initiatives such as BIMSTEC, East Asia Summit and we'll ASEAN Regional Forum.

India's relations with Southeast Asia has been centuries old. Historically, India had enjoyed close affinity with Southeast Asian countries in religious, cultural and linguistic fields. India's role became politically pronounced after the Asian Relation Conference in March 1946 and the special conference on Indonesia convened in January 1946 to support the freedom struggle of Southeast Asian Countries. The conference that took place in Bandung in 1965, India played a key role at the summit to express solidarity with the newly independent countries. However, the decade saw decline in India's influence following the defeat in the Sino-Indian border clashes in 1962.⁵

In the year 1991, the relations took momentum after the world saw numerous changes on world platform. As the time passed, India and ASEAN have upgraded their ties to a strategic partnership. The Modi Government has upgraded the 'Look East ' policy' to 'Act East' strategy for deeper and wider engagement with the region.

DIMENSIONS OF INDIA-SOUTH-EAST ASIA RELATIONS

Economic Relations: Trade and investment can be considered cornerstone of India and South-east Asia relations. The policy of liberalisation of trade initiated by India in 1991-92, at that time the ASEAN countries recorded six percent of India's total trade. However, it was not a huge amount as it was only one percent of ASEAN's total trade. After the Cold War, India emphasised more on information and technology field and became a leading power in this sector.⁶ In recent times, India - ASEAN relations on economic level have recorded a new heights as the bloc has now become India's fourth largest trading partner. India's trade with ASEAN countries stood at US \$ 81.33 billion in 2017-18. India's export to ASEAN region in 2017-18 was US \$ 34.20 billion whereas import from the region in the same period was US \$ 47.13 billion. Trade balance with the region was US\$ -12.93 billion.⁷

Over the time trade and investment engagement has grown between ASEAN and India resulting the manifold increase of bilateral trade between both. India has also opportunity in ASEAN Investment Area (AIA) where she can broaden its scope of manufacturing product into ASEAN countries that can be a vast opportunity for India in ASEAN. To attract more and more investment in ASEAN region, the leaders of ASEAN adopted a master plan on ASEAN connectivity 2025 in 2016.⁸

However, in comparison of India-ASEAN trade, China-ASEAN trade is much more. According to a report. China-ASEAN trade hit a record high of US \$ 587.87 billion in 2018. The two way investment amounting to US \$ 205.71 billion, said Chinese Department of Asian Affairs.⁹ In the year of 2003 India and ASEAN signed an agreement called "*Framework Agreement on Comprehensive Economic Cooperation*".

Political Perspectives: In 2017 India and ASEAN completed twenty five years of their dialogue partnership. India has thirty sectoral dialogue mechanism and seen ministerial level interactions with South-east Asian countries. Throughout the Cold War period India was reluctant to establish deep engagement with South-east Asian region. The geopolitical environment of the Cold War period distances each other. However, changes in 1990's, like decline of the USSR and the rise of regionalisation, the rise of People's Republic of China, the attack of American twin towers, forced India to think the importance of regional organisation. Further India 'Look East' Policy proved watershed moment in Indo-ASEAN relations.

The political cooperation can also be seen in the formation of Non-alignment Movement (NAM) that had been founded by Jawahar Lal Nehru, Sukarno, Tito, Nassir and Nkrumah to prove a deterrent to the hostile design of the two great powers. Indian foreign policy always advocated the peaceful resolution of dispute on domestic level as well as on international level.

Prime Minister Narendra Modi visited Singapore on 14-15 November 2018 where he met other ASEAN leaders and emphasised bilateral cooperation.¹⁰

Security Cooperation: Security cooperation is also another important aspect of relations between both the parties. During the Second World War, Netaji Subhash Chandra Bose formed Indian National Army, which was also supported by South East Asian nations. But it is also true that INA hit with setback when Subhash Chandra Bose disappeared. After India got Independence it signed defence treaties with Indonesia and Burma. When ASEAN took birth in 1967 it was seemed as anti-communist organisation, therefore India distances itself from any ASEAN activity. However, in 1992, India became sectoral partner.¹¹

The new threat that ASEAN region is facing today, terrorism and fundamentalism. The risings China is also emerged as a new threat. China's presence in India Ocean and its naval activities posed future threats. ASEAN states saw China as emerging giant threat and now they are allowing the United States to establish bases in the ASEAN region. Malaysia offered Lumat Naval Dock-yard, Indonesia and Philippines offered strategic facilities to United States. It is also noted that China has indulged in confrontation with South-East Asian nation a number of times over South China Sea dispute. ASEAN countries are also watching New Delhi as heavyweight against China. The ASEAN Regional forum (ARF) was established in 1994. India is also a member of the ARF. India has been attending the forum since 1996. India is also helping South East Asian nations military and when India - Vietnam summit was held in 2000 both inked a defence cooperation agreement where India made her commitment of supply of advance military helicopters.¹²

India - Singapore also signed an agreement where both the countries have their consent for joint military exercises. In 1995 India established the a dialogue partnership with the ASEAN and through that partnership both have concluded different and key security issues that have regional importance as well as global too.¹³ The ASEAN region has also their own various security level mechanism in which one of them is “*ASEAN Defence Ministers Meeting*” which is regarded as crucial and highest defence consultative mechanism.

Strategic Partnership: The strategic partnership between India and ASEAN is a positive development towards strengthening the ties between both. India-ASEAN celebrated Twenty Five Years of crucial strategic relationship in 2017. During the meetings wide discussion on RCEP (Regional Comprehensive Economic Partnership) and TPP (Trans-Pacific Partnership) were held. RCEP is a sixteen nation trade pact between Ten ASEAN members and Australia, New Zealand, Japan, South Korea, China and India. Fructifying the RCEP will the double the trade among members.

In a significant move on April 11- 12,2019,India- ASEAN senior officer meeting was held where it has been decided that both the entities would try to take the strategic partnership to new level of heights so that emerging challenges could be tackled down . The South-East Asia has also been a victim of terror activities. The Bali bombing in 2002 is the live example of this menace. So India and ASEAN are sharing important information regarding terror activities. The strategic relation also include to further enhance the scope of trade and investment.¹⁴ Prospects of development through regional economic cooperation has also been speed up.

Indian Diaspora in South East Asia: There is a significance presence of Indian Diaspora in the region. Indian Diaspora in abroad have always played a significant role. Indian constitute about eight to nine percent of the total population in Malaysia and Singapore respectively. IT professionals, education are the field where most Indian are settled.It can also be seen on the culture of SouthEast Asian nations and some of the scholars in Europe called it as the “ *Further India*” .The impact of Indian culture in the region is further brought by Indian diaspora who are residing in different SouthEast Asian countries among them most are Sikhs, Sindhis and Tamils from India. The Indian diaspora has also significance presence in South East Asian political parties such as in Malaysia .¹⁵

The Indian Diaspora in South-east Asia strengthen India’s ties with the region in diplomatic, economic & security cooperation. The diaspora can be considered an important aspect/instrument of India’s soft power diplomacy.

India’s ‘Look East’ Policy: An important tool of India’s foreign policy, the ‘ Look East’ policy was launched to strengthen India’s outreach towards SouthEast Asia due to its geopolitical and geostrategic importance.¹⁶ The post Cold War engagement with the region was very much different from India’s earlier engagement with the region as the world had seen many changes on world platform like disintegration of Soviet Union, the end of Cold War period and so on.¹⁷ India’s ‘Look East’ policy has both economic and strategic dimensions. On economic front India wanted to expand its outreach in the region of ASEAN and on the other hand India is also a regular partner in different SouthEast Asian forums.

The collapse of India’s reliable partner in 1990’s, the Soviet Union, India’s economic crisis and the emergence of globalisation push India for economic reforms. Earliar all assessment of India regarding South-east Asia went wrong. The rise of South-east Asia as an ‘Asian Tigers’ compelled India to have serious attention. It was he outcome of ‘Look East’ Policy’ that India find a big economic partner in South-east Asian region. The signing of India-ASEAN “Comprehensive Economic Cooperation Framework Agreement” in 2003 and Free Trade Agreement in goods in 2009 is the result of this “Look East’ policy’s economic dimension. India is also indulg in cross-border links with ASEAN countries.

The another dimension of 'Look East' Policy is strategic aspirations. As we know that New Delhi has aspirations to become a global player on world stage, so she has to think beyond South Asia and has to expand her strategic outreach to different important regions including SouthEast Asia. As a risings power, India can play a vital role on global level. There is no doubt about that ASEAN countries see 'Rising China' a threat to their security. ASEAN countries see India as a security provider who can balance Chinese military & economic might. In the recent time as an important partner of SouthEast Asia, India enhanced her presence in the region through joint bilateral naval exercises and through joint patrolling in maritime sphere.¹⁸

The NDA government came into power in 2014. Under the leadership of Prime Minister Narendra Modi ,New Delhi extended its Look East policy to "Act East" policy in which Asia - Pacific region has also been given importance. In today's context, Asia - Pacific has also become important destination due to its geo- strategic location. On the other hand India has already good relations with Australia, New Zealand and Japan. Promotion of economic cooperation, strategic engagement and cultural ties are also another aspect of India's foreign policy in Asia- Pacific region New Delhi has also engaged with strategic partnerships with some South East Asian countries along with some of the Asia - Pacific countries like Japan, Republic of Korea and Australia.¹⁹

Chinese Factor in India-ASEAN Relation: The rising China present a common threat to India and ASEAN security dimension. The rise of China is the biggest phenomena of this century. The size, speed and sustained nature of rising China is unparalleled.²⁰

China has indulged in dispute a number of times with South-east Asian nation over South-China sea particularly with Philippines and Vietnam. New Delhi has also significant interests in ASEAN region. Trade between India and South-east Asia is rising exponentially, which has been US \$ 81.33 billion in 2017018. India is also indulge with big powers such as United States, Australia and Japan for the sake of its interests in ASEAN region.

The ASEAN region has taken a number of steps regarding South China Sea dispute. In ASEAN Summit in 2014, the leaders of ASEAN expressed their serious concern over increased tension in South China Sea. The leaders also put forth six-point principle on South China Sea. The ASEAN region has taken numerous steps to integrate its market that would allow free flow of trade among countries and abroad. Due to its strategic location and its promising economics, ASEAN has become of greater interest its neighbouring countries as well as the Western World.²¹

It is also true that all the members of ASEAN have not shown their interest resolving South-China Sea dispute. In a rare statement Malaysian official statement did not name China over dispute.²²

New Delhi has also stepped up its efforts to balance Chinese rising role in ASEAN region. The Modi government has given special preferences regarding relations to ASEAN. In a summit between ASEAN - India in 2018, among other important issues both agreed to strengthen maritime cooperation and freedom of navigation with due respect to laws. Both emphasised on mutual cooperation on maritime affairs. Both are in favour of peaceful resolution of any dispute in maritime domain.²³

A US think tank, Council on Foreign Relations said that specific South East Asian nations are of the view to look beyond present engagement and they want to diversify their relationship. More emphasised is being paid on New Delhi as the countries see India as the counterweight to aggressive People's Republic of China. Along with India the countries are also looking another country of Asia - Pacific as the potential partner that is Australia. India with its dynamic democratic values, emerging economic power, is, of course the first choice for these countries.²⁴

CONCLUSION

India's relations with Southeast Asian countries are growing rapidly. Southeast Asian countries are integrating economically faster than before. This economic integration can be a vast opportunity for emerging power like India. The region is also rich in natural resources that can compensate India's growing energy needs. India's 'Look East' policy launched in 1990's began to yield fruit. The more integration of Asian economies will play a vital role in future perspectives. As for as India's North-East Region is concern, the cooperation of Southeast Asia will be helpful tackling unrest in NER.

The Rising China is a new emerging threat for both India & ASEAN. Working together to tackle the Chinese power will be the best option. India must increase its engagement with ASEAN countries. The countries in ASEAN see India as a counterweight to China. Prime Minister, Modi's 'Act East' policy, also places great value on India's relationship with member states through a revamped 'Act East' policy. The ASEAN India partnership is being implemented through the 'Plan of Action (2016-2020) to implement the ASEAN-India partnership for peace, progress and share prosperity.'

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POLITICAL PARTICIPATION OF TEA GARDEN WOMEN WORKERS IN ASSAM

Kalpana Borah*

Abstract

Despite constitutional provisions and several measures, women, particularly those belonging lower socio-economic strata, still lag behind in self assertive roles in social domain and political participation. As long as all women are not aware of their privileges and rights, they cannot attain equal position in society at par with men. The women of lower socio-economic strata, working as labourers in tea gardens, in Assam have always played a significant role in electoral politics in Assam since independence as they are numerically significant. Political awareness means active and voluntary political participation, such as voting, taking part in electoral campaigns, different public meeting organized by different political parties etc. An attempt has been made to assess the level of political participation of Tea garden women workers of Assam.

Keywords: Tea Garden, Women Workers, Political Participation, General elections, Assam

INTRODUCTION

Though women constitute half of the total population, still the participation of women in politics is not satisfactory, at least in Assam. It is said that a number of factors are responsible for their unsatisfactory political participation such as low levels of education, health, socio-economic conditions, gender based disparities, family back ground etc. Political development of the nation comprises political activism of both men and women. The legitimacy of political systems rests upon equal participation of people irrespective of any differences based on gender,

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culture, caste, religion etc. (Baruah: 2008). Women's disproportionate presence in the political process would mean that the concerns of half the population cannot be sufficiently attended in the decision making process.

Historically speaking, the Political participation of women in India can be traced back to the freedom movement. Some women actively participated in the national freedom struggle but are not always acknowledged. Independence brought many changes, promises and hope for woman in India, but after independence all the promises remained unfulfilled and patriarchy took different forms to repress woman (Das, Phulmoni. 2015). The exposure of women to political debates and issues has always remained circuitous and almost wholly on the basis of what is reported to them by the heads of the family. In Assam also the same scenario could be seen in context of the participation of women in politics.

'Tea-Tribes' which are also known as Tea-garden community are multi ethnic groups of tea garden workers and their dependents in Assam. They are the descendents of indigenous people brought by the British colonial planters. The establishment of Tea Company of Assam was part of the scheme of colonizing waste land of Assam to provide new avenues of investment for foreign capital (Hazarika, Kakoli: 2012). The tea industry of Assam required a regular supply of labour and attracts a large number of labourers from Uttar Pradesh, Odisha, Jharkhand, Chattisgarh, West Bengal and Andhra Pradesh during 1860-90s. The Tea garden community is found mainly in the districts of Upper Assam and Northern Brahmaputra belt because in these districts there is high concentration of tea garden. At present total population of Tea garden community is estimated to be around 6.5 million. Among 6.5 million, 4 million belongs to tea estates and other 2.5 million reside in a nearby villages spread across those tea growing regions. There are 799 tea garden in Assam at present. The tea labourers in Assam have always played a significant role in electoral politics in Assam since independence (Karmakar, Dr. K. G.2005). They are the permanent vote bank for the political parties .Due to the low literacy rate political parties can easily motivate them. Besides the low literacy rates, tea labourers suffer from other problems like poor socio-economic condition, deplorable health condition etc. which create hurdle for the development of them (Kumari, R. Letha 2006),. In spite of this drawback, tea labourers have played significant role in the political process in Assam (Sen, Binoy B. 2008). The women tea labourers are the intragal part of the labour force engaged in tea plantation of Assam (Kaushik, Suseela 1993). Tea garden women labourers can be regarded as deciding factors in each election of Assam. In Gohpur sub division there are around 46000 tea garden people who live in 7 tea estate in Gohpur. The main purpose of this study is to show the level of political participation

of tea garden labourers of Assam. The study area is selected for the present study is three tea garden of Gohpur sub division of Assam.

OBJECTIVES AND METHODOLOGY

The main objectives of this study are - to explore factors facilitating them for political participation, to examine the level of awareness of governmental policies among tea garden women workers of Gohpur sub division and to suggest some measures to improve the conditions for their (tea garden women workers') greater participation in politics tea garden women labour.

The present study is primarily based on data collected from primary sources i.e. survey method. The universe of the study is tea garden women workers of Assam. A sizable 345 tea garden women workers were sampled, by using random sampling method, from three tea gardens of Gohpur sub division. The survey was conducted with the help of interview schedule containing questions related to above objectives. Secondary sources of data collection were also used. These sources are books, published literatures of the plantation companies, journals, reports, published by different organizations and websites etc.

THE BRIEF PROFILE OF STUDIED AREAS

Gohpur Sub-Division is situated in the north bank of river Brahmaputra. It occupies an area of 609sq km. It is bounded on the east with Lakhimpur district of Assam, on the west with Biswanath Chariali sub-division of Biswanath District, on the north with Arunachal Pradesh and on the south with river Brahmaputra. The area extended from river Muri noi to river Buroi. The total population of Gohpur sub-division is 241,987 (census report 2011) of which 1,29,217 are male and 1,17,770 are female. The longitude and latitude are 26.85802 and 93.66332 Literate people are 79,442 of which 44,187 are male and 35255 are female. Literacy rate is 65%. Total workers are 59,271 depends on multi skills out of which 34501 are male and 24770 are female. Among them 23% are cultivators, 14% are agricultural labour. In Gohpur sub division, there are around 46000 people having subsistence from tea gardens spread in 7 tea estates.

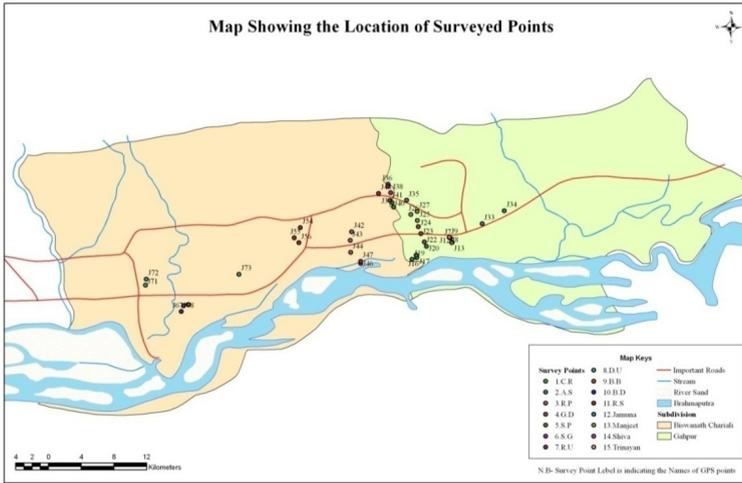


Fig : Study area of Gohpur Sub-division

RESULT AND DISCUSSION

For the present study three Tea Estates of Gohpur sub division are selected. Out of three tea estate, 345 samples (women Workers) are selected through simple random sampling. 125 samples collected from Naya gogra tea Estate, 105 samples are selected from Nirmala Tea Estate and 120 from Purub bari Tea Estate. But at the time of analysis

NOYA GOGRA TEA ESTATE

Noya Gogra Tea Estate is 01 k.m. away from Gohpur town. It is situated in north side of the NH 15. In the east of the Noya Gogra Tea Estate is NH 15(A), on the west with Satrong river, on the north with Rajgarh(border of Assam and Arunachal Pradesh) and on the south with Konibori Stadium. Noya Gogra Tea Estate is the largest Tea Estate of Gohpur sub division. In Noya Gogra Tea Estate there are almost 1548 permanent labour, out of 1548 labour 810 are male labour and 738 are women labour. Besides the permanent labour, during the plucking season temporary workers are also appointed. Out of 750 temporary workers 80% are women and only 20% are male.

Table 1: Employment status of Noya Gogra Tea Estate

Employment Status	Male	Female	Total
Permanent	810	738	1548
Temporary	150	600	750
Total	960	1338	2298

Source: Tea garden Register

NIRMALA TEA ESTATE

Nirmala Tea Estate in Gohpur sub division is one of the top tea manufacturers of Biswanath. It is 10 K.m. away from Gohpur town. Nirmala Tea Estate is under the Nirmala Tea Company of Assam. On the east of the Nirmala Tea Estate is Jalukbari village, on the west with Tetun Bari , on the north with Gohain Kamal Ali and on the south with Rongajan . In Nirmala Tea Estate there are almost 785 permanent labour, out of 785 labour 475 are male labour and 310 are women labour. Besides the permanent labour, during the plucking season temporary workers are also appointed. Out of 370 temporary workers 80% are women and only 20% are male.

Table 2: Employment status of Nirmala Tea Estate

<i>Employment Status</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Permanent	475	310	785
Temporary	76	296	370
Total	549	606	1155

Source: Tea garden Register

PURUB BARI TEA ESTATE

Purub bari Tea Estate is one of the oldest tea gardens of Gohpur. It is 01 K.m. away from Gohpur town. Purub Bari Tea Estate is under the private company. On the north of the Purub Bari Tea Estate is NH. 15, Purub Bari Tea Estate and on the west side of the Purub bari Tea Estate with Debobrata College. The total population of Purub Bari Tea Estate is around 3000. There are 846 permanent labour and out of 845, 494 are men labour 352 are women labour. Besides the permanent labour, during the plucking season temporary workers are also appointed. Out of 300 temporary workers 240 are women and only 60 are male.

Table 3: Employment status of Purub Bari Tea Estat

<i>Employment Status</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Permanent	494	352	846
Temporary	60	240	300
Total	554	592	1156

Source: Tea garden Register

DATA ANALYSIS AND INTERPRETATION

Factors influencing Their Political Participation

Tea garden women workers constitute a major portion of the total workforce of tea garden. Along with the tea garden men workers, women workers also play a significant role in state politics. Tea garden women workers are regarded as deciding factors in Assam elections. As voters tea garden women workers become very important for each political party as they reside in clusters in heavy numbers which help the political parties to address them. There are numbers of factors which influence the tea garden women workers to take part in political activities.

Table 4: Factors influencing the respondents to vote for the candidates

Sl. No	Factors	No. of respondents	Percentage
1	Influences of political party	65	19%
2	Decision of the head of the family	121	35%
3	Influence of organization	94	27%
4	Influence of the party symbol	31	9%
5	Self decision	34	10%
Total		345	100%

INTERPRETATION

The above table shows that out of 345 respondents, 65(19%) cast their vote due to the influence of the political party, 121(35%) respondents cast their vote according to the decision of the head of the family, 94(27%) respondents revealed that they cast their vote coming into the inspiration of different tea tribes organizations. The present study also revealed that some illiterate respondent cast their vote to see the symbol of the party. Only 34(10%) respondents cast their vote according to their own decision.

AWARENESS OF GOVERNMENTAL SCHEMES

Table 5: Awareness level of Tea garden women workers about different governmental policies

S.No.	Name of scheme	Aware	Not Aware	Total
1	JANANI SURAKSHA YOGANA SCHEME	197	148	345
2	MA JONI Scheme	223	122	345
3	MOROMI Scheme	230	115	345
4	MAMATA Scheme	241	104	345
5	MAMONI Scheme	234	111	345

6	INDIRA MIRI UNIVERSAL WIDOW PENSION Scheme	145	200	345
7	ASSAM GYAN DIPIKA Scheme	57	288	345
8	ASSAM WAGE COMPENSATION FOR PREGNANT WOMEN IN TEA GARDEN	120	225	345

INTERPRETATION

The above table shows that respondents of three tea gardens of Gohpur sub Division are aware of Governmental policies introduced by NRHM. Out of 345 samples, 197 are aware of JANANI SURAKSHA YOGANA SCHEME, 223 are aware of MAJONI Scheme., 230 are aware of MOROMI Scheme, 241 are aware of MAMATA scheme, 234 are aware of MAMONI Scheme. But it is noted that they are not fully aware of the newly launched policies or schemes of Government.

MAJOR FINDING OF THE STUDY

1. The study reveals that women workers are less than that of the men workers.
2. More than 60% tea garden women workers are illiterate.
3. In this study it is observed that 35% tea garden women cast their vote according to decision of the head of the family.
4. This study also focuses that minimum numbers of tea garden women can take own decision.
5. The present study observes that due to the lack of education tea garden women are not aware of their rights and privileges.
6. Political awareness means active participation of political activities such as campaigning in elections, attending different public meeting organized by different political parties, active members of any political party and organizations etc., but in the present study it is observed that tea garden women are not very much enthusiastic to join any public or political meeting. But some of them like to join the meeting organized by Assam Chah Mazdoor Sangha(ACMS).
7. The present study reveals that majority of tea garden women workers are aware of different governmental policies and programmes.
8. This study also observes that tea garden women workers are highly motivated by party workers.
9. This study observes that most of the tea garden women workers are not active members of any political parties.

SUGGESTIONS

The present study throws light on the status of tea garden women workers regarding political awareness. The following suggestions are provided which will help in enhancing political participation of tea garden women workers.

1. The first and foremost effort should be expansion of education among the tea garden women workers, which is lagging behind.
2. Women workers must realize the implications of their subordinate status and should aspire for emancipation. Their labour union must guide them in this direction.
3. The government should take proper step to make of women of tea garden about different policies of Government.
4. Students, particularly girl students have a great role to play. They can help illiterate women workers to realize of their rights and privileges.
5. Special value based education should be introduced for the women workers so that injustice and violence against women could be reduced in prompt manner.
6. Media should highlight the on going injustice and exploitation of women workers in tea gardens.
7. Garden authority should take proper measures to develop an effective vote bank for elections.

CONCLUSION

There is no doubt that the tea workers, particularly women workers are facing worst form of exploitation in modern times .Government and Tea Board must take strong initiative to overcome these problems of tea garden women workers, as they constitute more than half of Indian Tea industry. The present study shows that most of the women workers are not active participants in political process. Expansion of educational facilities in tea garden can help the tea garden workers to decide the appropriate party for voting. Only education will change the condition of tea garden workers. Labour union has also the responsibility to make tea garden workers aware of their rights and privileges. .Hence, labour welfare with appropriate social security measures is an urgent need to develop the quality of votes in tea gardens. It will be possible when tea garden women workers will get proper remuneration for their most sensitive work of tea leaves plucking.

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LABOUR REFORMS IN RAJASTHAN: AN EMPIRICAL ANALYSIS

Ashish Meena*

Abstract

India is experiencing intense debate on labour market reforms from a long time. Various state Government started relaxing some of the major labour laws after 2014, of them Rajasthan was the first state to amend the major labour laws in 2014. In the present paper, we compare various outcome variables in pre and post amendment periods using Annual Survey of Industries (ASI) 3 digit industry data of organized manufacturing sector of Rajasthan. Our results shows that labour laws amendment has positive effect on various outcomes such as output, employment, productivity among others with varying degree. The employment elasticity in post amendment period is found to be 1.5 per cent higher than pre amendment period.

Keywords: Labour Laws, Employment, Productivity, Employment Elasticity, Rajasthan

INTRODUCTION

Labour laws in a country describes the relationship between a worker, trade union, employer and government at large. The objective of the labour laws in a country is to establish industrial relation between employee and employer and to protect the interest of workers, labourers and other related parties. A labour law framework is expected to harmonize relationship between employees and employer, provide conducive environment for growth of output, employment, productivity and wage and to evolve according to changing aspirations of a nation.

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In India, labour is a subject in the concurrent list of the seventh schedule of the constitution and thus both the central and state Governments can legislate on labour related issues. This has resulted in plethora of central and state laws related to wages, employment, industrial relations, social security among others being enacted to protect the interest of workers. Currently, there are more than 40 labour laws under the purview of central Government and more than 100 under state Governments. This creates multiplicity, complexity and rigidities in the Indian labour market and thus affecting investment and impede industrial growth and employment generation. For instance, the Industrial Disputes Act, 1947 mandates firms with more than 100 workers to get permission from the Government before retrenchment of workers. Such rigidities target the size of the firms and increase their transaction cost in complying with such regulations and thus a large number of firms prefer to be remain below the threshold of 100 employees and they are not able to take advantage of economies of scale. The stringent labour laws in India are one of the main factor for stagnant share of manufacturing sector in India's GDP in the last 40 years (OECD, 2007). Strict labour laws in India are also the reason behind poor performance of large scale labour intensive manufacturing units despite India's labour abundance (Panagriya, 2008; Dougherty, 2009). The stringency in labour laws led to certain rigidities in the Indian labour market which resulted into adverse consequences in terms of performance and operation of the labour markets. Also, they had protected only a small section of the labour force, facilitated rent seeking and laid the ground for the casualization of the labour force, the phenomenon of the missing middle and the substitution of capital for labour in the labour abundant economy. The Second National Commission Report on Labour (NCL), 2002 also found existing legislation to be complex, with archaic provisions and inconsistent definitions. NCL recommended the consolidation of central labour laws into broader groups such as (i) industrial relations, (ii) wages, (iii) social security, (iv) safety and (v) welfare and working conditions to improve ease of compliance and ensure uniformity in labour laws.

In this backdrop, recently, the Government of India has passed the three labour code bills in the Parliament: The Occupational Safety, Health and Working Conditions Code Bill, 2020; The Industrial Relations Code Bill, 2020 and the Code on Social Security Bill, 2020. The Government also enacted the Code on Wages Bill in 2019. These four bills consolidate 29 central laws such as Trade Union Act 1926, Industrial Employment (Standing Orders) Act, 1946, Industrial Disputes Act, 1947, Employees Provident Fund Act, 1952, Factories Act, 1948 and others. Government of India called these legislations as game changer which will harmonize the needs of industries, workers and other related party and put country on higher growth

trajectory. Believing that existing labour law framework is detrimental to the Indian economy, the Government introduced these bills to reduce complexity, rigidities; bring transparency and accountability, increase competitiveness and to make labour market flexible in order to help both employers and workers.

Various state Government started relaxing some of the major labour laws after 2014. Studies have found that on average, plants in labour intensive industries and in states that have transited towards more flexible labour markets, are 25.4 per cent more productive than their counterparts in states like West Bengal or Chhattisgarh that continue to have labour rigidities (Dougherty, Frisancho and Krishna, 2011). Flexible regulations are also necessary to allow employers to introduce necessary changes in response to output growth by taking on labour and increasing employment (Martin and Scarpetta, 2012). Labour market reforms in India are necessary for boosting manufacturing job creation rates (Dougherty, 2009).

In 2014, Rajasthan became the first state in India that introduced labour reforms in major laws: The Industrial Dispute Act (1947), The Factories Act (1948), The Contract Labour (Regulation and Abolition) Act (1970), and the Apprentices Act (1961). Thus, Rajasthan gives us the opportunity to perform natural experiment to analyse and understand the impact of labour law amendments on various outcomes such as number of factories, total output, gross value added, number of employees, wages, employment intensity among others.

SUMMARY OF LABOUR CODE BILLS, 2020

Parliament has passed Labour Code Bill in 2020 which replace previously 29 central labour laws. Table 1 shows the various acts which are subsumed by four Labour Codes.

Table 1: Labour Code Bills, 2020

<i>Labour Codes</i>	<i>Acts being subsumed</i>
Code on Wages	<ol style="list-style-type: none"> 1. Payment of Wages Act, 1936 2. Minimum Wages Act, 1948 3. Payment of Bonus Act, 1965 4. Equal Remuneration Act, 1976

<i>Labour Codes</i>	<i>Acts being subsumed</i>
Occupational Safety, Health and Working Conditions Code	<ol style="list-style-type: none"> 1. Factories Act, 1948 2. Mines Act, 1952 3. Dock Workers (Safety, Health and Welfare Act, 1986) 4. Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 5. Plantations Labour Act, 1951 6. Contract Labour (Regulation and Abolition) Act, 1970 7. Interstate Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 8. Working Journalist and other Newspaper Employees (Conditions of Service and Miscellaneous Provision) Act, 1958 9. Working Journalist (Fixation of Rates and Wages Act, 1958 10. Motor Transport Workers Act, 1961 11. Sales Promotion Employees (Conditions of Service) Act, 1976 12. Beedi and Cigar Workers (Conditions of Employment) Act, 1966 13. Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
Industrial Relations Code	<ol style="list-style-type: none"> 1. Trade Unions Act, 1926 2. Industrial Employment (Standing Orders) Act, 1946 3. Industrial Disputes Act, 1947
Code on Social Security	<ol style="list-style-type: none"> 1. Employee's Provident Fund and Miscellaneous Provisions Act, 1952 2. Employee's State Insurance Act, 1948 3. Employee's Compensation Act, 1923 4. Employment Exchange (Compulsory Notification of Vacancies) Act, 1959 5. Maternity Benefit Act, 1961 6. Payment of Gratuity Act, 1972 7. Cine-Workers Welfare Fund Act, 1981 8. Building and Other Construction Worker's Welfare Cess Act, 1966 9. Unorganized Workers Social Security Act, 2008

Source: Existing Central Acts; Labour Codes; PRS.

LABOUR REGULATION IN RAJASTHAN: A BRIEF

The performance of the industrial sector of the state was poor in terms of growth and employment generation. The share of industrial sector in state's GSDP

shows the decelerating trend. Its share declined from 31 per cent in 2009 to 28 per cent in 2015. It registered a growth rate of only 1.1 per cent in FY 2015. Also, unemployment rate in the state increased from 3.2 per cent in 2012 to 7.1 per cent in 2015. In this backdrop, considering Rajasthan's strategic location, growth potential and favourable demography, Rajasthan Government brought amendments in labour laws in 2014 for the ease of doing business and to create more employment opportunities in the industrial sector. Table 2 summarize the major amendments in the labour laws.

Table 2: Summary of labour reforms in Rajasthan

<i>Labour Acts</i>	<i>Amendments introduced in Rajasthan as part of Labour Reforms</i>
Industrial Disputes Act, 1947	<ol style="list-style-type: none"> 1. To form any union, requirement of membership as a proportion of total workmen increased from 15 per cent to 30 per cent. 2. No government permission required for companies employing up to 300 workers for retrenching, laying off or shutting down units. Earlier limit was 100 workers. 3. A worker should raise an objection within three years. There was no timeline set in the earlier version with regard to discharge or termination.
Factories Act, 1948	<ol style="list-style-type: none"> 1. Threshold limit increased from 10 or more workers with power to 20 or more workers with power 2. 20 or more workers without power to 40 or more workers without power. 3. Complaints against the employer about violation of this act would not receive cognizance by a court without prior written permission from the state government.
The Contract Labour (Regulation and Abolition) Act, 1970	Applicable to establishment that employ 50 or more workers on contract against the earlier 20 or more workers.
Apprentices Act, 1961	<p>Fix the number of apprentice-training related seats in industry and establishments.</p> <p>The stipend for apprentices will be no less than the minimum wage.</p> <p>To encourage skilling, government to bear part of costs of apprentice training.</p>

Source: Economic Survey of India 2018-2019

DATA AND RESEARCH METHODOLOGY

The study is carried out by using the data from Annual Survey of Industries (ASI) which falls under Ministry of Statistics and Programme Implementation (MOSPI), Government of India. The Annual Survey of Industries (ASI) is the most important source of industrial statistics of the registered organized manufacturing sector of the country. It covers all the factories registered under the Factories Act, 1948 i.e.

those factories employing 10 or more workers using power; and those employing 20 or more workers without using power. This study utilises the ASI data from 2010-2011 to 2017-2018. The reference period of the ASI data is a fiscal year between April to March. Three-digit industries are taken into consideration based on 2008 National Industrial Classification for India.

ASI data on number of factories, factories in operation, value of gross output, fixed capital, number of employees, number of workers, direct and contractual labour, wages and salaries among others are analysed. The whole study period is divided between pre and post amendment period i.e. 2010-2011 to 2013-2014 and 2014-2015 to 2017-2018. Data for value of gross output is deflated using WPI data on 2011-2012 base year provided by Ministry of Commerce and Industry. Output data of year 2010-2011 is deflated on base year 2011-2012 through splicing methodology. Data for wages and salaries is deflated using World Bank data on Consumer Price Index (CPI) for India using 2010 as the base year.

To trace the changes in the variables, Compound Annual Growth Rate is computed for both pre and post amendment period using the following formula:

Where,

r = Compound annual growth rate

Y_n = Value in n^{th} year

Y_0 = Value in initial year

t = Time Variable

Labour productivity for each year is calculated using the formula (Q/L) where Q is total output and L is number of workers employed.

Double log-linear regression model is used for calculating the employment elasticity. This is given by the following regression model:

Where, β_1 = Constant value

β_2 = Employment elasticity

D_i = Dummy variable which takes value 1 for year ≥ 2015 and 0 otherwise.
(Pre reform Period and Post Reform Period)

β_3 = Dummy variable coefficient which states change in employment elasticity in post reform period as compared to pre reform period.

μ_i = Error term

EFFECT OF LABOUR LAW AMENDMENT

As the law changes has been taken place in the year 2014-15, we examine the variables from four years before (Pre-reform Period) and after the labour law

amendment (Post-reform Period). There was no other policy in or after 2014 that impacted the outcomes differentially more or less in Rajasthan (Goswami and Paul, 2021). Also, by using the Difference-in-Difference estimates, the economic survey 2018-19 estimated that the labour amendment is the significant reason behind the change in outcome pattern in post reform period in Rajasthan (Economic Survey of India, 2018-19). So, a fruitful comparison can be made between pre and post reform amendment period to analyse the effect of the labour amendment.

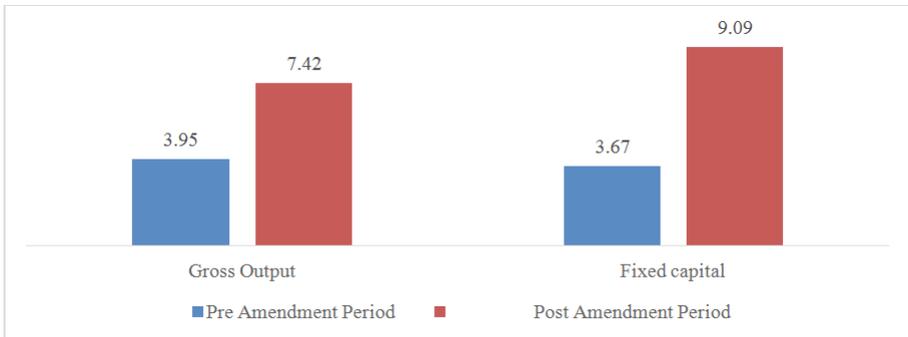


Figure 1: Effect of Labour Law Amendment on Gross Output and Fixed Capital

Source: Author's calculation using ASI data.

Figure 1 shows the change in Compound Annual Growth Rate (CAGR) for gross output and fixed capital between pre and post amendment period. CAGR in post amendment period increased for both gross output and fixed capital. It increased from 3.95 to 7.42 per cent for gross output and from 3.67 to 9.09 per cent for fixed capital. This implies that, labour reform has positive effect on level of output and investment. A popular argument in support of flexible labour laws is that strict labour laws have adverse impact on investment and output. Labour reform in the form of flexible labour laws can significantly increase capital investment and output. Our result is similar to the study which found adverse impact of employment protection and cost of dispute resolution on employment and output (Ahsan and Pages, 2009). The strict and pro-worker regulations by the Indian states are the reason behind lower output and investment in the formal manufacturing sector (Besley and Burgess, 2004)

Firms may increase capital investment to complement labour due to reforms. Also, flexible labour laws reduce the cost of bank loan as the borrower's default risk declines due to increased flexibility to adjust labour (Alimov, 2015). Thus, labour reforms may have significant impact on level of output and capital investment.

Table 3: Value of Output per Factory

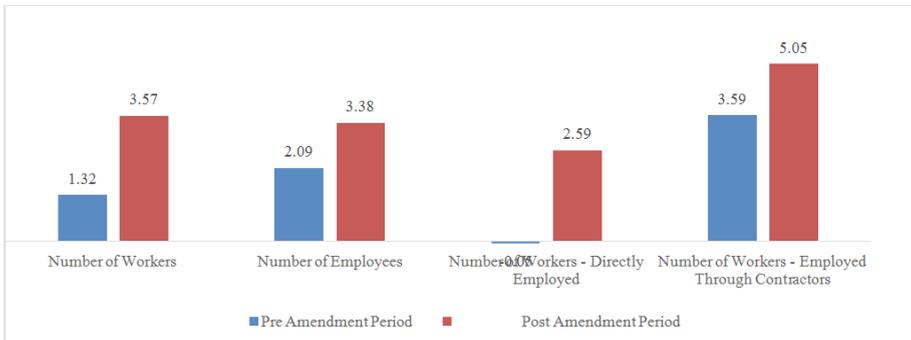
<i>Year</i>	<i>Output per Factory (In Rs)</i>	<i>Average</i>
	<i>Pre Amendment</i>	<i>Pre Amendment</i>
2010-2011	1999	2135
2011-2012	2255	
2012-2013	2123	
2013-2014	2162	
	<i>Post Amendment</i>	<i>Post Amendment</i>
2014-2015	2163	2520
2015-2016	2424	
2016-2017	2684	
2017-2018	2810	

Source: Author's calculation using ASI data.

Table 3 shows total output per factory in pre amendment and post amendment period. The average value of total output per factory increased from Rs. 2135 in pre amendment period to Rs 2520 in post amendment period. This shows that value of output produced by each factory may increase due to labour reform in the post amendment period and support the literature that flexible labour laws have positive impact on level of output and overall economic growth.

EFFECT OF LABOUR LAW AMENDMENT ON EMPLOYMENT, WAGE AND PRODUCTIVITY

To examine the effect on employment, five labour outcomes are analysed such as number of workers, number of employees, number of workers directly employed, number of workers employed through contract and number of workers per factory. Figure 2 shows CAGR in pre and post amendment period of various employment indicators.

**Figure 2:** Effect of Labour Law Amendment on Employment

Source: Author's calculation using ASI data.

It can be clearly seen that CAGR in post amendment period has increased in all the employment outcomes as compared to pre amendment period. CAGR in number of workers, number of employees and number of workers employed through contract registered a modest growth of 1 – 2 per cent whereas CAGR in number of workers directly employed increased from -0.05 to 2.59 per cent. This shows that demand for labour increases in the post amendment period. One of the argument given by promoters of flexible labour laws is that the flexibility can increase employment as it reduces the hiring and firing cost and thus employers can adjust the labourers according to their requirement. The labour reforms improve wage share, increase informal employment and increase aggregate productivity (Dougherty, 2009). Also, flexible labour laws beneficial to employment and worker's wage (Basu, Fields, and Debgupta 2009).

Our findings are also similar to the argument that flexibility in labour laws leads to increase in demand of contractual workers. The result shows that the CAGR of workers employed through contracts increased from 3.59 to 5.05 per cent in the post amendment period. This may be because reforms increase demand for contractual workers due to their added advantage (Kuroki, 2011; Drager and Marx 2017). The advantage may be in the form of reduction in high labour cost, reduction in the bargaining power of the permanent workers, flexibility to the employers in hiring and firing of contractual workers among others (Basu, Chau and Sundararajan 2018; Saha, Sen, and Maiti 2013; Srivastava, 2016)

Interestingly, in our result, CAGR of worker directly employed also increases in the post amendment period. This may be because flexibility reduces cost of labour and encourages employers to directly hire workers rather than hiring through third party.

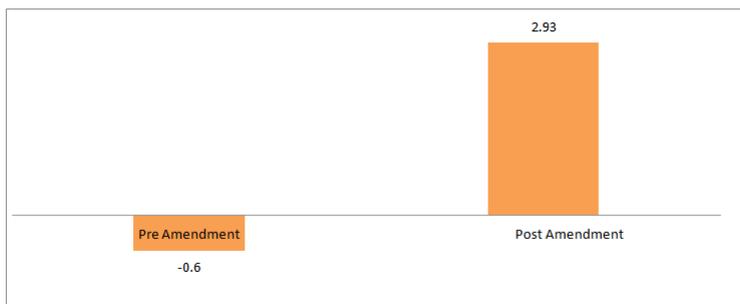


Figure 3: Number of Workers per Factory

Source: Author's calculation using ASI data.

Figure 3 shows CAGR of number of workers per factory in pre and post amendment period. It increased from -0.6 to 2.93 per cent which indicate that factories became more labour intensive after labour law amendment. It corresponds to our earlier

result that employment growth increases in the post amendment period. The negative CAGR in pre amendment period reflects that there was lack of labour demand by the factories due to rigid labour laws. This result is similar to a study which finds lack of labour demand in rigid labour markets in India (Lee, 2019). The labour law amendment brings the ease in the hiring process and the factories started to engage the labour to its full potential resulting in the drastic growth in the worker per factory.

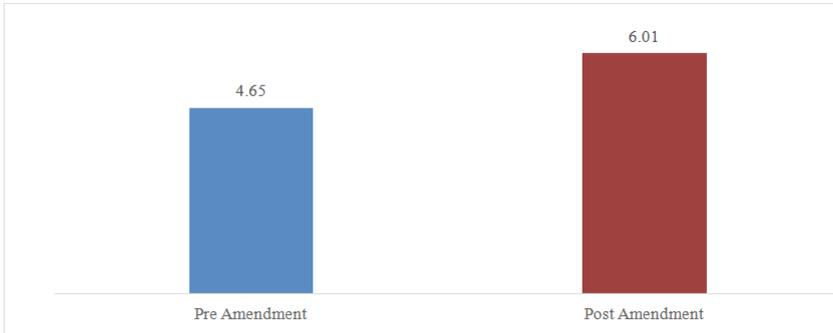


Figure 4: Effect on Real Wages and Salaries

Source: Author's calculation using ASI data

Figure 4 shows the CAGR of real wages and salaries in pre and post amendment period. CAGR in post amendment period increased modestly from 4.65 to 6.01 per cent. This may be due to increase in demand for labour and rapid increase in the productivity. Rapid productivity in growth led to improvement in real wages (Sharma, 2006). Also, increase in wage were generally accompanied by higher increase in productivity across industry groups (Papola, 1994). This result is similar to the recent study which analyse the impact of labour regulations on employment and wages and found significant benefits in employment and wages post 2005 in the apparel and textile industries in states with flexible labour laws (Aluwalia, Hasan, Kapoor and Panagariya 2018).

Table 4: Partial Labour Productivity

<i>Labour Productivity</i>		<i>Average</i>
<i>Year</i>	<i>Pre Amendment</i>	<i>Pre Amendment</i>
2010 - 2011	48.38	52.53
2011 - 2012	53.22	
2012 - 2013	54.90	
2013 - 2014	53.60	

	<i>Post Amendment</i>	<i>Post Amendment</i>
2014 - 2015	51.53	56.55
2015 - 2016	55.89	
2016 - 2017	58.73	
2017 - 2018	59.86	

Source: Author's calculation using ASI data.

Table 4 shows the labour productivity from 2010 to 2018. The average labour productivity in pre amendment period is 52.53 which is increased to 56.55 in post amendment period. Labour productivity in every year of post amendment period except in 2014-15 is more than highest registered labour productivity year i.e., 2012-2013 of pre amendment period. It could be because labour amendment took place in year 2014 and hence experienced relatively low productivity in 2014-2015. The above analysis shows that labour reform may have positive effect on labour productivity. The outcome is similar to study which showed that labour reforms improves aggregate productivity (Dougherty, 2009). The labour productivity may increase due the increase in worker's effort because of fear of retrenchment (Bradley, Green and Leeves, 2014). Also, plant productivity may increase due to flexibility to employers in adjusting workers and lay off unproductive workers that result into most productive skill matches (Caballero, Cowan, Engel, Micco 2013; Maida and Tealdi, 2020).

EMPLOYMENT ELASTICITY

The impact of the labour law amendment has been measured by using the double log liner model.

The regression result based on observations are as follows:

$$\begin{aligned} \text{LnY} &= 4.103772 + 0.533186\text{LnX} + 0.015429\text{Di} \\ t &= (2.56217)^* \quad (0.153127)^* \quad (0.044805)^* \\ R^2 &= 0.9324 \end{aligned}$$

where * indicates p values are practically zero and,

Y = Number of employees

X = Value of Output

Di = 1 if year \geq 2015, 0 otherwise

In the above equation, the coefficients of Log output and dummy variable have expected sign and they are statistically significant. The value of coefficient of log output is 0.53 which states that for every 1 per cent increase in output, employment increases by 0.53 per cent in the pre amendment period. For estimating the effect of

the labour law amendment which is measured by the dummy variable coefficient, we use the device suggested by Halvorsen and Palmquist to obtain semi elasticity for dummy regressor. The method suggests that if we take the antilog (to base e) of the estimated dummy coefficient and subtract 1 from it and multiply the difference by 100, we directly obtain semi elasticity for a dummy regressor.

Thus, $[\text{antilog}(0.015429) - 1] * 100 = 1.554824$. This states that employment elasticity in the post amendment period is approximately 1.5 per cent higher than the pre amendment period. This may be because labour demand elasticity is higher with trade liberalization for the states with flexible labour markets (Hasan, Mitra and Ramaswamy, 2007).

From the above regression analysis, it is evident that labour amendment has positive impact on employment elasticity.

DISCUSSION & CONCLUSION

Based on the analysis carried out in this paper it is concluded that the labour amendment has a positive effect on output and employment. The change in labour laws in Rajasthan has brought a positive change in the employment pattern in the industrial sector. The industrial sector being the best employment generating sector in the country failed to do so due to the complex labour law, but the amendment brought the desired flexibility and eased the hiring process thereby resulting in higher employment. The skill of the labour should be enhanced to promote more employment in the industrial sector. As suggested by the amended labour law, it is the role of the government as well as the employer to provide the required skill to the worker based on the education level of the worker. To sustain the increased employment as well as the output other necessary action should be taken by the government as well as the employer to promote labour intensive technology. After examining the effect of labour law amendments in Rajasthan (done in 2014) on output, employment and other performance indicators using ASI data between 2010-2011 to 2017-2018, we found that the level of output and fixed capital registered high growth in the post amendment period as compared to pre reform period. Similarly, other outcomes such as employment growth, labour productivity, wages, and employment elasticity among others have shown the similar trend. The analysis in this paper shows that labour reforms may have positive effect on various performance outcomes and result is similar to that of Economic Survey of India, 2018-19. The paper supports the literature which argued that strict labour laws reduce the efficiency of the economy directly and indirectly.

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UTILIZATION OF INTEGRATED CHILD DEVELOPMENT SERVICES IN COMBATING CHILD MALNOURISHMENT IN BIHAR: EVIDENCES FROM NFHS-4, 2015-16

Swastika Satyam* and Abodh Kumar**

Abstract

Bihar bears the largest burden of child malnutrition in India. The state has targeted this persistent problem through major state interventions like Integrated Child Development Scheme (ICDS). The Integrated Child Development Services (ICDS) aims at bringing down the malnutrition among children, women and lactating mother. The study utilizes National Family Health Survey data (NFHS-4, 2015-16) and examines the continuum utilization of service provided under ICDS considering various socio-economic indicators. The present paper has applied logistic regression and found the significant impact of wealth, maternal education, and social group/category in utilization of ICDS. The results show that poorer and middle-income households belonging to Scheduled Castes and Scheduled Tribes categories are more likely to utilize the ICDS in comparison to the other social categories. Furthermore, it has also been found that amongst all categories richest quintile is less likely to utilize the ICDS services.

Keywords: Child malnourishment, ICDS, Rural-Urban, Utilizations

INTRODUCTION

Malnutrition among children begins with undersupply of desired nutrients in adequate amount. According to NFHS-4 (2015-16), 38 per cent children (under five age) are stunted in India whereas, every second child in Bihar suffers from stunting. Moreover, India positions at 94 among 107 countries in Global Hunger Index (GHI,

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2020). This also indicates inadequate availability of food in Indian households. Among the four GHI indicators (undernourishment, child stunting, wasting, and child mortality), stunting and wasting are prominent factors responsible for India's poor performance in GHI ranking. Later on, the NITI Aayog adopted Sustainable Development Goals (SDGs) in their policy documents in which Zero Hunger (SDG-2) has been adopted as an important targeted goal.

NITI Aayog report of 2017, highlights that adverse consequences of child malnourishment are largely irreversible in future. Higher rate of malnutrition and resulted illness causes negative externality for the healthy children as they are later exposed to unhealthy environment. Malnutrition hampers the cognitive abilities of children which get reflected in their poor performance in schools. This may force their premature entry into the labor market. Market rewards such low productive workers with low wages and low life-time earning. Low earnings bring down the level of consumption as well as induced investment in the economy. This further widens the gap between potential and real GDP of the economy.

The early age child malnutrition is associated with frequent illness and poor health. Malnutrition in early age does not only affect the immune resistance power of children adversely but also put the matching her risks of morbidity and mortality. According to an estimate (Lancet Child Adolescent Health, 2019), malnutrition has been accounted for 68 per cent child (under age five) death of total deaths in 2017. Therefore, given the immediate and far-reaching consequences of malnutrition among children, the issue seeks active government intervention through multi-pronged strategies and programs to exterminate it. Integrated Child Development Services (ICDS) is one such major government intervention program to target malnutrition. The empirical evidence also shows that daily participation of children in ICDS has significant impact on their nutritional status (Jain, 2015, Mittal and Meenakshi, 2015, Desai and Vanneman, 2015).

The program provides comprehensive coverage to vulnerable population besides Public Distribution System (PDS), Mid-Day Meal scheme. ICDS aims to promote children's inclusive development through assistance in providing cooked meal, health check-up, immunization and pre-schooling. ICDS further provides Take Home Rations (THR), health and nutrition education for pregnant women and lactating mother and referral services. In 2018, the Government of India launched the National Nutrition Mission (NNM) to break the malnutrition cycle through ICDS. The NNM ambitiously targets to bring down the prevalence of stunting among children from 38.4 per cent (NFHS-4, 2015-16) to 25 per cent by 2022). This objective can be achieved through reduction in child stunting and under nutrition at two percent annually. Achieving such targets would be a major stride in the direction of achieving SDG-2 as well as our long standing fight with child malnutrition.

STATUS OF CHILD MALNOURISHMENT IN BIHAR

Bihar has shown remarkable progress among all anthropometric measures (stunting, wasting, severe wasting, and underweight) of child malnutrition during between NFHS-3 (2005-06) to NFHS-4, 2016-16. During the decade, stunting decreased from 56 per cent to 48 per cent. Wasting decreased from 27 per cent to 21 per cent, severe acute malnutrition (wasting-3SD) improved marginally by 1.3 percentage points and the percentage of underweight children decreased from 56 per cent to 44 per cent. The first two rounds of NFHS data considered children of three years whereas the data of NFHS-3 and NFHS-4 considered children of five years of age and below. Comparative status of child malnutrition is presented in the following table:

Table 1: Prevalence of Child Malnourishment in Bihar

	<i>Stunting (-3SD)</i>	<i>Stunting (-2SD)</i>	<i>Wasting (-3SD)</i>	<i>Wasting (-2 SD)</i>	<i>Underweight (-3SD)</i>	<i>Underweight (-2SD)</i>
NFHS1 (1992-93)	39.5	60.9	4.1	21.8	31.1	62.6
NFHS2 (1998-99)	25.5	54.4	5.5	21	33.6	53.7
NFHS3 (2005-06)	29.1	55.6	8.3	27.1	24.1	55.9
NFHS4 (2015-16)	23.1	48.3	7	20.8	15.2	43.9

Source: NFHS Reports

The NFHS (2005-06 and 2015-16) data provided in table 2 shows that the burden of malnutrition is not uniform among social groups. Some social groups like the Scheduled Castes (SCs) show relatively higher prevalence of malnutrition than others. After a remarkable improvement since NFHS-3 (2005-06) to NFHS-4 (2015-16), children belong to SC category carry the highest than any other categories.

Table 2: Prevalence of Child Malnourishment based on Social Group in Bihar, NFHS-4

<i>Social Group</i>	<i>Stunting</i>		<i>Wasting</i>		<i>Underweight</i>	
	<i>NFHS-3</i>	<i>NFHS-4</i>	<i>NFHS-3</i>	<i>NFHS-4</i>	<i>NFHS-3</i>	<i>NFHS-4</i>
SCs	68.7	55.8	33.7	22.4	69.6	51
STs	NA	48.2	NA	23.8	NA	46.8
OBC	54.2	48.1	27.7	20.8	55.0	43.6
OTHERs	47.7	37.8	21.2	17.8	46.1	33.3

Source: NFHS Reports

Since a very long time, Scheduled Castes are socially and economically vulnerable. The disadvantaged social group has been passing through consistent deprivation in terms of poor access to health, nutritional food, education, and received lower wages. Historically, other and OBC castes are at advantageous position as they have access to such utility services. Social groups are heterogeneous. Social group's inequality turns to poor wellbeing and ultimately diminishes their productive capacity. The inclusion of category with wealth may show comprehensive pattern of disadvantages within the overlapped group. The integration of social and economic vulnerability leads to persistent inequality because income or assets determine the consumption and expenditure patterns. The lack of opportunities among disadvantaged groups causes low investment/expenditure in education, health and nutrition within families. Therefore, a vicious cycle of multi-dimensional vulnerability among poor does not let them to come out of their miseries. The study incorporated the interaction effects among socioeconomic indicators in the utilization of functioning in ICDS among children below six years. The intersection between socially, economically and educationally disadvantaged sections has crucial implications as these under-privileged groups are likely to suffer from various forms of deprivations. The multiple effects of such deprivations decrease accessibility to ICDS programme.

The utilization of various services under ICDS for pregnant women, lactating mothers as well as for children in Bihar is shown in Table 3.

Table 3: Utilization of ICDS among mothers (During pregnancy and Breastfeeding) and Children Under Six Years, India, NFHS-4, 2016.

<i>Components in ICDS service</i>	<i>Rural</i>		<i>Urban</i>		<i>Bihar</i>	
	<i>Utilization %</i>	<i>95% CI</i>	<i>Utilization %</i>	<i>95% CI</i>	<i>Utilization %</i>	<i>95% CI</i>
Mother During Pregnancy						
Any Services	39.2	[38.6; 39.89]	31.10	[37.97 41.53]	38.45	[37.8; 39.02]
Supplementary Food	34.1	[33.60;34.77]	25.66	[24.07 ;27.25]	33.32	[32.77;33.87]
Health Checkup	24.93	[24.40;25.46]	19.21	[17.78;20.64]	24.52	[23.85;24.85]
Health & Nutrition Education	18.80	[18.31;19.28]	16.04	[14.70;17.37]	18.51	[18.06;18.95]
Mother while Breast feeding						
Any Services	37.12	[36.51;37.73]	30.70	[29.42;32.79]	36.47	[35.8; 37.04]
Supplementary Food	33.55	[32.97;34.13]	27.29	[25.67;28.91]	32.91	[32.36;33.45]
Health Checkup	20.44	[19.94;20.93]	17.18	[15.81;18.5]	20.10	[19.64;20.57]
Health & Nutrition Education	16.61	[16.16;17.07]	14.57	[13.29;15.86]	16.41	[15.97;16.84]

Components in ICDS service	Rural		Urban		Bihar	
	Utilization %	95% CI	Utilization %	95% CI	Utilization %	95% CI
Child <6 years						
Any services	50.8	[50.21;51.44]	39.75	[37.97;41.53]	49.6	[49.1; 50.2]
Supplementary Food	35.83	[35.24;36.42]	28.07	[26.64; 29.70]	35.03	[34.48;35.59]
Health Checkup	25.7	[25.16;26.23]	16.75	[15.40; 18.11]	24.78	[24.27;25.28]
Immunization	44.19	[43.58;44.80]	33.89	[32.17; 35.60]	43.12	[42.55;43.70]
Early Care Practices/pre-schooling schooling	33.08	[32.50;33.66]	26.29	[24.70; 27.89]	32.38	[31.83;32.92]

Source: Author's Calculation from NFHS-4, 2015-16

ICDS provides the three prime services through AWC, (Angawawadi center) such as cooked meal pre-schooling and immunization. We have created one variable of any services which included at least one service among the three services provided by ICDS in table 3. It is seen that any services during pregnancy received by mothers accounted to only 39 per cent [CI 38.6; 39.9] in rural areas, whereas urban areas showed 31 per cent utilization [CI 29.42; 39.9] 34 per cent pregnant women in rural areas and 25 per cent in urban areas receive supplementary food (THR). Similarly, health check-ups account for 25 per cent in rural, 19 per cent in urban and health and nutritional education 19 per cent in rural, 16 per cent in urban marked low percentages in both rural and urban settings. In case of lactating mothers all services mentioned above show less utilization in both rural and urban settings. For example, any services received by breast fed mother is reported to be only 37 per cent [CI 36.5; 37.7] in rural areas, and 31 per cent [29.4; 32.8] in urban areas. Proportion of beneficiaries who availed supplementary food is only 33 per cent in rural areas and 27 per cent in urban areas for lactating mothers. Despite of several policy interventions in health and nutrition in Bihar the utilization of services exhibits a dismal picture with less than 40 per cent utilization for pregnant and lactating mothers.

For this study Children who have received services under ICDS has been categorized in a group of 0-72 months old. It appears that 51 per cent children beneficiaries in rural areas and 40 per cent in urban areas avail at least one service through ICDS. Any service for children includes at least one service from supplementary food, health-check-ups, immunization and pre-schooling. Similarly, only 35 per cent children receive supplementary food in Bihar. However, it is to be noted that immunization is higher in the rural area (44 per cent) than in the urban area (34 per cent). The pre-schooling or non-formal schooling of children at AWC has lower utilization across states, even less than 35 per cent. Only immunization

of child at AWC is realized when compared to other services. Evidently, the data observes significant gap among rural and urban setting in utilization of all broad services (by mother during pregnancy, breast feeding mother and by child).

Table 4: Utilization of ICDS (any) by women (during pregnancy and mothers while breastfeeding) and children under six years, Bihar by Socioeconomic Background, NFHS, 2015-16.

<i>Socio-Economic Characteristics</i>	<i>During Pregnancy Utilization %</i>	<i>95% CI</i>	<i>While Breastfeeding Utilization %</i>	<i>95% CI</i>	<i>By child utilization %</i>	<i>95% CI</i>
Rural						
Social Group						
SC	45.19	[44.01;46.37]	43.11	[41.90;44.33]	54.25	[53.06;55.43]
OBC	39.06	[38.28;39.85]	36.76	[35.97;37.55]	50.59	[49.79;51.39]
Other Caste	28.83	[27.35;30.31]	27.08	[25.99;28.57]	45.19	[43.56;46.82]
Wealth Quintile						
Poorest	37.88	[36.65;39.12]	35.74	[34.49;36.98]	49.84	[48.56;51.11]
Poorer	43.47	[42.42;44.72]	41.38	[40.10;42.67]	53.71	[52.45;54.97]
Middle income	43.02	[41.73;44.31]	40.13	[38.80;41.46]	53.17	[52.21;54.81]
Richer	38.78	[37.43;40.14]	36.72	[35.35;38.09]	50.94	[49.55;52.33]
Richest	25.99	[24.37;27.61]	27.09	[25.41;28.77]	40.60	[38.78;42.41]
Religion						
Hindu	43.12	[42.46;43.78]	38.13	[37.46;38.80]	51.85	[51.18;52.52]
Non-Hindu	34.62	[33.17;36.07]	32.34	[30.85;33.85]	45.94	[44.41;47.47]
Urban						
Social Group						
SC	37.04	[32.71;41.36]	34.10	[29.86;38.35]	42.69	[38.26;47.12]
OBC	32.04	[29.95;34.13]	32.12	[30.0;34.24]	41.84	[39.63;44.05]
Other Caste	22.18	[18.53;25.83]	22.38	[18.72;26.04]	29.49	[25.48;33.50]
Wealth Quintile						
Poorest	50.82	[44.49;57.15]	51.20	[44.87;57.53]	53.40	[47.08;59.72]
Poorer	43.19	[36.92;49.46]	39.95	[33.52;46.38]	51.01	[44.68;57.34]
Middle income	35.82	[30.61;41.04]	35.19	[29.78;40.65]	51.52	[46.09;56.96]
Richer	41.09	[37.19;45.00]	40.94	[37.04;44.84]	47.93	[43.79;51.89]
Richest	21.19	[19.21;23.27]	21.04	[18.96;23.12]	30.14	[27.80;32.48]
Religion						
Hindu	30.46	[28.52;32.40]	29.37	[27.45;31.28]	38.34	[36.29;40.38]
Non-Hindu	32.95	[29.54;36.37]	34.50	[30.93;38.08]	43.82	[40.22;47.43]

<i>Socio-Economic Characteristics</i>	<i>During Pregnancy Utilization %</i>	<i>95% CI</i>	<i>While Breastfeeding Utilization %</i>	<i>95% CI</i>	<i>By child utilization %</i>	<i>95% CI</i>
			Bihar			
Social Group						
SC	44.25	[43.51;45.79]	42.51	[41.35;43.68]	53.48	[52.33;54.62]
OBC	38.28	[37.55;39.02]	36.24	[35.55;36.99]	49.6	[48.88;50.37]
Other Caste	27.98	[26.60;29.35]	26.48	[25.09;27.86]	43.17	[41.65;44.69]
Wealth Quintile						
Poorest	38.37	[37.16;39.59]	36.32	[35.10;37.54]	49.97	[48.72;51.12]
Poorer	43.46	[42.24;44.69]	41.33	[40.08;42.59]	53.61	[52.37;54.84]
Middle income	42.62	[41.37;43.88]	39.86	[38.56;41.15]	53.52	[52.22;54.82]
Richer	39.03	[37.75;40.31]	37.18	[35.88;38.47]	50.62	[49.30;51.93]
Richest	24.25	[22.97;25.53]	23.52	[22.24;24.80]	36.80	[35.36;38.24]
Religion						
Hindu	39.50	[38.88;40.13]	37.32	[36.68;37.95]	50.60	[49.96;51.24]
Non-Hindu	33.76	[32.43;35.10]	32.65	[32.18;34.03]	45.63	[44.23;47.04]

Source: Author's Calculation from NFHS-4, 2015-16

Furthermore, Table 4 presents socio-economic characteristics of mothers and children who utilized ICDS services. The table shows that the utilization of ICDS by SC women during pregnancy as well as lactating mothers is higher than any other categories in rural Bihar. Hindus utilize ICDS more than Non-Hindus in rural areas. The table further demonstrates that ICDS utilization for children under six years shows a decline as wealth quintile shifted from second quintile (53.7 per cent) to highest (40.6 per cent). During pregnancy, utilization of ICDS services increased from 37.9 per cent in poorest households to 38.9 per cent among richer households in rural areas. On the other hand, utilization by lactating mothers increased from 35.7 per cent in poorest quintile to 41.4 per cent in poorer quintile but started reducing thereafter in rural areas. Similar pattern like that of rural area has been noticed for urban area too. However, it is noted that the utilization rate is far less in urban area than the rural locations. The data observe that SCs utilize ICDS more than OBCs. Similarly, children under six belong to SC category show slightly more utilization than in OBCs. Religion specific utilization suggests that Non-Hindu women in urban Bihar has preponderance in terms of using ICDS whether during pregnancy, in lactating period or Child utilization over the Hindus whereas their inverse is true for rural areas. The data further exhibits that the ICDS utilization in Bihar is more among pregnant mother belong to the SC category than any other categories. ICDS benefits received during pregnancy shows a reduction as woman's

wealth status improved. But such reduction occurred after second quintile for lactating mothers in Bihar because utilization proportion increases from 38 per cent in lowest/poorest quintile to 43.5 per cent in poorer group and, thereafter, it started reducing. Utilization of services among children has increased from 50 per cent in poorest group to 53.6 per cent in poorer group and thereafter it started reducing. Utilization among SC children appears higher (53.5 per cent) than OBC (49.6 per cent) and others (43.2 per cent) in Bihar. Similar pattern was observed in rural and urban settings as far as utilization is concerned.

DATA AND METHODOLOGY OUTCOME VARIABLES

In this study, we have considered benefits received by children as the outcome variable to examine ICDS utilization in Bihar. The survey question, “during the last 12 months, has (name of the child below 6 years of age received any benefits from ICDS center?” has been made the dependent variable. The variable is binary in nature and answers the given question as Yes=1; No= 0. This outcome variable includes all the services provided through ICDS for children specific benefits covers cooked meal, health checkup, immunization and pre schooling. The unit of analysis is women. The total numbers of observations are 28301 for the analysis. We have omitted observations (5533) for the analysis due to some missing information about children. Entire analysis has been carried out with the help of R Software.

EXPLANATORY VARIABLES

To explain ICDS utilization among children in Bihar the study utilizes logistic regression with a list of explanatory variables. The study considers wealth index as proxy variable of income of the households. Data of Wealth Index variable is generated by conducting Principal Component analysis method (PCA) on house hold assets and wealth characteristics. Wealth index is separately available for rural and urban areas of Bihar to compare the location specific effects. Wealth Index is sum of assets ownership (lands, livestock), household’s characteristics (materials of roofs, walls and floor), and ownership of durables items (televisions, radio). InNFHS-4, wealth indices are available in an ascending order, represented as poorest (q1), poorer (q2), middle (q3) richer (q4) and richest (q5). Another explanatory variable that is social group is divided in to three categories. Social group has been categorized into: Schedule Castes and Schedule Tribes, OBCs and Others. Further, maternal education is categorized into three categories: Illiterate, Primary and Secondary (secondary education integrates the higher education). The study creates interaction variables between social group and wealth quintile (15 mutually exclusive categories); likewise, another intersection group is based on education with wealth quintile (15 mutually exclusive categories).

LOGISTIC REGRESSION MODEL

To understand the coverage and utilization of ICDS services by children study has used logistic regression. The logistic regression model is used when the dependent variable is binary. Logistic regression, more commonly called logit regression, issued when the explanatory variable is dichotomous (i.e. binary or 0-1). The predictor variable may be quantitative, categorical or combination of both.

We have constructed fifteen socioeconomic interaction variables. The interaction variables of SC category and wealth index are following: SCq1, SCq2 SCq3, SCq4, SCq5 and likewise for other categories. We have constructed interaction category (SCq1) which is a reference category among fifteen interaction group.

The results in table-5, show that children belonging to SC category when interacts with wealth quintileq2, q3, q4 are more likely to utilize the benefits provided by ICDS in Bihar. Furthermore, in urban areas, children belonging to SCq2 (i.e. poorer Scheduled Castes) are twice likely to utilize the ICDS benefits than reference category. The probability of children utilizing ICDS from the poorest OBC category is 0.62 in urban areas whereas children in rural areas are less likely to utilize these benefits. A noticeable difference exists in utilization among rural and urban areas among lowest wealth quintile among all categories.

Table 5: Logistic regression based odds ratio for the utilization of ICDS children according to place of residence in Bihar NFHS-4, 2015-16 (social group and wealth interaction)

<i>Background characteristics</i>	<i>Bihar</i>		<i>Rural</i>		<i>Urban</i>	
	<i>OR</i>	<i>95% CI</i>	<i>OR</i>	<i>95% CI</i>	<i>OR</i>	<i>95% CI</i>
scq1 *	1					
scq2	1.19***	[1.055;1.346]	1.17***	[1.034;1.327]	1.83	[0.968;3.476]
scq3	1.19***	[1.041;1.351]	1.17**	[1.022;1.335]	1.69	[0.912;3.137]
scq4	1.00	[0.864;1.166]	1.04	[0.885;1.209]	0.89	[0.499;1.595]
scq5	0.49***	[0.397;0.594]	0.54***	[0.427;0.686]	0.50***	[0.296;0.852]
obcq1	0.85****	[0.765;0.945]	0.84***	[0.749;0.930]	1.33	[0.777;2.270]
obcq2	0.92	[0.832;1.023]	0.92*	[0.825;1.019]	1.07	[0.638;1.782]
obcq3	0.94	[0.847;1.041]	0.95	[0.852;1.053]	0.90	[0.555;1.469]
obcq4	0.92	[0.827;1.018]	0.91*	[0.814;1.010]	1.23	[0.787;1.927]
obcq5	0.57***	[0.512;0.643]	0.66***	[0.580; .753]	0.60**	[0.393;0.924]
othercasteq1	0.63***	[0.517;0.762]	0.61***	[0.499;0.742]	1.28	[0.503;3.252]
othercasteq2	0.76***	[0.636;0.906]	0.76***	[0.632;0.905]	0.78	[0.286; 2.10]
othercasteq3	0.88	[0.747;1.047]	0.89	[0.746;1.054]	0.90	[0.411;1.958]
othercasteq4	0.83***	[0.710;0.960]	0.85**	[0.726;0.993]	0.71	[0.388;1.301]

Background characteristics	Bihar		Rural		Urban	
	OR	95% CI	OR	95% CI	OR	95% CI
othercasteq5	0.44***	[0.385;0.509]	0.52***	[0.449;0.611]	0.34***	[0.209;0.543]
_cons	1.26	[1.165;1.369]	1.28	[1.177;1.338]	0.94	[0.624;1.407]

Note: $P < 0.01$ ***, $P < 0.05$ ** and $P < 0.1$, Reference category ®

Fig. 1, 2, 3 shows the interaction of socioeconomic variables in Bihar. *Category* is a social variable whereas *wealth quintile* is the economic variable. The poorer and middle wealth quintiles of the Scheduled Castes children are most likely to avail the services under ICDS whereas the poorest Scheduled Castes utilized less. Among all the socio-economic categories SCQ2 and SCQ3 are more likely to utilize such services. OBCs belonging to q2, q3 and q4 receive services through ICDS with almost fifty per cent probability. Except the 3rd quintile, the other quintiles of other categories are less likely to avail the benefits. The richest quintile from all categories is less likely to avail ICDS at AWC than other wealth quintiles. The “inverted U” shaped curve has been observed in the utilization of ICDS among Scheduled Castes when interact with wealth quintiles in Bihar. Similar pattern has also been observed in rural Bihar.

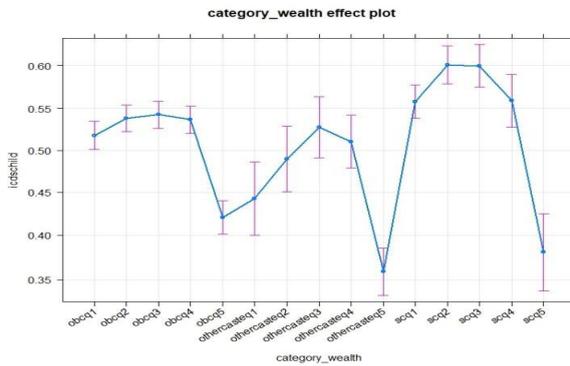


Figure 1

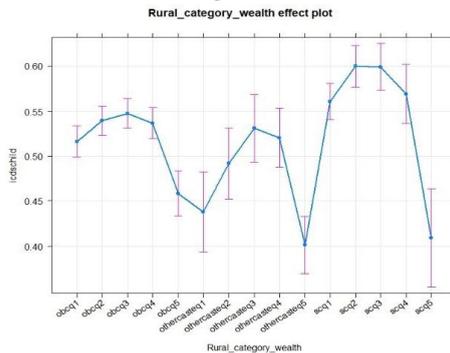


Figure 2

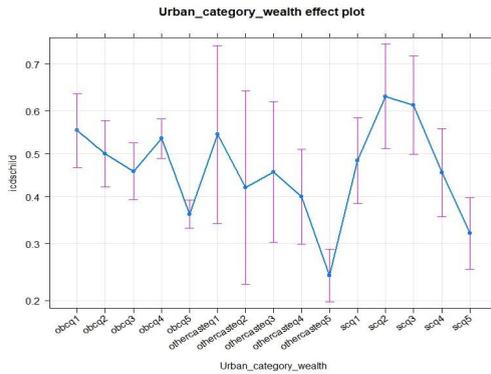


Figure 3

Table 6, given below shows the interaction of mother’s education with wealth quintiles. Poorest illiterate mother is a reference category among fifteen categories. Children from illiterate mother of second, third and fourth quintile is likely to utilize the services in rural areas and across the Bihar in comparison to the reference category. Children of Primary educated mother of first, second, third and fourth quintiles have likely utilized these services in rural areas. The results are similar for overall Bihar. Secondary educated mothers from urban areas are less likely to utilize ICDS benefits for their children. Secondary educated mothers belong to the first; second, third and fourth quintiles are likely to utilize the benefits more in overall Bihar as well as in rural areas.

Table 6: Utilization of ICDS among children in Interacted with (mother’s education and wealth) according to place of residence in Bihar, NFHS-4, 2015-16

Education* wealth	Bihar		Rural		Urban	
	OR	95% CI	OR	95% CI	OR	95% CI
illiterateq1*						
illiterateq2	1.11***	[1.025; 1.20]	1.11***	[1.025; 1.205]	1.07	[0.723; 1.586]
illiterateq3	1.09**	[1.004; 1.190]	1.11**	[1.018; 1.212]	0.84	[0.573; 1.233]
illiterateq4	0.96	[0.873; 1.064]	0.98	[0.881; 1.085]	0.84	0.583
illiterateq5	0.63***	[0.533; 0.754]	0.69***	[0.556; 0.852]	0.53***	[0.355; 0.775]
primaryq1	1.20*	[0.995; 1.443]	1.20*	[0.994; 1.451]	1.12	[0.402; 3.127]
primaryq2	1.22***	[1.045; 1.141]	1.25***	[1.072; 1.461]	0.55	[0.236; 1.258]
primaryq3	1.41***	[1.219; 1.629]	1.43***	[1.229; 1.657]	1.12	[0.596; 2.112]
primaryq4	1.12	[0.966; 1.294]	1.16*	[0.987; 1.350]	0.89	[0.562; 1.402]
primaryq5	0.75***	[0.611; 0.929]	0.75**	[0.582; 0.966]	0.73	[0.468; 1.142]
seconq1	1.07	[0.867; 1.317]	1.10	[0.887; 1.363]	0.66	[0.264; 1.620]
seconq2	1.14*	[0.987; 1.307]	1.14*	[0.990; 1.315]	0.96	[0.390; 2.358]
seconq3	1.12*	[0.993; 1.253]	1.14**	[1.010; 1.282]	0.72	[0.411; 1.269]

Education* wealth	Bihar		Rural		Urban	
	OR	95% CI	OR	95% CI	OR	95% CI
seconq4	1.12**	[1.021; 1.235]	1.14***	[1.030; 1.256]	0.97	[0.664; 1.405]
seconq5	0.58***	[0.531; 0.633]	0.69***	[0.627; 0.767]	0.39***	[0.284; 0.520]
_cons	1.10	[1.038; 1.156]	1.09	[1.035; 1.1555]	1.15	[0.871; 1.506]

Note: $P < 0.01$ ***, $P < 0.05$ ** and $P < 0.1$, Reference category*

The figure 4, 5, 6 shows probabilities of receiving any benefits by children through ICDS and of mother's education when interacted with wealth quintile of households. Almost same pattern is observed between rural areas and for overall Bihar. Children of mothers who have received education but belong to lower quintiles (like q1, q2, q3, q4) are more likely to utilize the services than richest quintile (q5) with no or more education.

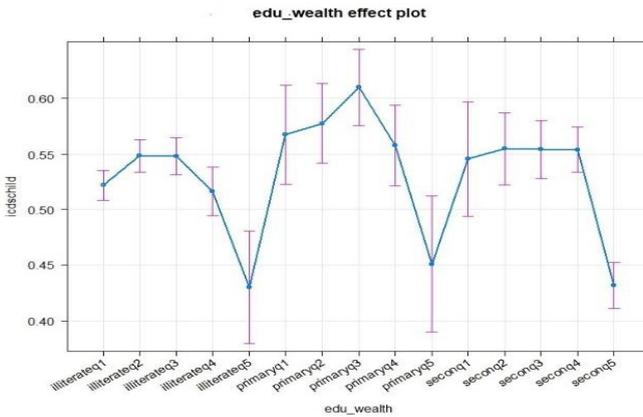


Figure 4

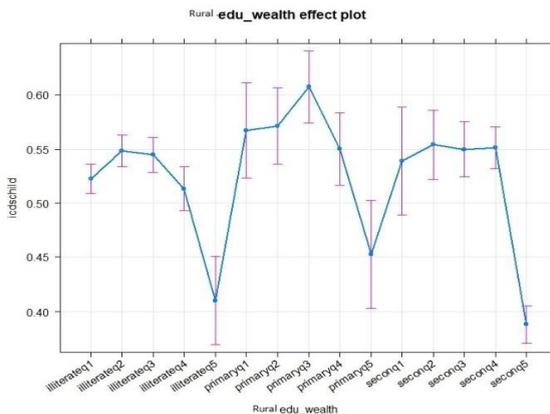


Figure 5

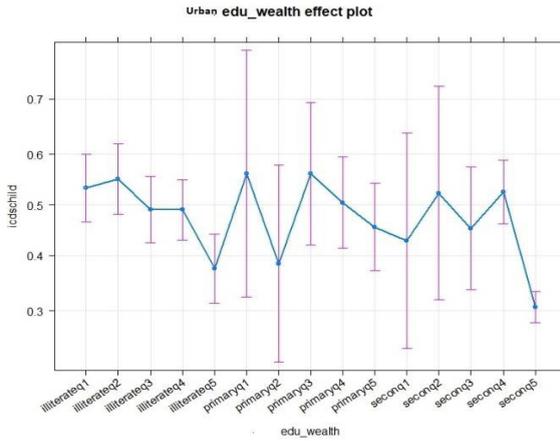


Figure 6

Discussion and Conclusion NFHS-4 (2015-16) reveals that utilization of various services under ICDS in Bihar is lower than national average. Subsequent studies of Nayak and Saxena (2006); Fraketet et. al. (2013) emphasized the issue of understaffing and accountability of governance of the programme which resulted in to abysmal utilization of services. Our study finds that the utilization of offered benefits under ICDS (such as supplementary food, health check-ups, and nutrition) among women and children is higher in rural areas than the urban spaces. In fact, rural areas in Bihar show higher utilization of these services than the state's average. The data further shows preponderance of immunization services over all the other services provided under ICDS in rural areas than urban areas in Bihar. In the regression model, we have added interaction variable *social category* wealth quintile* to see the combined role of social identity and economic well-being in utilization of ICDS. Results show that targeted beneficiaries are more likely to utilize services in urban area than rural areas. Furthermore, within the same category (like SC, OBC and others) with upward mobility in wealth quintiles, probability of utilization of services appears inverted "U" shaped. This means the poorest (first quintile) household's children belong to SC are less likely to utilize the ICDS. It shows that the initially poorest quintile has low utilization after increase in income they are using more services and thereafter, higher wealth quintile has low utilization among all categories compared to reference category SCq1.

Education plays significant role in utilization of services under ICDS in Bihar especially in rural areas. Children from illiterate mother of second, third and fourth quintile is likely to utilize the services in rural area and across the Bihar compare to reference category. Children of Primary educated mother of first, second, third and fourth quintile have likely utilized the services in rural area. Children from richest quintile of primary educated mother are less likely to utilize these services.

Children, whose mothers received secondary level education and belong to first, second, third and fourth quintile, are more likely to utilize these services in Bihar.

Our results also show that children belong to rural households in Bihar are more likely to utilize services provided under ICDS. It is quite evident that rural households in Bihar are primarily deprived of basic amenities and job opportunities than their urban counterparts are more likely to utilize services under ICDS. Kijima (2006) shows that the SC and ST households are typically isolated from the mainstream neighborhood, i.e. they live in kuchha houses, and thus, do not have access and connectivity to services such as schools, tap waters, roads, electricity, and health facilities which are directly linked to their poverty status. It may force rural households to be dependent on local/ village based facilities.

For job search, interstate or intrastate migration is common practice in rural households. Sometimes, migrants relocate with their families. Interstate relocation also not secure for receiving public services. They may obstacle to send her children at near AWC. Every AWC considers those children who are resident locally. Therefore, it may affect the overall utilization of ICDS among rural-urban and for overall Bihar.

Through ICDS, there is immense need to improve supplementary food to pregnant, lactating mothers, and to children. Various studies discuss obstacles to access services of ICDS. For example, Gupta (2012) and Sreenath (2016) observed that lower-level state functionaries are likely to be blamed for the gaps between development program design and implementation. In this context, incentives to the service providers, leakages and poor governance structure needs to be explored further in case of Bihar. Therefore, weak institutional structures have a profound bearing on implementation and barrier to make a robust delivery mechanism process.

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GLOBAL GOVERNANCE: A STUDY IN THE CONTEXT OF NON-PROLIFERATION

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Abstract

This paper will examine the institutional architecture of the global non-proliferation regime with a view to reforming them. However, the difficulty with conceptualizing global non-proliferation governance is that the traditional IR approaches prove to be too narrowly framed to encompass all the issues that have surfaced as a result of the process of global governance. An eclectic approach will overcome the limitations of the traditional approaches o

f IR and synthesize realism, neoliberal institutionalism and constructivism to explore the issues of power, order, norms and change in the global non-proliferation order.

Keywords: realism, institutionalism, constructivism, norms, ideas, global governance

INTRODUCTION

The paper explores the relevance of the concept of global governance approach and tests its utility in explaining the post cold war nuclear order.¹ It is imperative to conceptualize global governance in these times when the traditional notions /roles of state and sovereignty are transforming. Political authority is in transition and has diffused to agents above, below and beyond the state drawing in a complex set of actors and non -state actors, cutting across state borders to evolve into political structures that are transnational, interdependent, ideationally and norms driven, defying the capacity of the explanatory power of the traditional ,state centric paradigms.²

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At the dawn of the new millennium the processes of globalization are redefining the social, economic and political space within which global governance structures and societies are embedded. The growing deterritorialization of economic activity like production and finance has assumed transnational dimensions.³

The underlying assumption of the globalization thesis is the conviction that it is re engineering the power, function and authority of the claim of the national governments, which still retains effective supremacy within their own territories. But at the same time is also engaging with the expanding jurisdiction of the institutions of international governance and the constraints of international law. Global infrastructures of communication and transport support new forms of economic and social organization that have transnational boundaries.⁴ As a consequence the notion of the nation state as self governing autonomous unit appears to be more of a normative claim than a descriptive statement.

The Commission of Global Governance made a standard definition of global governance stating that “Governance is the sum of many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest”.⁵

Broadly the themes that this paper seeks to address while structuring a framework of comparative analysis of each paradigm in conceptualizing global governance are: What is the basis of distribution of power in the global nuclear template? How is order constituted? What is the role of state and agency beyond the state? How does global governance address the issues of adaptability, justice and legitimacy?

THE NUCLEAR NON-PROLIFERATION REGIME.

The nuclear arms control regime is comprised of numerous treaties, which can be broken down into two groups. The first group consists of treaties between the United States and the former Soviet Union limiting the size of each country’s nuclear arsenal. These treaties include the Anti-ballistic Missile (ABM) treaty and the Strategic Arms Reduction treaty (START). The second group consists of treaties aimed at limiting nuclear weapons development by all countries, the most notable of these treaties being the Comprehensive Test Ban Treaty (CTBT) and the Nonproliferation Treaty (NPT). The distribution of power in the non-proliferation regime remains hierarchical with an unequal bargain struck between two classes of states with differing obligations. The nuclear haves and the nuclear have not’s. The NPT has been supported by a range of associated demand and supply side multilateral and

unilateral measures. On the demand side, most of the prospective proliferators of the period lay under the nuclear umbrella of the United States or the Soviet Union, while those that did not, had more limited security assurances provided through unilateral statements or the United Nations Security Council resolutions. On the supply side, India's test in 1974 highlighted the fact that military and peaceful atoms generated by the dual use facilities and the oil crisis in 1973 created a rapidly escalating demand for nuclear power reactors. The Nuclear Suppliers Group was constituted to deny the two key military enabling technologies reprocessing and enrichment. During the 1980s this was supplemented by similar controls on nuclear missile delivery systems through the Missile Technology Control Regime (MTCR). Hopes persisted that the PTBT of 1963 would be superseded by CTBT.

DEVELOPMENTS IN THE POST COLD WAR ERA THAT HAVE NECESSITATED GLOBAL NUCLEAR GOVERNANCE

Two developments in the post cold war necessitated global governance instruments to impose order in the realm of nuclear security. First, the widespread diffusion of dual use technologies and the eroding efficacy of denial regimes to stem access to today's dual use technology. Secondly, the rise of non-state actors including rogue individuals, terrorist groups, non-governmental organizations and multinational corporations, increasing interconnectedness through trade liberalization and accelerating transport and communication have conjured up a convergence of factors that challenge the state's ability to provide effective solution to the problems of nuclear proliferation.

CHANGING THREAT PERCEPTIONS IN THE POST COLD WAR

The rising potential power of non-state actor's plays an important role in any assessment of both the threats and solutions to today's proliferation challenges. Non-state actors include not just the rogue scientists or terrorist networks, but also industry actors in relevant technologies areas and non-government organizations. A.Q Khan is the example of a rogue scientist operating in concert with a network of business actors from Europe to Africa to Malaysia. International terrorists groups like Al Qaeda represent the threats associated with the concretization of violence resulting from globalization. Whereas governance capacities within states will remain the foundation for achieving long-term nonproliferation objectives, industry and other non-government organizations must increasingly work in concert with governments to meet the mushrooming proliferation challenges and will be the key agents in providing effective solution to these problems.⁶

Globalization and diffusion of technology are also eroding the states capacity to adequately control many dual use items. Widespread diffusion of technology has

assisted development in many of the poorest countries of the world and access to affordable nuclear energy has made many of these advances possible and is now also hastening unfrequented new demands on global energy supplies.⁷ Globalization of dual use technologies have brought with it benefits but they are accompanied by potential dangers of proliferation in the hand of rogue states and terrorist organizations. A case in point was the anthrax attacks of October 2002 in the United States. Achievement of basic governance capacities will at least ensure that state is not unwittingly contributing to proliferation due to insufficient financial controls, inadequate border security, nonexistent or obsolete export controls and the like.

The non-proliferation regime is a fragmented system of unilateral and multilateral international governance of nuclear energy. Some of its elements are seen in contradiction with each other for example NPT and export controls. The IAEA has a wider marketing role in a comprehensive range of nuclear activities for e.g. nuclear safety and transport of nuclear waste. The diffusion of this governance system could be witnessed in successive NPT review conferences where issues such as transport of nuclear waste and safety of nuclear power stations appeared on the agenda. Indeed one might argue that this treaty review process plus the IAEA general conferences, was by 1990 becoming the noticeable core of a system of global nuclear governance.⁸

THE REALIST PARADIGM

The architecture of the non-proliferation regime viewed through the realist prism.⁹ In this paradigm states are unitary, rational and the most dominant actors in world politics. Little room is left for agency beyond the state. States calculate their interests on the basis of power. The architecture of the global order is anarchic. Global governance here is equated to state centered multilateralism, contrived by rational autonomous states who seek to improve their relative power in the international system .International institutions are governed and controlled by hegemonic states that created them. This paradigm emphasizes the centrality of states and the importance of power and self interests in the international realm. States are primarily motivated by security interests and seek survival.¹⁰

A few illustrations from the current non-proliferation regime will provide empirical evidence to explain the approach. Nuclear weapons have been procured first and foremost out of security concerns. The NPT is the essential basis of that international order in which there is only a few NWS, the five permanent members of the UN Security Council that have been recognized as the legitimate nuclear weapons possessors and the Non-Nuclear Weapon States who have promised not to acquire nuclear weapons. This 'grand' bargain between NWS and the NNWS was premised on a balance of commitments between nuclear non-proliferation, disarmament and the peaceful uses of nuclear energy.¹¹ The destructive power of

the atom persuaded many leaders to constrain that power, to reduce the security dilemma for all and, thereby reducing the risks of conflict escalation, accidental and inadvertent nuclear wars and the chances of access to nuclear arms by the nuclear terrorists in the post-cold war context. Perhaps the most popular explanation why states have chosen the non-nuclear option is a security guarantee by others. Most states fell under the shielding nuclear umbrellas of the United States or Soviet Union at that time.¹² Several states have already found the pursuit of nuclear weapons as a security policy in their self interest from a financial point of view. States have demonstrated that the ability to develop nuclear weapons can serve as a means to receive foreign aid and monetary compensations.

Developments in the post cold war security template, will inevitably lead some states to reconsider their security interests. The case of India and Pakistan in 1998 is perhaps the best exemplification of this situation as the standoff between these two states is an appropriate illustration of the realist argument that states are defensively positional.

The NPT is also a reflection and formalization of the balance of power that existed during the time of its establishment. This explains the hierarchy in the nuclear non proliferation order.

In the realist paradigm, self interested, power maximizing states are rational actors and will not forgo nuclear weapons. Why have then nuclear weapons spread so slowly? How can one therefore reconcile with realist theory which predicts a far greater number of states with a nuclear weapons arsenal? Neoliberal institutionalism has offered an answer, which strongly challenges realist international relations theory. Neoliberal institutionalism argues that cooperation is in fact possible in international politics.¹³ Neo-liberal institutionalism begins with certain shared assumptions with realists. First among these is the recognition that the international political arena is in a realm of anarchy. As such, states are atomistic and act according to their own self-interests. However this does not impede co-operation. They argue that where multiple actors have mutual self interests, such as non-proliferation or security, mutual self interest can steer those states to create norms and institutions - such as arms control and non-proliferation regimes. Institutions serve primarily as a means to reduce transaction costs, provide information to the states involved, and create norms that can significantly pressure states not to defect. Institutions can help change states perceptions of self interest. States, in this view are concerned with absolute gains and as such the major obstruction to cooperation is the problem of cheating. Realists are considered defensively positional actors for whom survival is the primary interest of states. Consequently, states do not defect and are more concerned with relative gains. A state that defects from an agreement will attain significant relative gains, as they are concerned about their relative positions vis-a-vis other states when presented with opportunities for cooperation.

The few examples of non-compliance point out the tenuousness of mutual self interests and how self interests can change. A potential violator of an arms control agreement is not worried that his action may be uncovered. What will deter him however, will be the fear that what he gains from the violation will be outweighed by the costs of non-compliance. In this situation a potential violator may choose to forgo compliance as in the case of North Korea.

The paradox of the concept of global governance is that, in the nuclear realm, although diffusion of technology had led to the spread of nuclear weapon technology yet the authority of the state in the realm of nuclear decision making still remains paramount. However, states for e.g. in the UN system and the CD are treated as unitary, sovereign entities although states are not necessarily consistent units but rather are continuously conditioned through social and political process e.g. , elections or government change etc to being reconstructed. The central limitation of this paradigm is that the preponderance of state centrality to the exclusion of the role of other institutions, both formal and informal, civil society and other actors leaves little room for agency beyond the state.

THE INSTITUTIONALIST PARADIGM

In this paradigm the concept of global governance focuses on institutions as agents of governance in the global domain. Institutionalism concerns the broad conceptualization of how institutions, formal and informal procedures, routines, norms and conventions embedded in the organizational structure or political economy structure the parameters of conduct. Institutionalists hold the view that “conflict among rival groups for scarce resources lies at the heart of politics.”¹⁴ Within this framework, institutions provide for regularized patterns of conduct by controlling options, allocating resources, distribution of power, structuring incentives and providing actors with varying degrees of certainty about the present and future behavior of other actors, enforcement mechanisms for agreements, penalties and defections.¹⁵

INTERPRETING INSTITUTIONALISM IN THE NUCLEAR REALM:

The Pay off Matrix

Institutionalism argues that long term cooperation is quite possible among rational utility maximisers as institutions change the payoff structure of a strategic game, thereby making defection disastrous and cooperation desirable. Costs of defection are increased through mutuality and cooperation. Actors change their behavior if and when the rules of the game make it worth their while to do so. Regimes modify utility calculations by linking issues that were otherwise not linked. They

threaten penalties for non-compliance, for example, or they promise rewards for compliance. This utility calculus can be judged against the role that the nuclear non-proliferation regime as a utility modifier or as an enhancer of cooperation in the policy changes regarding nuclear proliferation rollback, accession to the NPT, and nuclear arms control arrangements in such cases as Belarus, Kazakhstan, and the Ukraine, as well as South Africa.

Norms and Ideals

Norms and ideals of greater justice, legal equality and legitimacy are linked with institutionalism. Evidence indicates that the nuclear non-proliferation regime has been critical in linking nuclear forbearance and, in the cases of states “born nuclear,” nuclear renunciation as a requirement of legitimate international behavior and as a condition for membership in good standing in the international community. The NPT was key to the nuclear proliferation rollback that was achieved in the cases of South Africa, the former Soviet republics, Argentina, and Brazil. Regarding the five legal nuclear states, a new component of the regime, the CTBT, is responsible for a notable change in their behavior. They will no longer be able to conduct nuclear explosive tests as they frequently did in the past. Practically, this constraint applies to the U.S. as well, despite the failure of the senate to ratify the CTBT the U.S. has pledged to honor the CTBT, making it very difficult politically for the U.S. to repudiate the treaty and resume nuclear testing. As a standard-setting normative instrument, the regime helps to define what the proper idealized standard of behavior is regarding the acquisition and possession of nuclear armaments.¹⁶ The behavior and policies of certain states are designated as legitimate and modern while the actions and policies of those that violate the prevailing norms are designated as being inappropriate and dangerous. These states are often labeled as “rogues” or “international outlaws” and risk being denied the privileges of full participation in the international society of states.

Multilateral arms control processes are intended to harmonize agreement among an assorted group of parties and may be conducted for single issues or weapons, specific treaties and agreements or to codify the principles norms, rules and decision-making procedures associated with building a regulatory instrument or a prevention regime. It is not necessary for all the states to have the weapon under consideration for example, in the case of anti-personal mines possession was diffused among a wide group of states from all regions and political groupings, whereas in the case of nuclear testing, very few states had nuclear test sites or capabilities. ¹⁷Negotiations within institutions is the key to determining the outcomes of bargaining, trade offs and the balancing of interests and goals as well as competition and coordination. For example, participation in disarmament

negotiations is deemed essential for the success of disarmament negotiations yet in practice states do not participate on an equal footing. States enter into multilateral negotiations with very diverse interests and expectations.¹⁸

The processes of negotiations in multilateral institutions are expected to reveal differential results with stronger powers ensuring that their interests are met. Sometimes due to the structure of the interaction process states may not be able to cooperate even though it is in their benefit to do so. For example the impasse in the Conference on Disarmament since 1992 or breakdown of consensus between the P5 in the Security Council in addressing the case of Iraq and Iran. It is the negotiation strategy in institutions that brings about convergence of interests between parties. Distributive convergence is reached when benefits and constraints are apportioned through the trading of compromises or bargains. For example a host of semi-informal or informal arrangements constitute the export control regimes. These multilateral export control regimes face a trade off between member's national security and their economic and trade benefits. Regime membership and adherence allows states to trade freely in advanced technology and sensitive materials. And the new members are lured by the promise of economic and political payoffs that give them new contracts or member ships in international economic and financial institutions. This translates their gain seeking aspirations into cooperation.¹⁹

Stability and Survival of the Regime

Institutions can provide stability if the payoff matrix are underpinned by a super power or the hegemon. If the leadership of the dominant power is constructive, it can go a long way in reinforcing regime stability. For example the United States was the key enforcer and leader of the Non-proliferation regime. It enjoyed a dominant position in the nuclear supply market which reinforced its leadership in designing the non-proliferation regime. However the diminution of US role as the major player in the nuclear supply market has toned down its leveraging ability and ability to provide leadership to the regime.

North East, South East and South West Asia moves to acquire overt or recessed nuclear weapons capabilities further challenge to the US leadership of the Non-proliferation regime as it would increase the potential of more difficult balance of power challenges. Change in the proliferation dynamics from global to regional focus shifted to states in the Middle West, East Asia and South Asia. The legal basics of the treaty are at odds with the situation on the ground. Can India, Pakistan or Israel for instance operate or function as a nuclear weapons state? Any new member can enter the treaty only as a non-nuclear weapons state. The need to conceive of ways to bring about India and Pakistan closer to the nuclear non proliferation regime is vital as their nuclear policies is undoubtedly having international repercussions.

Management, Transparency and Predictability

In the years since the 1990 the new types of the WMD threats have to be factored into any kind of a governance system. This meant management and accounting of radioactive sources and placing greater emphasis on physical security of nuclear materials and preventing nuclear smuggling. Evidence now appeared on the changes in procurements strategies and the merging of state and non-states actor proliferation routes. Therefore, pressure growing for states to more effectively police all possible nuclear activities within their borders was mounted. The UN Security Council Resolution 1540 sets forth an entire collection of measures at achieving WMD technology governance. It mandates a baseline of extensive, appropriate and effective anti proliferation obligations and requires all states to enact and enforce these measures promptly. It requires state to criminalize proliferation, enact strict, export controls and secure all sensitive materials within their borders.” The resolutions emphasis on non-proliferation assistance is noteworthy. It obligates states lacking the legal and regulatory infrastructure or resources to request assistance from those states in a position to do so. The resolution reinforces the norm of universality embedded in the non-proliferation regime and its importance in setting normative standards. This resolution is clearly a shift from a technology denial approach to enhancing mechanisms for global governance of nuclear technology. This is also reflective of institutional adaptation and modification of the regime in the context of the changing threat environment.

Challenges and Assessment

The threat of WMD continues to be prominent in the aftermath of the cold war. The threat is being addressed by improving export control laws, sensitive material protection and at a second level by creating and maintaining international nonproliferation regimes and arrangements, facilitating and encouraging other states to adopt and uphold non-proliferation measures, and building consensus among regime members. Spread of WMD technologies to Iraq, disputes arising between the United States and Russia regarding the latter’s trade with Iran and India in the nuclear and missile technologies suppliers of sensitive materials to nuclear aspirants constitute some of the differences among regime members. The crippling consensus rules and vague provisions of these multilateral export control regimes are not effective in deterring terrorist organizations and savvy regimes dedicated to acquisition of weapons capability.

This paradigm does present a kaleidoscopic picture of international institutions, power, interests and formal and informal groupings however there is still limited scope for agency as institutions are the most powerful determining actors in this paradigm. Actor’s interests, preferences and goalposts are all endogenously created with the context of institutions. It is the interaction process within the

institutions that determines the outcomes of policy. The focus on regime stability and its reinforcement however leaves limited scope for agency beyond the role of institutions in this frame work.

THE CONSTRUCTIVIST PARADIGM

This section explores the constructivist approach to global governance, which is one that focuses on the social construction of identities and interests of actors and ideational factors; is more concerned with the way norms, rules and institutions constitute the identities and interests of actors, and rests on an intersubjective dimension of human action. Constructivists problematise state-centered approaches as neglecting how the identity and interests of other actors came to be constructed, failing to account for changes in identity and interests over time and overlooking how identities and ideas can shape interests. Constructivists assert that “Anarchy is what states make of it,” in that anarchy does not exist in and of itself rather it has been constructed.²⁰ According to Wendt international politics is determined by shared culture and ideas such that capabilities only have meaning because of the ideas that we attach to them. Likewise, power, accountability and legitimacy are also social constructs. Functional linkages and ideas between the actors overlap and create transnational perceptions of mutual interest and lead to regularized and often institutionalized relations among group. The interpretation of the concept of global governance by the constructivists is premised on the system of ideation-constituted by identity and culture-wherein ideational factors have normative and instrumental dimensions that are expressed individually and collectively, and are context dependent. The global governance structures are invented according to legitimacy and social consent and are a result of the ongoing interaction between actors. No particular structure of global governance would be permanent. This paradigm provides the concept of global governance with an intersubjective dimension and a more expansive understanding of how institutions can construct actors, interests and social purposes that state-centered theories cannot.²¹

Regimes, in addition to being focal points of social interaction over specific issues, often provide concrete forums for this interaction to take place. In this setting, a regime can contribute to an improved understanding of the problems it was created to address as well as facilitating cooperation by providing interested parties to forge constructive solutions. By clustering issues together in the same forums over a long period of time, they help to bring governments into continuing interaction with one another, reducing the incentives to cheat and enhancing the value of reputation”. However, as highly political arrangements, the existence of a regime does not guarantee progress or cooperation. Nonetheless, this interaction, whether it is constructive or divisive, is meaningful because it is through the interaction of state agents that the rules and norms of the international system

are “produced, reproduced, and sometimes transformed”. Thus, by investigating the evolution of the regime’s norms and rules over time, it is possible “to explore continuity and investigate change” in world politics.

The strengthening of the IAEA safeguards system is a case in point. An assessment of the evolution of the NPT as a universal norm through socialization and social learning as generational from the time of submission of the narrow security interests of states to a joint legal instrument is another case in point to be studied through cognitive theory.

CONCLUSION

Apart from living up to its disarmament commitments the NWS could begin by agreeing to that goal and undertaking other measures to reduce the salience of nuclear weapons such as de alerting their nuclear forces, eliminating their remaining tactical nuclear weapons and withdrawing their nuclear forces to their homeland would go a long way towards signaling their commitment towards the goal of disarmament. The mutually reinforcing aspect of the nonproliferation component and the disarmament component was critical as any move to devalue the disarmament component in relation to non- proliferation would erode the treaty. The rhetoric and practices of the five nuclear weapons powers demonstrated to all ambitious powers that they believed in the military and political utility of their nuclear weapons. The NWS states did not fulfill their commitment to disarm. The optimism of the early 1990 manifested in the nuclear reduction treaties between United States and Russia were belied by the Bush administrations casual attitude towards the NPT and an accompaniment by technical improvement in their arsenals as well as their nuclear warheads. Russia’s doctrine reserved the option to use nuclear weapons if attacked. China stuck to its no first use option but it also enlarged its nuclear arsenal. The nuclear powers underestimated the model effect of great power behavior that serves as a beacon effect for the ambitious medium powers.

The inability to infuse international regimes and institutions with democratic accountability and legitimacy may account for regime ineffectiveness. The implications of the so-called “deficit of democracy” are plaguing far too many international institutions and regimes. Burgeoning “discourse” norms requiring more extensive participation and transparency in these institutions and a nuclear order that is predicated on justice and legitimacy is the only order that will endure in the long run.

An eclectic approach helps us highlight the problems and the potential complementarities between opposing schools thus enabling the bridge building exercises between two approaches, for instances the complementarities between Realism and Institutionalism and the contestations between realism and

constructivism. To that extent it can be a useful bridge building exercise. It helps us view the role and agency beyond the state and institutions. It integrates the significance of civil society, ideas and social learning while analyzing regimes and institutions. It does not just focus singularly on institutional tinkering but takes us beyond a narrow focus to a more comprehensive analysis of the non-proliferation regime.

ENDNOTES

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BOOK REVIEW

Sinha, Shakti (2020), **Vajpayee: The Years that Changed India**,
Vintage Books, New York City, London, 24 December, pp. 368,
Price Rs. 599/- ISBN: 9780670093441

Ahmed Raza*

Though India has had several great leaders as her Prime Ministers, Shri Atal Bihari Vajpayee was one of the greatest leaders of India who faced odds, hurdles and pressures posed by both international community and at national level by coalition partners and strong opposition. But he sailed the government smoothly amidst these complex conditions. There is an array of literature on his predecessors, but his unique personality and leadership traits have inadequately been addressed by the scholarship. There is also dearth of literature on him, particularly based on personal experience. The present book under review caters to this need.

The book under review **Vajpayee: The Years that Changed India** by Shakti Sinha presents the account of the leadership, ideas, political strategies, policies, parliamentary excellence, administrative skills and global vision of a stalwart of Indian politics who served India thrice as Prime Minister, in addition to as a minister and the Leader of Opposition. He was none but Shri Atal Bihari Vajpayee. The book covers the years between 1996 to 1999, with empirical approach of the author who worked with him very closely for three-and-a-half years as Secretary to the Leader of Opposition (1996-97) and again as his Private Secretary (1998-99) to the Prime Minister.

This book broadly helps us understand how Vajpayee ji, the gentle giant of Indian politics, as a decision-maker handled Kargil war and political conditions of post nuclear test (Pokhran-II) era despite the political challenges he faced on account of BJP heading a coalition government. The author nicely presents the narratives of Vajpayee ji both as strong and impulsive asserter whenever,

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something appealed to him he did it. It also presents the accounts of how Vajpayee ji mesmerised millions of Indians by taking the instantaneous decision to ride the first bus to roll out from India to Lahore in 50 years. As an economic reformer, he remained intact in taking initiatives in the strategic and economic fields during his first term as prime minister, which have had a permanent impact on Indian economy in the days to come. As a lesson to political scientists who assume that coalition government lacked political stability and leading to undermining the key initiatives in the strategic and economic fields, Sinha's book appeared to be an incisive account on Vajpayee ji's achievements. Let's begin the review of the book thematically in accordance with the depictions of all incidences and events as penned down by Sinha, a close associate of Vajpayee ji as Private Secretary.

Vajpayee ji, as a great crisis manager of the Indian politics has been acknowledged in the book by narrating the brilliant description of the historic events of the 13-day and later 13-months of NDA governments. Acknowledging his party's defeat, Vajpayee tried to bestow his ideas of power and work by narrating a statement "while you want power, we want to work for this country and we will never sit and rest in this endeavour". Although, the book did a great job of narrating series of incidences and political events of a the short period (say merely four years), yet it ignored question - why no new allies came out to support the BJP whereas Vajpayee ji happened to be popular among all parties.

Vajpayee's PMO and its functioning during the most turbulent period of Indian Parliament may be glimpsed in the book as Sinha himself became an eye witness of many occasions as secretary. An incisive account of PMO's responsibilities during coalition politics needs to be understood very clearly with the help of the book. The book did not differentiate the role and vibrancy of PMO between the periods of Vajpayee regimes and non-Vajpayee regimes.

The book also reminds us a great gesture of Vajpayee ji towards normalising the relations with neighbours as he proved himself by gracing the occasion of India-Pakistan hockey match as his first action after assuming office as Prime Minister of India in 1998 even before portfolio distribution. Vajpayee ji used to say friends may be changed but never your neighbours. With this kind of humbleness, he also initiated Lahore bus peace initiative and Agra summit as a great leader with a big heart. Though, the book could not placate direction of relationship with neighbours and particularly with Pakistan as Sinha's book lacked something in narrating foreign policies in details.

An illustrative chapter on Pokhran-II nuclear tests and its impact on the Indian economy would be a remarkable contribution as Sinha has done a thorough and well-researched job in highlighting the pulls and pressures of the pre and post nuclear test. The chapter draw a complete inside account of the events that how Vajpayee ji did not think back and remained intact in his vision that India is

emerging as a world leader. It also unfolded how Vajpayee ji countered all kinds of pressures and lobbies particularly from western nations on account of India being in the list of nuclear power nations.

The author mentions the highly courageous and determined Armed Forces which led the country to Kargil victory leaving western countries to realise that India is a responsible and matured nation under Vajpayee ji's leadership. But the author missed to mark the changes that have taken place after the Kargil victory in term of national security under Vajpayee's regime.

The book emphasizes the magnificent and fantastic appearance of Vajpayee ji's model of governance, in which Indian political system witnessed a numbers of remarkable reforms and strategic initiatives taken even during the period coalition pressure. The book contains the glimpse of the ways Vajpayee ji handled the complexities of coalition government such as high expectations of regional parties, satisfying key and strategic decisions, and triumvirate of political forces like that of Maya, Mamata and Jaya. A lot of incidences and events have been incorporated by the author in his book including an incidence of rolling back of wheat and rice price hikes in the public distribution system (PDS) for the BPL families, which led to an extra burden of Rs 1800 crore on the public exchequer. The book also tried to shed light of Vajpayee ji's observant nature, patient attitude, abilities, nationalist ideas and his courage to pursue against various odds or challenges. The book beautifully acknowledges a numbers of initiatives that were taken during his tenure as Indian P. M. Further, it highlights the flagship projects of Vajpayee government like road connectivity project named Golden Quadrilateral Project, establishment of the Central Electricity Regulatory Commission to settle the Cauvery water dispute etc.

The book must be viewed as a great contribution of the author as he included a separate chapter on Lahore bus *yatra* of Vajpayeeji leading to normalisation of the relations with hostile neighbour Pakistan. A complete chapter of the book has been devoted to the narration of his interactions with Nawaz Sharif's, responses to Sharif's invitation, the completion of the tour which appears to be a wonderful and significant contribution in the areas of international relations, particularly the art of Vajpayee ji to dealt with Pakistan diplomatically with a global vision making the world aware of the power of India. At the same time, he also rejected any third party intervention on the Kashmir issue.

The author Shakti Sinha presents the accounts of a triumphant leader for the years, he worked closely with Vajpayeeji during the most turbulent political conditions and working of the Parliament. Hence, the book deserves to be included in the list of a leadership studies, biography and Indian politics that will enrich the political scientists and new generation of researchers working in these areas as it is an insider account by one who worked closely with Vajpayee ji. The author's understandings and his efforts towards underlining the contemporary politics

which may help as a good lesson to students of political science, international relations and Indian political system as it provides an insider's account of how Vajpayee ji thought and worked during the most turbulent period of the parliament during 1996 to 1999.

Exclusion of the third innings of the Vajpayee regime from 2000 till 2004 and beyond seems to be foremost limitation of the book which led to placing Vajpayee ji's personality on an average political dimension. A complete memoir on Vajpayee ji deserves to be inscribed in many more volumes with details of his prime ministership till 2004.

Hindi Section

हिन्दी प्रभाग



बिहार में ग्राम सभाओं का कार्यकरण: सीतामढ़ी जिला के विशेष संदर्भ में एक अनुभवपरक अध्ययन

चन्दन कुमार*

सार संक्षेप

बड़ी उम्मीदों से हमारे नीति निर्माताओं ने ग्राम सभा (जिसमें सभी व्यस्क सदस्य होते हैं) को सर्वाधिक महत्व दिया तथा इसे स्थानीय विधायिका का स्वरूप दिया। परन्तु क्या पंचायती राज के इस निकाय का कार्यकरण उम्मीदों के अनुसार है? इसका महत्व विकास में पिछड़े क्षेत्रों के लिए और भी बढ़ जाता है। बिहार पंचायती राज अधिनियम 2006 के द्वारा पंचायती राज व्यवस्था में ग्राम सभाओं को ग्राम स्वराज का प्रभावकारी उपकरण बनाया गया। अक्सर यह बात सामने आती है कि वास्तव में ग्राम सभाओं की कार्यशीलता नगण्य है। इसी वैचारिक पृष्ठभूमि में प्रस्तुत आलेख में ग्राम सभाओं के वास्तविक कार्यकरण का आकलन किया गया है जिसके लिए सीतामढ़ी जिला के प्रतिचयनित गाँवों का सर्वेक्षण किया गया। सीतामढ़ी जिला बिहार राज्य में दूसरा सबसे अशिक्षित जनसंख्या वाला जिला है। यह सामाजिक-आर्थिक रूप से अत्यंत पिछड़ा जिला भी है। इसलिए इस जिले के ग्राम सभाओं के कार्यकरण का आकलन कर राज्य में इसकी वास्तविक स्थिति पर प्रकाश डाला जा सकता है। प्रथम द्रष्टव्या पाया गया कि बैठकों के नाम पर केवल खानापूर्ति की जाती है तथा ग्राम पंचायत स्तरीय कार्यपालिका द्वारा विकास योजनाओं को तय कर लिया जाता है।

प्रमुख शब्द : पंचायती राज, ग्राम सभा, स्थानीय व्यवस्थापिका, ग्रामसभा-बैठक, राजनीतिक-जागरूकता, सीतामढ़ी

परिचय

सीतामढ़ी जिले में ग्रामीण आबादी कुल जनसंख्या का 94.42% है। जिले में साक्षरता दर 53.53% (पुरुष -62.56 % और महिला - 43.40 %) है। बिहार राज्य के 38 जिलों में से एक सीतामढ़ी जिला है, जो राज्य के तिरहुत प्रमंडल के उत्तरी भाग में स्थित है। इस जिला को लोकप्रिय शब्दों में “देवी की भूमि” के रूप में जाना जाता है, क्योंकि इस स्थान को सीता जी (जानकी जी) का जन्मस्थान माना जाता है। इसका मुख्यालय सीतामढ़ी शहर के पांच किलोमीटर दक्षिण डुमरा में स्थित है। जिले को प्रशासनिक दृष्टिकोण से तीन भागों में विभाजन किया गया है; जो सीतामढ़ी सदर, बेलसंड और पुपरी हैं और इसको 17 सामुदायिक विकास प्रखंडों में विभाजित किया गया है और जिले में ग्राम पंचायतों की कुल संख्या 273 है। इतनी बड़ी ग्रामीण

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आवादी में ग्राम सभा या आम सभा के कार्यक्रम का अण्वेषण प्रतीत होता है। इस जिला को बिहार का प्रतिनिधि मानकर विषय के आकलन के लिए एक प्रयोगशाला के रूप में चयनित किया गया है।

शोध उद्देश्य एवं पद्धति

इस लेख का मुख्य उद्देश्य जिले में ग्राम सभा के कार्यसंचालन का अध्ययन करना है। यह लेख मुख्यतः तथ्य संकलन के प्राथमिक स्रोतों पर आधारित है, जिसमें सीतामढ़ी जिले में ग्राम पंचायत सदस्यों और ग्राम सभा सदस्यों का साक्षात्कार, चर्चा, निरीक्षण और अवलोकन पद्धतियों का उपयोग कर सूक्ष्म स्तर पर उपयोग कर किया गया है।

प्रतिदर्श चयन: सर्वेक्षण हेतु सर्वप्रथम प्रखण्डों तथा ग्राम पंचायतों का चयन किया गया। सीतामढ़ी जिले में 273 ग्राम पंचायत है और निश्चित रूप से ये संस्थान ही सामाजिक-आर्थिक विकास के माध्यम हो सकते हैं। परन्तु जिले में निम्नतम सामाजिक-आर्थिक विकास है और इस पृष्ठभूमि में यह शोध महत्वपूर्ण हो जाता है, ताकि इन स्थानीय सरकारों के समस्याओं और समाधानों की खोज की जा सके। सीतामढ़ी जिले में शहरीकरण 5.58 % के साथ निम्नतम स्तर पर है अतः विकास के आधार पर डुमरा प्रखंड का चयन किया गया है, जो सबसे ज्यादा शहरी आबादी वाला प्रखंड है और जिला मुख्यालय के नजदीक है और इस प्रखंड के 6 ग्राम पंचायतों को और उनकी ग्राम सभा को नमूने के रूप में चयन किया गया है। दूसरी तरफ, जिले के सबसे कम शहरी आबादी वाला और जिला मुख्यालय के दूर होने के कारण पुपरी प्रखंड का चयन किया गया है और इस प्रखंड के भी 6 ग्राम पंचायतों को और उनकी ग्राम सभा को नमूने के रूप में चयन किया गया है। दोनों ही प्रखंडों में भिन्न-भिन्न प्रकार की सामाजिक-आर्थिक और राजनीतिक परिस्थिति है और यही इसके चयन करने का कारण भी है। निम्नलिखित तालिका 1 में चयनित ग्रामों का विवरण स्पष्ट है। प्रतिचयनित 280 उत्तरदाताओं का साक्षात्कार अनुसूचि की सहायता से किया गया।

तालिका 1: बिहार पंचायत चुनाव, 2011 और 2016 में आरक्षण का विवरण¹

ग्राम पंचायत का नाम	बिहार पंचायत चुनाव 2011	बिहार पंचायत चुनाव 2016
	मुखिया पद की आरक्षण स्थिति	मुखिया पद की आरक्षण स्थिति
	अनारक्षित /अन्य पिछड़ा वर्ग /अनुसूचित जाति	अनारक्षित /अन्य पिछड़ा वर्ग/अनुसूचित जाति
	पुरुष / महिला	पुरुष / महिला
डुमरा प्रखंड	बेरबास	अनारक्षित जाति
	मेहसौल गोट	अन्य पिछड़ा वर्ग
	मेहसौल पूर्वी	अन्य पिछड़ा वर्ग
	पुनौरा पश्चिमी	अनारक्षित
	पुनौरा पूर्वी	अनारक्षित
	रामपुर परोरी	अनुसूचित जाति
		महिला
		पुरुष

पुपरी प्रखंड	आवापुर दक्षिणी	अनारक्षित	अनारक्षित	पुरुष
	बछारपुर	अनारक्षित	अन्य पिछड़ा वर्ग	पुरुष
	भिठ्ठा धर्मपुर	अनुसूचित जाति	अन्य पिछड़ा वर्ग	महिला
	गंगति	अनारक्षित	अनारक्षित	महिला
	झझिहत	अनारक्षित	अनारक्षित	महिला
	पुपरी	अनारक्षित	अनुसूचित जाति	पुरुष

स्रोत : - जिला पंचायत कार्यालय, डुमरा (सीतामढ़ी)

ग्राम सभा

इसमें ग्रामीण स्तर पर कार्यपालिका की शक्ति मुखिया और ग्राम पंचायत सदस्य में होती है और विधानपालिका की शक्ति ग्राम सभा में होती है। ग्राम पंचायत स्थानीय स्तर पर लोकतांत्रिक मूल्यों को स्थापित करता है और नागरिकों की भागीदारी और ग्रामीण विकास कार्यक्रमों तथा नीतियों के प्रभावी कार्यान्वयन को सुनिश्चित करता है। बिहार पंचायत राज अधिनियम, 2006 के अनुसार ग्राम सभा की रचना तथा कार्यों के लिए निम्नलिखित प्रावधानों की व्यवस्था की गई है। अधिनियम के अध्याय - I के धारा 2 के अनुसार “ग्राम सभा से अभिप्रेत है ग्राम स्तर पर पंचायत के क्षेत्र के भीतर समाविष्ट किसी ग्राम से सम्बन्धित निर्वाचन नामावली में रजिस्ट्रीकृत व्यक्तियों से मिलकर बना निकाय।” अतः ग्राम सभा का क्षेत्र एक सम्पूर्ण ग्राम पंचायत होता है। ग्राम पंचायत क्षेत्र में रहने वाले सभी व्यक्ति जिनका नाम मतदाता सूची में दर्ज हो ग्राम सभा के सदस्य होते हैं और यह सदस्यता स्थाई होती है।

ग्राम सभा का कार्यकरण

बैठक

बिहार पंचायत राज अधिनियम, 2006 के अध्याय – II के अनुसार ग्राम सभा की बैठक के लिए निम्न प्रावधान किये गये हैं⁴ : -

- बैठक की अवधि – “ग्राम सभा की बैठक समय-समय पर होगी किन्तु किन्ही दो बैठकों के बीच का अन्तराल तीन महीने से अधिक का नहीं होगा”।
- बैठकों का आयोजन – “ग्राम सभा की बैठक की सूचना ग्राम पंचायत कार्यालय में चिपका दी जायेगी और इसे डुगडुगी पिटवा कर अथवा यथाविहित प्रचार के अन्य माध्यमों से जनता की जानकारी में लाया जायेगा” ।
- गणपूर्ति (कोरम) – “किसी बैठक की गणपूर्ति (कोरम) ग्राम सभा के कुल सदस्यों के बीसवें भाग से पूरी होगी” ।

बिहार पंचायत राज अधिनियम, 2006 की धारा-3 के अंतर्गत ग्राम सभा की बैठक हर तीन महीने में एक बार होनी आवश्यक है। अर्थात् दो ग्राम सभा के बीच की अवधि तीन माह से अधिक का नहीं होना चाहिए। एक कैलेण्डर वर्ष (1 जनवरी से 31 दिसम्बर तक) में न्यूनतम चार ग्राम सभा आयोजित किया जाना

अनिवार्य है। आवश्यकतानुसार ग्राम सभा चार से अधिक आयोजित किया जा सकता है। इसे आसानी से याद रखने के लिए बैठक प्रमुख राष्ट्रीय दिवस या अन्तरराष्ट्रीय दिवस को आयोजित करने का सुझाव दिया गया है। जो निम्न है :- 26 जनवरी - गणतंत्र दिवस, 8 मार्च - अन्तरराष्ट्रीय महिला दिवस, 01 मई - मजदूर दिवस, 15 अगस्त - स्वतंत्रता दिवस, 02 अक्तूबर - गाँधी जयन्ती और 14 नवम्ब -बाल दिवस। धारा-4 की उप धारा (3) के अनुसार ग्राम सभा की बैठक आयोजित करने की जिम्मेदारी मुखिया की होती है। ग्राम सभा की बैठक मुखिया द्वारा आयोजित नहीं करने की स्थिति में पंचायत समिति के कार्यपालक पदाधिकारी (बी.डी.ओ.) को जानकारी मिलने पर वह बैठक का आयोजन कर सकता है। कोई ग्रामीण (मतदाता) द्वारा बी.डी.ओ. को सूचना देने पर भी बी.डी.ओ. बैठक को आयोजित करता है।

बैठक की सूचना डुगडुगी बजाकर, लाऊडस्पीकर से और ग्राम पंचायत कार्यालय के सूचना पट्ट पर नोटिस चिपका कर या अन्य माध्यमों से आम जनता को दिया जाना आवश्यक है। ग्राम सभा की प्रत्येक बैठक की अध्यक्षता उस ग्राम पंचायत का मुखिया और उसकी अनुपस्थिति में उप मुखिया करता है। ग्राम सभा की बैठक का कोरम कुल सदस्यों की संख्या के बीसवें भाग अर्थात् 5 प्रतिशत की उपस्थिति से पूरा होने का प्रावधान है। अगर कोरम के अभाव में बैठक स्थगित हो जाती है तो उसके बाद की बैठक बुलाने पर कुल सदस्यों की संख्या के चालीसवें भाग यानी 2.5 प्रतिशत की उपस्थिति से कोरम पूरा होने का प्रावधान है।

विषय और कार्य

ग्राम सभा की बैठक में सदस्यों की सक्रिय भागीदारी पंचायती राज व्यवस्था को सुदृढ़ और ग्रामीण विकास को गति प्रदान कर सकती है। इसलिए ग्राम सभा के सदस्यों का ग्राम सभा की बैठक में जाना न केवल उनका अधिकार ही है, बल्कि उनका कर्तव्य भी है। अपनी भूमिका निभाने के लिए प्रत्येक ग्राम सभा के सदस्य को अपने अधिकार और कर्तव्य के प्रति जागरूक रहना ग्राम पंचायत के विकास एवं सतत प्रगति के लिए नितान्त आवश्यक है। बिहार पंचायत राज अधिनियम, 2006 के अध्याय – II के अनुसार ग्राम सभा की विचारणीय विषय और कार्य निम्नलिखित है :- ग्राम पंचायत का वार्षिक लेखा-जोखा के बारे में चर्चा करना, पिछले वित्तीय वर्ष के प्रशासनिक प्रतिवेदन पर विचार करना, पिछली अंकेक्षण टिप्पणी पर विचार करना, अगले वित्तीय वर्ष के लिए ग्राम पंचायत के बजट पर विचार करना, पिछले वर्ष के विकास सम्बंधी कार्यों पर समीक्षा करना, वर्तमान वित्तीय वर्ष में शुरू किए जाने वाले प्रस्तावित विकास कार्यक्रम पर विचार करना तथा निगरानी समिति की रिपोर्ट पर विस्तार से चर्चा करना।

कार्य - गाँव में किये जाने वाले विकास के कार्यों में सहायता करना, गाँव के विकास योजना का कार्यान्वयन करने के लिए लाभान्वित होने वालों की पहचान करना, परन्तु यदि समुचित समय के भीतर ग्राम सभा लाभावितों का चयन करने में विफल रहती है तो ग्राम पंचायत ऐसे लाभान्वितों की पहचान करेगा। ग्राम पंचायत क्षेत्र में श्रमदान करके सहयोग देना, गाँव के भीतर जन शिक्षा और परिवार कल्याण कार्यक्रमों में सभी तरह के सहयोग देना तथा गाँव में समाज के सभी वर्गों के बीच एकता और सौहार्द बढ़ाना।

ग्राम पंचायत के कार्यों, योजनाओं और अन्य कार्यकलापों से संबंधित का पर्यवेक्षण करने एवं पर्यवेक्षण प्रतिवेदन प्रस्तुत करने हेतु ग्राम सभा आवश्यकतानुसार एक या एक से अधिक निगरानी समिति का गठन

कर सकती है। ग्राम पंचायत का कोई निर्वाचित सदस्य निगरानी समिति का सदस्य नहीं हो सकता है। अतः इस समिति के गठन से ग्राम पंचायत के कार्यों, उसके कार्यान्वयन, तथाकथित अनपायी गई अनियमितता एवं मनमानी पर रोक लगाया जा सकता है। ग्राम पंचायत के मतदाताओं में से ही इस समिति का गठन किया जाता है और यह समिति अपना रिपोर्ट ग्राम सभा में रखती है। इन्हीं विशयों की वास्तविकता जानते के लिए उत्तरदाताओं का चयन किया गया जो निम्न प्रकार से है:

प्रतिचयनित उत्तरदाताओं का आकार

सीतामढ़ी जिले के चयनित ग्राम पंचायतों के ग्राम पंचायत सदस्यों और ग्राम सभा सदस्यों के बीच अध्ययन के क्षेत्र को सीमित किया गया है। इन सदस्यों द्वारा प्राप्त सूचनाओं को और साथ ही अवलोकन के माध्यम से प्राप्त सूचनाओं को अध्ययन का मुख्य आधार बनाया गया है। इस अध्ययन में ग्राम पंचायत सदस्यों और ग्राम सभा सदस्यों में से कुल 280 व्यक्तियों के नमूनों का ग्राम सभा और ग्राम सभा की बैठकों में भागीदारी के सामान्य सूचना को जानने के उद्देश्य से उपयोग किया गया है। रैण्डम सैंपलिंग विधि से ग्राम पंचायत सदस्यों और ग्राम सभा सदस्यों का चयन किया गया है जिसका विवरण तालिका - 2 में निम्नलिखित प्रकार से है :

तालिका 2 : अध्ययन के लिए नमूना आकार

		ग्राम पंचायत सदस्यों	ग्राम सभा सदस्यों	कुल
लिंग	पुरुष	23	126	149
	महिला	17	114	131
कुल	संख्या	40	240	280
	प्रतिशत	14.28 %	85.71 %	99.99 %

तालिका - 2 में उत्तरदाताओं की लिंग के आधार पर कुल संख्या का विभाजन है।

उत्तरदाताओं का जनांकीशास्त्रीय विवरण

उत्तरदाताओं का दो वर्ग बनाया गया है जिसमें निर्वाचित प्रतिनिधियों को ग्राम पंचायत सदस्यों के वर्ग में सम्मिलित किया गया है और सामान्य नागरिकों को ग्राम सभा सदस्यों वाले वर्ग में सम्मिलित किया गया है। इस प्रकार ग्राम पंचायत सदस्यों के रूप में उत्तरदाताओं की कुल संख्या चालीस है और ग्राम सभा सदस्यों के रूप में उत्तरदाताओं की कुल संख्या दो सौ चालीस है जिनका विवरण कुछ तालिकाओं में अलग-अलग और कुछ तालिकाओं में सम्मिलित रूप से दिया गया है।

ग्राम पंचायत सदस्य - आयु वर्ग के अनुसार

तालिका - 3 के अनुसार वर्णित चालीस ग्राम पंचायत सदस्यों के बीच में 31-50 वर्ष के आयु वर्ग के प्रतिनिधियों की संख्या सबसे ज्यादा है और उनका कुल योग 62.5% है।

तालिका 3: आयु और लिंग के अनुसार ग्राम पंचायत सदस्य

आयु वर्ग (वर्षों में)		21-30	31-40	41-50	51-60	61- ऊपर	कुल
लिंग	पुरुष	2	8	8	3	2	23
	महिला	3	5	4	4	1	17
सभी	संख्या	5	13	12	7	3	40
	प्रतिशत	12.5 %	32.5 %	30 %	17.5 %	7.5 %	100 %

30 वर्ष से कम उम्र के लोग केवल 12.5% है और 61 वर्ष से ऊपर के ग्राम पंचायत सदस्यों का प्रतिशत केवल 7.5% ही है। इन आँकड़ों से यह ज्ञात होता है कि सबसे कम महिला सदस्यों की संख्या आयु वर्ग 21-30 और 61 वर्ष से ऊपर की है।

ग्राम सभा सदस्य: आयु वर्ग एवं लिंग के अनुसार

दो सौ चालीस ग्राम सभा के सदस्यों में सबसे बड़ी संख्या का योग 41-70 वर्ष के आयु वर्ग के लोगों का है और इनका प्रतिशत 70.41 है, जैसा कि तालिका - 4 में विवरण दिया गया है।

तालिका 4: आयु और लिंग के अनुसार ग्राम सभा सदस्य

आयु वर्ग (वर्षों में)		18-30	31-40	41-50	51-60	61-70	71- ऊपर	कुल
लिंग	पुरुष	17	19	22	35	25	8	126
	महिला	7	15	29	37	21	5	114
सभी	संख्या	24	34	51	72	46	13	240
	प्रतिशत	10	14.16	21.25	30	19.16	5.41	99.98 %

तालिका - 4 के विवरण के अनुसार 40 वर्ष से कम उम्र के लोगों की संख्या केवल 24.16% है और 71 वर्ष से ऊपर के ग्राम सभा सदस्यों की संख्या केवल 5.41% है। सीतामढ़ी जिले के ग्रामीण क्षेत्रों में रोजगार के सीमित अवसर होने के कारण 40 वर्ष से कम आयु वर्ग के ग्रामीण लोग दूसरे राज्यों में रोजगार की तलाश में पलायन करते हैं।

राजनीतिक जागरूकता: ग्राम पंचायत सदस्य

ग्राम सभा के कार्यों और ज़िम्मेदारियों से सम्बन्धित सूचना का विवरण तालिका - 5 में दिया गया है, जो ग्राम पंचायत सदस्यों की राजनीतिक जागरूकता को दर्शाती है। इस तालिका के अनुसार 95% सदस्यों ने यह माना कि वे ग्राम सभा के कार्यों और ज़िम्मेदारियों से परिचित हैं और केवल 5% ने कहा है कि वे परिचित नहीं हैं। इस तालिका के अनुसार 55% सदस्यों और 85% सदस्यों ने स्वीकार किया है कि वे 73 वें संविधान संशोधन अधिनियम और बिहार पंचायत राज अधिनियम, 2006 से अवगत हैं, और इस प्रश्न के उत्तर में 45% सदस्यों और 15% सदस्यों को दोनों अधिनियमों की जानकारी नहीं है।

तालिका 5 : ग्राम पंचायत सदस्यों में राजनीतिक जागरूकता

विषय	हां	नहीं	हां (प्रतिशत)	नहीं (प्रतिशत)
क्या आप ग्राम सभा के कार्यों और जिम्मेदारियों से परिचित हैं?	38	2	95	5
क्या आप 73 वें संविधान संशोधन अधिनियम से अवगत हैं?	22	18	55	45
क्या आप बिहार पंचायत राज अधिनियम, 2006 से अवगत हैं?	34	6	85	15
क्या आपने 2006 के बिहार पंचायत चुनाव में मतदान का प्रयोग किया था?	28	12	70	30
क्या आपने 2011 बिहार पंचायत चुनाव में मतदान का प्रयोग किया था?	31	9	77.5	22.5
क्या आपने 2016 बिहार पंचायत चुनाव में मतदान का प्रयोग किया है?	32	8	80	20

बिहार पंचायत चुनाव 2006, 2011 और 2016 के चुनावों में मतदान के प्रयोग में, 70%, 77.5% और 80% ने हाँ में जवाब दिया है, और केवल 30%, 22.5%, और 20% ने नहीं में सूचना दी है। इन आँकड़ों से साबित होता है कि अधिकांश सदस्यों को चुनावों के महत्व की जानकारी है।

राजनीतिक जागरूकता: ग्राम सभा सदस्य

ग्राम सभा के कार्यों और जिम्मेदारियों के संबंध में, 57.91% ग्राम सभा सदस्यों ने कहा कि वे इसके कार्यों से परिचित हैं लेकिन 42.08% सदस्यों ने ग्राम सभा के कार्यों और जिम्मेदारियों से परिचित नहीं होने की सूचना दी है। 73 वें संविधान संशोधन अधिनियम और बिहार पंचायत राज अधिनियम, 2006 से सम्बंधी सूचना में 21.66% सदस्यों और 52.91% सदस्यों ने स्वीकार किया है कि वे परिचित हैं और 78.33% सदस्यों और 47.08% सदस्यों को इन दोनों अधिनियमों सम्बंधी सूचना नहीं है। यह स्पष्ट है कि अधिकांश उत्तरदाताओं को तालिका - 5 में दिखाए गए आँकड़ों के अनुसार ग्राम सभा के कार्यों और जिम्मेदारियों का ज्ञान है, परन्तु अधिकांश उत्तरदाताओं को 73 वें संविधान संशोधन अधिनियम की जानकारी नहीं, जिसका मुख्य कारण शैक्षणिक साधनों का कम होना है।

तालिका 5: ग्राम सभा सदस्यों में राजनीतिक जागरूकता

विषय	हां	नहीं	हां (प्रतिशत)	नहीं (प्रतिशत)
क्या आप ग्राम सभा के कार्यों और जिम्मेदारियों से परिचित हैं?	139	101	57.91	42.08
क्या आप 73 वें संविधान संशोधन अधिनियम से अवगत हैं?	52	188	21.66	78.33
क्या आप बिहार पंचायत राज अधिनियम, 2006 से अवगत हैं?	127	113	52.91	47.08
क्या आपने 2006 के बिहार पंचायत चुनाव में मतदान का प्रयोग किया था?	187	53	77.91	22.08

क्या आपने 2011 बिहार पंचायत चुनाव में मतदान का प्रयोग किया था?	189	51	78.75	21.25
क्या आपने 2016 बिहार पंचायत चुनाव में मतदान का प्रयोग किया है?	192	48	80	20

जिले में शहरी जनसंख्या सिर्फ 5.58% है और अधिकांश जनसंख्या ग्रामीण इलाकों में रहती है और यहाँ के युवा जनसंख्या में विस्थापन की समस्या देखने को मिलती है। इस क्षेत्र में मतदान प्रतिशत भी कम होता है, लेकिन अधिकांश लोग, जो नियमित रूप से मतदान करते हैं, वे बिहार पंचायत चुनाव 2006, 2011 और 2016 के बारे में अवगत हैं, और उनमें हाँ बताने वालों का प्रतिशत 77%, 78% और 22% है और केवल 21%, 22% और 20% ने नहीं में जवाब दिया है। यह स्पष्ट है कि अधिकांश उत्तरदाता मतदान के अधिकार का प्रयोग कर रहे हैं। इस प्रकार वे ग्राम सभा के कार्यों और जिम्मेदारियों को जानते हैं, और मतदान के अधिकार के महत्व को पहचानते हैं।

ग्राम सभा की बैठकें

तालिका 6 : ग्राम सभा (आम सभा) की बैठक (2014-2015 में)

ग्राम सभा (आम सभा) की कितनी बैठकों का आयोजन 2014-2015 वर्षों के अन्तराल में किया गया था ?							
		प्रत्येक महीने	प्रत्येक तीन महीने पर	प्रत्येक छह महीने पर	प्रत्येक वर्ष	बैठक नहीं हुई	कुल
ग्राम पंचायत	संख्या	10	28	2	0	0	40
सदस्यों	प्रतिशत	25	70	5	0	0	100%
ग्राम सभा	संख्या	6	109	81	31	13	240
सदस्यों	प्रतिशत	2.5	45.41	33.75	12.91	5.41	99.98 %

तालिका - 6 में 2014-2015 वर्षों के अन्तराल में आयोजित ग्राम सभा की बैठकों सम्बंधी सूचना का विवरण मिलता है जिसमें ग्राम पंचायत सदस्यों और ग्राम सभा सदस्यों के बीच विरोधाभासी विचारों की सूचना मिलती है। ग्राम पंचायत के 25% सदस्यों ने और ग्राम सभा के 2.5% सदस्यों ने कहा कि ग्राम सभा (आम सभा) एक महीने में एक बार बैठक करती है। ग्राम पंचायत सदस्यों के 70% और ग्राम सभा सदस्यों के 45.41% ने कहा कि ग्राम सभा तीन महीनों में एक बार बैठक करती है। ग्राम पंचायत सदस्यों के 5% और ग्राम सभा सदस्यों के 33.75% ने कहा कि ग्राम सभा की बैठक प्रत्येक छह महीने पर होती है। ग्राम पंचायत सदस्यों के 0% और ग्राम सभा के सदस्यों के 12.91% ने कहा कि ग्राम सभा एक साल में एक बार बैठक करती है। ग्राम पंचायत सदस्यों के 0% और ग्राम सभा सदस्यों के 5.41% ने कहा कि ग्राम सभा की बैठक कभी नहीं होती है।

तालिका 7 : ग्राम सभा (आम सभा) की बैठक (2015-2016 वर्षों में)

ग्राम सभा (आम सभा) की कितनी बैठकों का आयोजन 2015-2016 वर्षों के अन्तराल में किया गया था ?		प्रत्येक महीने	प्रत्येक तीन महीने पर	प्रत्येक छह महीने पर	प्रत्येक वर्ष	बैठक नहीं हुई	कुल
ग्राम पंचायत सदस्यों	संख्या	17	23	0	0	0	40
	प्रतिशत	42.5	57.5	0	0	0	100%
ग्राम सभा सदस्यों	संख्या	14	129	71	23	3	240
	प्रतिशत	5.83	53.75	29.58	9.58	1.25	99.99 %

तालिका - 7 में 2015-2016 वर्षों के अन्तराल में ग्राम सभा की बैठकों की सूचना का विवरण मिलता है, जो 2014-2015 वर्षों के ग्राम सभा की बैठकों की तुलना में सकारात्मक संकेतों को प्रदर्शित करता है। ग्राम पंचायत के 42.5% सदस्यों ने और ग्राम सभा के 5.83% सदस्यों ने कहा है कि ग्राम सभा (आम सभा) एक महीने में एक बार बैठक करती है। ग्राम पंचायत सदस्यों के 57.5% और ग्राम सभा सदस्यों के 53.75% ने कहा है कि ग्राम सभा तीन महीनों में एक बार बैठक करती है। ग्राम पंचायत सदस्यों के 0% और ग्राम सभा सदस्यों के 29.58% ने कहा है कि ग्राम सभा की बैठक प्रत्येक छह महीने पर होती हैं। ग्राम पंचायत सदस्यों के 0% और ग्राम सभा के सदस्यों के 9.58% ने कहा है कि ग्राम सभा एक साल में एक बार बैठक करती है। ग्राम पंचायत सदस्यों के 0% और ग्राम सभा सदस्यों के 1.25% ने कहा है कि ग्राम सभा की बैठक कभी नहीं होती है।

बिहार पंचायत राज अधिनियम, 2006 के अनुसार ग्राम सभा की बैठक को वर्ष में कम से कम चार बार अनिवार्य रूप से आयोजित किया जाना चाहिए, परन्तु तालिका - 6 और तालिका - 7 के विवरण से ज्ञात होता है कि अधिनियम का पालन नहीं किया जा रहा है। वस्तुतः ग्राम पंचायत सदस्यों और ग्राम सभा सदस्यों के बीच विरोधाभासी विचारों की सूचना मिलती हैं। व्यक्तिगत जाँच के क्रम में यह सूचना प्राप्त हुआ कि जिन व्यक्तियों का नाम और हस्ताक्षर ग्राम सभा की बैठक में लिखित है वों बैठक में उपस्थित नहीं थे। इसके अतिरिक्त सर्वेक्षण के दौरान बैठकों के संदर्भ में निम्नलिखित तथ्य प्राप्त हुए, जैसे 1. उच्च स्तरीय प्रशासन के दबाव में बैठकों का आयोजन, 2. बैठकों की सूचना अपर्याप्त रहने के कारण कम उपस्थिति, 3. गणपूर्ति को बाद में किया जाना, 4. महिलाओं एवं अन्य कमजोर वर्गों की कम भागीदारियां 5. पूर्व से एजेण्डा का नहीं होना, 6. बैठकों में महिलाओं के बदले में उनके पुरुष प्रतिनिधियों की उपस्थिति आदि।

निष्कर्ष

उपरोक्त तथ्यों के आधार पर कहा जा सकता है कि ग्राम सभाओं को और सक्रिय बनाने की जरूरत है। सदस्यगण वास्तविक भागीदारी निभाएं। ग्राम सभा की बैठकों में बहुमत से निर्णय करें और निर्णय को प्रभावी बनाने के लिए निरंतर प्रयत्नशील रहें, क्योंकि आर्थिक विकास और सामाजिक न्याय दोनों ही एक प्रक्रिया हैं और इसे निरंतर प्रयास से ही प्राप्त किया जा सकता है। ग्राम सभा की बैठकों के सफल कार्यान्वयन के लिए इसके अनिवार्य पक्षों को सुव्यवस्थित करने की आवश्यकता है जैसे – बैठक का स्थल, बैठक का समय,

बैठक की कार्यसूची, भागीदारी (विशेषकर महिलाओं और अन्य वंचित समूहों की) और बैठकों के निर्णय का निष्पक्ष होना आदि। ग्राम सभा की बैठकों का उद्देश्य केवल संख्यात्मक पक्षों पर नहीं होना चाहिए, बल्कि विचार-विमर्श की गुणवत्ता पर भी होना चाहिए। इस अध्ययन से ज्ञात होता है कि जिले की सभी ग्राम पंचायतों में ग्राम सभा की बैठकों का चरित्र एक समान है। साथ ही इसकी सफलता के लिए ग्राम पंचायत सदस्यों और ग्राम सभा सदस्यों के बीच सहभागिता, उदारता और समर्पण भी होना चाहिए, जिसका अभाव ग्राम सभा के स्तर पर देखा गया है।

(Endnotes)

- 1 जिला पंचायत कार्यालय, डुमरा (सीतामढ़ी)
- 2 बिहार पंचायत राज अधिनियम, 2006 – हिन्दी. पेज- 2-3.
- 3 बिहार पंचायत राज अधिनियम, 2006 – हिन्दी. पेज- 5.



भारतीय लोकतंत्र एवं मीडिया

अंजनी कुमार घोष*

सामान्यतया लोकतंत्र की तीन विशेषताएँ होती हैं - जनता का प्रतिनिधित्व, जनता के हितों का संरक्षण तथा जनता के प्रति उत्तरदायित्व। व्यवस्थापिका जनता का प्रतिनिधित्व करती है। किंतु जनता के जागरूक न रहने पर ऐसे व्यक्तियों का चुनाव कर सकती है, जो ऊपर से जनता के हितों की बात करते हों किंतु वास्तव में अपने लाभ के लिये चुनाव लड़ रहे हों। जनता आतंकित होकर भी किसी बाहुबली या अपराधी का चुनाव करने को विवश हो सकती है। जनता को अपने हितों को समझना भी जरूरी है। जटिल आर्थिक और सामाजिक संरचना में जनता को संकीर्ण जातिगत या क्षेत्रीय हितों के विरुद्ध राष्ट्रीय अथवा सम्पूर्ण समाज के विशाल हितों के बीच अंतर करना होता है और उसका कोई भी गलत निर्णय जटिल समस्याएँ खड़ी कर देता है, ऐसी स्थिति में मीडिया की भूमिका सर्वाधिक महत्वपूर्ण होती है क्योंकि कि मीडिया ही वह माध्यम है जिससे सत्य को उजागर करने की उम्मीद की जा सकती है।

शिक्षा के प्रसार के साथ ही सार्वजनिक क्षेत्र की गतिविधियों पर जनता नजर रखना चाहती है और समाचार-पत्र इसके लिए भरपुर सूचना सामग्री जनता तक पहुँचाते हैं। जहाँ तक समाचार पत्रों का सवाल है, तो इन्होंने शुरु से ही मानव के दृष्टिकोण एवं विचारों को प्रभावित किया है। दुनिया के तमाम देशों में हुई सामाजिक एवं राजनीतिक क्रांतियों के अलावा भारत के स्वाधीनता संघर्ष में समाचार-पत्रों ने अभूतपूर्व भूमिका निभाई। पुनर्जागरण के अग्रदूत और भारतीय पत्रकारिता के जनक, राजाराम मोहनराय सहित अन्य सुधारकों ने भी अपने सुधार कार्यक्रमों को विस्तार देने तथा जन-जन तक पहुँचाने के लिए समाचार-पत्रों को माध्यम बनाया। इसके अलावा लोकमान्य बाल गंगाधर तिलक ने 'मराठा' एवं 'केसरी', सुरेन्द्रनाथ बनर्जी ने 'बंगाली', भारतेन्दु हरिश्चन्द्र ने 'संवाद कौमुदी', लाला लाजपत राय ने 'न्यू इंडिया', अरविंद घोष ने 'वंदे मातरम्' तथा महात्मा गांधी ने 'यंग इंडिया' एवं 'हरिजन' के माध्यम से तथा अन्य महान नेताओं ने विभिन्न भाषाई समाचार-पत्रों के माध्यम से ब्रिटिश शासन की शोषणकारी नीतियों एवं कार्यों को उजागर किया तथा उन्हें जन-सामान्य तक पहुँचाया (पार्थसारथी 1989)। इन समाचार-पत्रों से ब्रिटिश शासन की शोषणकारी प्रवृत्ति का पर्दाफाश न सिर्फ भारत में बल्कि पूरी दुनिया में होता था। समाचार-पत्रों की इस बहुआयामी

* डॉ. अंजनी घोष, एसोसिएट प्रोफेसर, राजनीति शास्त्र विभाग, मगध विश्वविद्यालय बोध गया।

भूमिका के कारण ही ब्रिटिश शासन द्वारा प्रेस पर कठोर प्रतिबंध आरोपित किए गए तथा कई समाचार-पत्रों एवं उनके संचालकों को अराजक घोषित कर दिया, इसके वाबजूद प्रेस द्वारा पैदा की गई जन-जागरूकता ने स्वतंत्रता प्राप्ति के लक्ष्य को प्राप्त करने में अमूल्य योगदान दिया। आजादी के बाद यह जरूरी था कि सरकारी नीतियों एवं विकास कार्यक्रम को आम आदमी तक पहुंचाया जाए और समाचार-पत्रों ने इस कार्य को बखूबी अंजाम दिया। वहीं सरकार के प्रयासों के फलस्वरूप साक्षरता तथा आधुनिकीकरण की प्रक्रिया के साथ-साथ समाचार-पत्रों की संख्या और उनके प्रसार में भी तेजी से विस्तार हुआ है आज तो हम संचार क्रांति के युग में जी रहे हैं, जहां न सिर्फ संचार के अनेक माध्यम हैं, बल्कि सबसे पहले सूचना प्रसारित करने की होड़ मची है।

भारत में मिडिया एवं लोकतंत्र: विकास एवं बदलता स्वरूप

भारत में मीडिया का विकास तीन चरणों में हुआ। (देखें बाजपेयी: 1989, पार्थसारथी: 1989, कार्लेकर: 2002) जिसमें पहले चरण की नींव उन्नीसवीं सदी में उस समय पड़ी जब औपनिवेशिक आधुनिकता के संसर्ग और औपनिवेशिक हुकूमत के खिलाफ असंतोष की अंतर्विरोधी छाया में हमारे सार्वजनिक जीवन की रूपरेखा बन रही थी। इस प्रक्रिया के तहत मीडिया दो ध्रुवों में बँट गया। उसका एक हिस्सा औपनिवेशिक शासन का समर्थक निकला, और दूसरे हिस्से ने स्वतंत्रता का झण्डा बुलंद करने वालों का साथ दिया। राष्ट्रवाद बनाम उपनिवेशवाद का यह दौर 1947 तक चलता रहा। इस बीच अंग्रेजी के साथ-साथ भारतीय भाषाओं में पत्र-पत्रिकाओं के प्रकाशन की समृद्ध परम्परा पड़ी और अंग्रेजों के नियंत्रण में रेडियो-प्रसारण की शुरुआत हुई।

दूसरा चरण : यह दौर आजादी मिलने के साथ प्रारम्भ हुआ और अस्सी के दशक तक चला। इस लम्बी अवधि में मीडिया के प्रसार और गुणवत्ता में जबरदस्त बढ़ोतरी हुई। उसके विभिन्न रूप भारत को आधुनिक राष्ट्र-राज्य बनाने के लक्ष्य के इर्द-गिर्द गढ़ी गयी अखिल भारतीय सहमति को धरती पर उतारने की महा-परियोजना में भागीदारी करते हुए दिखाई पड़े। इसी दौर में टीवी का आगमन हुआ। मुद्रित मीडिया मुख्यतः निजी क्षेत्र के हाथ में, और रेडियो-टीवी की लगाम सरकार के हाथ में रही।

तीसरा चरण : नब्बे के दशक में कदम रखने के साथ ही भारतीय मीडिया को बहुत बड़ी हद तक बदली हुई दुनिया का साक्षात्कार करना पड़ा। इस परिवर्तन के केंद्र में 1990-91 की तीन परिघटनाएँ थीं : मण्डल आयोग की सिफारिशों से निकली राजनीति, मंदिर आंदोलन की राजनीति और भूमण्डलीकरणके तहत होने वाले आर्थिक सुधार। इन तीनों ने मिल कर सार्वजनिक जीवन की आवश्यकताओं को नेपथ्य में धकेल दिया और दक्षिणपंथी लहजा मंच पर आ गया। यही वह क्षण था जब सरकार ने प्रसारण के क्षेत्र में 'खुला आकाश' की नीति अपनायी शुरू की। नब्बे के दशक में उसने न केवल प्रसारण भारतीय निगम बना कर आकाशवाणी और दूरदर्शन को एक हद तक स्वायत्तता दी, बल्कि स्वदेशी निजी पूँजी और विदेशी पूँजी को प्रसारण के क्षेत्र में कदम रखने की अनुमति भी दी। प्रिंट मीडिया में विदेशी पूँजी को प्रवेश करने का रास्ता खोलने में उसे कुछ वक्त लगा लेकिन इक्कीसवीं सदी के पहले दशक में उसने यह फैसला भी ले लिया। मीडिया अब पहले की तरह 'सिंगल-सेक्टर' यानी मुद्रण-प्रधान नहीं रह गया। उपभोक्ता-क्रांति के कारण विज्ञापन से होने वाली आमदनी में कई गुना बढ़ोतरी हुई जिससे हर तरह के मीडिया के लिए विस्तार हेतु

पूँजी की कोई कमी नहीं रह गयी। सेटेलाइट टीवी पहले केबिल टीवी के माध्यम से दर्शकों तक पहुँचा जो प्रौद्योगिकी और उद्यमशीलता की दृष्टि से स्थानीय पहलकदमी और प्रतिभा का असाधारण नमूना था। इसके बाद आयी डीटीएच प्रौद्योगिकी जिसने समाचार प्रसारण और मनोरंजन की दुनिया को पूरी तरह से बदल डाला। एफ़एम रेडियो चैनलों की कामयाबी से रेडियो का माध्यम मोटर वाहनों से आक्रांत नागर संस्कृति का एक पर्याय बन गया। 1995 में भारत में इंटरनेट की शुरुआत हुई और इक्कीसवीं सदी के पहले दशक के अंत तक बड़ी संख्या में लोगों का निजी और व्यावसायिक जीवन का एक अहम हिस्सा नेट के ज़रिये संसाधित होने लगा। नयी मीडिया प्रौद्योगिकियों ने अपने उपभोक्ताओं को 'कनवर्जेंस' का उपहार दिया जो जादू की डिब्बिया की तरह हाथ में थमे मोबाइल फ़ोन के ज़रिये उन तक पहुँचने लगा। इन तमाम पहलुओं ने मिल कर मीडिया का दायरा इतना बड़ा और विविध बना दिया कि उसके आगोश में सार्वजनिक जीवन के अधिकतर आयाम आ गये, (बालसुब्रहमण्यम: 1999)।

वर्तमान भारतीय लोकतंत्र एवं मीडिया की भूमिका

लोकतंत्र को सुदृढ़ करने में संचार माध्यमों (मेडिया) की भूमिका महत्वपूर्ण हो जाती है। स्वतंत्र और बहुमुखी मेडिया के उपर शासन में पारदर्शिता, उत्तरदायित्व और लोकसहभागिता जैसे तत्वों के उजागर करने तथा शासन को मानवाधिकार-आधारित विकास के लिए उन्मुख करने का दायित्व है। विश्व प्रेस कंफ्रेंस 2005 में मेडिया को इन मूल्यों के संधारण का दायित्व निर्धारित किया गया तथा कहा गया कि एक स्वस्थ लोकतंत्र के लिए यह आवश्यक है। जबकि विगत दशकों में मेडिया एवं लोकतंत्र के परस्पर संबंधों की प्रकृति में काफी परिवर्तन आया है यानि मेडिया अब लोकहित में सुचनाओं के प्रसारण में कम उसके व्यवसायीकरण की ओर झुकता जा रहा है जिसे हम टी.आर.पी. बढ़ाने की प्रवृत्ति कहते हैं। इक्कीसवीं सदी में भारतीय मेडिया एवं लोकतंत्र के संबंधों की प्रवृत्ति में बदलाव आया है जैसे लोकहित के उत्तरदायित्व से व्यवसायिक हितों के साधन, ज्ञान निस्सरण से मसाला प्रस्तुति लोकतंत्रिक मूल्यों से व्यवसायिक मूल्यों तथा सामाजिक परिवर्तन एवं लोकसहभागिता के हितों से प्रेस मालिकों के हितों के साधन की ओर झुक गया है (वर्मा, रवीन्द्र कुमार: 2017)। एक अन्य अध्ययन में कॉरपोरेट एवं मेडिया के बीच गहरा संबंध हो गया है (टाइम्स ऑफ़ इण्डिया: 2015)। विकासशील देशों में मेडिया नकारात्मक प्रचार तथा पक्षपातपूर्ण राजनीतिक प्रोपेगण्डा में लिप्त हो गया है (फेन्टन: 2016)। भारतीय आम चुनावों के दौरान देखा गया है कि मेडिया का रूख लोगों के राजनीतिक शिक्षा के प्रति न होकर राजनीतिक अभिजनों तथा व्यवसायिक अभिजनों के प्रति मित्रवत हो जाता है। इसका प्रमाण यह है कि समाचार पत्रों में प्रचार सामग्री की भरमार आ जाती है, सुचनाओं का राजनीतिकरण हो जाता है, ओपिनियन पोलस का बोलबाला बढ़ जाता है। इतना ही नहीं राजनीतिक बयानों की समीक्षा के बजाय पूर्वाग्रह से ग्रसित होकर उसे तोड़ मरोड़ कर पेश किया जाता है। (हसन, जोया: 2014) ने तो यहां तक लिखा कि मेडिया विरोध का उत्पादन करती है तथा सच्चाई को दबाती है। इसके पीछे एक ही कारण है कि मेडिया मालिकों को आमदनी चाहिए जो खबरो से नहीं दलों एवं सरकारी प्रचारों से प्राप्त होता है। एसोचेम के एक रिपोर्ट के अनुसार राजनीतिक दलों द्वारा किये जाने वाले खर्च का 30 प्रतिशत समाचार पत्रों के प्रचार के लिए चले जाते हैं। वर्मा लिखते हैं:

"This raises serious concerns about the trivialisation of content and the impact of the increasing concentration of media ownership in the hands of large corporate

groups. Since most of the media are privately owned and driven by profit motives, commercial compulsions, distort the free and fair dissemination of information." वर्मा, रवीन्द्र कुमार: 2017)

प्रेस पर नियंत्रण के जो कानून उपलब्ध हैं वे या तो अप्रासंगिक हो गये हैं या निष्क्रिय हो गये हैं क्यों कि इनमें अधिकांश कानून अंग्रेजी शासन के दौरान बने हैं। राजनीतिक दल प्रेस पर प्रतिबंध ही नहीं लगाना चाहते हैं क्योंकि उनको ही नुकसान होगा। यहां तक कि सभी राजनीतिक दल अपनी आय-व्यय विवरणी को पारदर्शी नहीं रखना चाहते हैं शायद इसीलिए राजनीतिक दलों ने अपने आय को सूचना के अधिकार की परिधि से बाहर रखने के लिए सर्वोच्च न्यायालय के समक्ष एक जुट हो गये। यह निम्न तथ्यों से उजागर होता है।

पेड न्यूज एवं लोकतंत्र

भारतीय प्रेस परिषद के अनुसार, ऐसी खबरें जो प्रिंट या इलेक्ट्रॉनिक मीडिया में नकद या अन्य लाभ के बदले में प्रसारित किये जा रहे हों पेड न्यूज कहलाते हैं। हालाँकि यह साबित करना अत्यंत कठिन कार्य है कि किसी चैनल पर दिखाई गई विशेष खबर या समाचारपत्र में छपी न्यूज, पेड न्यूज है (सियुनी, के. एवं अन्य: 1992)। भारत में अधिकतर मीडिया समूह कॉरपोरेट के स्वामित्व वाले हैं तथा केवल लाभ के लिये कार्य करते हैं। पत्रकारों की कम सैलरी तथा जल्दी मशहूर होने की चाहत भी इसका एक कारण है। यद्यपि भारत में मास-मीडिया में भ्रष्टाचार मीडिया जितना ही पुराना है, परंतु हाल के वर्षों में यह अधिक संस्थागत एवं संगठित हो गया है, जहाँ समाचारपत्र और टी.वी. चैनल किसी विशिष्ट व्यक्ति, कॉरपोरेट इकाई, राजनीतिक दलों के प्रतिनिधियों इत्यादि के पक्ष में धन लेकर सूचनाएँ प्रकाशित या प्रसारित करते हैं (बालसुब्रह्मण्यम: 1999)। विगत कुछ वर्षों में इसने चुनाव लड़ रहे प्रत्याशियों की रिपोर्टिंग करके एक नया आयाम हासिल किया है। इससे पाठक को गलत सूचनाएँ प्राप्त होती हैं। चुनाव लड़ रहे प्रत्याशी अपने चुनाव खर्च में इसे शामिल नहीं करते हैं, जो कि जनप्रतिनिधित्व अधिनियम, 1951 के तहत लागू चुनाव नियम संहिता, 1961 का उल्लंघन है। संबंधित समाचारपत्र तथा न्यूज चैनल इस आय को अपने बैलेंस शीट में नहीं दर्शाते हैं, इन कार्यों से राजनीति में धन बल का प्रभाव बढ़ता है, जो कि लोकतांत्रिक सिद्धांतों को कमजोर करता है। इससे मीडिया की विश्वसनीयता खत्म हो जाती है तथा लंबे समय में यह मीडिया के लक्ष्यों के लिये नुकसानदायक हो सकता है।

सोशल मीडिया का प्रभाव

21 वीं शताब्दी की दुनिया सोशल मीडिया की है, वर्तमान दौर में सोशल मीडिया लोगों के ज़िंदगी का एक अहम हिस्सा बन चुका है। भारत जैसे लोकतांत्रिक देश में हाल के वर्षों में सोशल मीडिया सबसे बड़ी ताकत के रूप में उभरी है। देश और दुनिया के अमूमन सभी राजनेता विभिन्न सोशल मीडिया प्लेटफार्म पर सक्रिय हैं आज के दौर में किसी भी राजनेता की लोकप्रियता का पैमाना उसके सोशल मीडिया पेज पर फॉलोअर्स की संख्या से आंकी जा रही है। दरअसल इंटरनेट के विकास के साथ ही सोशल नेटवर्किंग के द्वारा इस नए मंच का उदय हुआ है, यह मंच मनोरंजन, राजनीतिक, सामाजिक, अकादमिक, साहित्यिक और सांस्कृतिक

विषयों पर परस्पर और सामूहिक विचार-विमर्श का सबसे प्रभावशाली साधन बन चुका है। हमारे देश में पिछले एक दशक के दौरान चुनाव आयोग के सख्ती के कारण चुनाव प्रचार अभियानों में जहां प्रचार साधनों के उपयोग पर भारी कमी आयी है वहीं अब इसका विकल्प सोशल मीडिया ने ले लिया है। गौरतलब है कि सभी राजनीतिक दलों के अपने-अपने आईटी सेल हैं जिसमें आईटी प्रोफेशनल्स से लेकर सोशल मीडिया के नब्ज के जानकार सक्रिय हैं, यह सेल विभिन्न सोशल मीडिया प्लेटफार्म पर अपने पार्टी व उम्मीदवारों के नीतियों का प्रचार-प्रसार कर रहे हैं। 84 फीसदी युवा आबादी अपने मोबाइल फोन के द्वारा सोशल मीडिया प्लेटफार्म जैसे गूगल, फेसबुक, वाट्सएप, इंस्टाग्राम, मैसेंजर, ट्विटर, ब्लॉग और हाइक से जुड़े हुए हैं, विश्व भर में लगभग 200 सोशल नेटवर्किंग साइट्स हैं। 2014 के आम चुनाव और दिल्ली विधानसभा चुनाव में सोशल मीडिया लोकतंत्र की एक नयी आवाज बनकर उभरी जिसने युवा मतदाताओं को सत्ता परिवर्तन के लिए लामबंद कर दिया। माना कि सोशल मीडिया नेटवर्किंग साइट्स ने भारतीय लोकतंत्र में क्रांतिकारी परिवर्तन लाया है लेकिन इस परिवर्तन का साकारात्मक और नाकारात्मक प्रभाव भी समाज के सामने हैं। सोशल मीडिया का नाकारात्मक प्रभाव देश के राजनीतिक, सामाजिक समरसता और कानून व्यवस्था पर दृष्टिगोचर होने लगा है। इसमें दो राय नहीं कि सोशल मीडिया संवाद-संपर्क के साथ-साथ प्रचार-प्रसार का एक सशक्त माध्यम हैं लेकिन इसका अनुचित इस्तेमाल भी हो रहा है। कई धार्मिक, जातिवादी और अलगाववादी चरमपंथी संगठन इस मीडिया का दुरुपयोग युवाओं को गुमराह करने, उनमें धार्मिक व जातिवादी कट्टरता का बीज बोने में कर रहे हैं। सोशल मीडिया में महापुरुषों के बारे में आपत्तिजनक और विवादास्पद जानकारियां तथा फेक न्यूज व वीडियो परोसी जा रही हैं। बहरहाल संप्रेषण और सूचना का सबसे बड़ा साधन सोशल मीडिया धर्म और राजनीति के लिए दोधारी तलवार साबित हो रहा है। सोशल मीडिया देश के युवाओं और किशोरों के शारीरिक व मानसिक स्वास्थ्य पर भी बुरा असर डाल रहा है। एक शोध के मुताबिक भारतीय युवा अपना 70 फीसदी समय सोशल मीडिया और इलेक्ट्रॉनिक गैजेट्स को दे रहे हैं जबकि अमरीका में यह आंकड़ा 40 फीसदी है। दूसरी ओर सोशल मीडिया व इंटरनेट क्रांति ने पारिवारिक व सामाजिक ताने-बाने, अंतरंगता और समरसता को छिन्न-भिन्न करने में कोई असर नहीं छोड़ा है। युवाओ और किशोरों के लगातार सोशल मीडिया एडिक्ट होने का दुष्परिणाम यह हो रहा है कि वे समाज और परिवार से कटने लगे हैं। भले ही इंटरनेट ने विकास को नए आयाम दिए हों लेकिन सोशल मीडिया का बढ़ता दुष्प्रभाव और बेढंगापन सरकार और समाज के लिए चिंता का विषय है। इन परिस्थितियों में सोशल मीडिया भारतीय लोकतंत्र की ताकत तभी बन सकती है जब इसका उपयोग देश, समाज और व्यक्ति के हित में किया जाए, इसलिए इस दिशा में भारतीय समाज को सजग होना होगा।

मीडिया द्वारा अब स्वास्थ्य जैसे जनोपयोगी विषयों पर भी पर्याप्त जानकारी जनता को दी जा रही है जिससे लोगों के जीवन के हर क्षेत्र में जागरूकता बढ़ रही है। परन्तु वहीं भ्रामक सूचनाओं का भी बोलबाला बढ़ गया है। सोशल मिडिया के कारण अब राजनीतिक विवाद भी बढ़ रहे हैं। अपने विपक्षियों पर छींटाकसी का दौर चल पड़ा है। इन्हीं कारणों से वर्तमान सरकार इस मिडिया पर अंकुश लगा रही है। यहां या उल्लेखनी है मिडिया पर सरकारी प्रतिबंधों से लोकतंत्र कमजोर होगा। विपक्ष द्वारा आलोचनात्मक अभिव्यक्ति के अवसर कम होने लगेंगे। आवश्यकता है कि सोशल मिडिया के संचालकों को आत्ममंथन कर अपने लिए सीमाएं तय करनी होंगी।

यह मीडिया की विश्वसनीयता और उसकी अबाध शक्तियों के लिए आवश्यक है कि उस पर किसी भी प्रकार से उंगली न उठे। उदाहरण के लिए पिछले वर्ष प्रधानमंत्री नरेंद्र मोदी ने संयुक्त राष्ट्र की आर्थिक और सामाजिक परिषद में दिए एक वचुअल भाषण में कहा था कि 'भारत ने कोविड-19 के खिलाफ लड़ाई को एक जनआंदोलन बना दिया है'। मोदी के इस बयान को भारतीय मीडिया में खूब कवरेज मिली, लेकिन हैरत की बात ये है कि किसी ने भी प्रधानमंत्री के दावों को चुनौती नहीं दी। ये अलग बात है कि भारत में संक्रमण के मामले उसी दिन दस लाख का आंकड़ा पार कर गए थे। भारतीय मीडिया ने 'कोरोना के खिलाफ लड़ाई के जनआंदोलन बन जाने' का सबूत नहीं मांगा। इसके ठीक विपरीत, सोशल मीडिया पर हजारों आम आदमी अपनी रुला देने वाली आपबीती लिख रहे हैं। मरीज़ अस्पतालों के चक्कर काट रहे हैं और कहीं-कहीं पर वाहनों में ही उनके दम तोड़ने की खबर मिल रही है।

पेड न्यूज़ एवं सोशल मिडिया पर नियंत्रण हेतु सुझाव

1. सरकार से बाहर स्वायत्त संस्थाओं को इनपर नियंत्रण के भार सौंपे जाने चाहिए। हम पहले कह चुके हैं कि प्रेस नियामक संस्थाएं या तो आजादी के पूर्व बनी थीं वो लोकतंत्र के अनुरूप नहीं थी। आजादी के बाद बनीं संस्थाओं को शक्तियाँ नहीं दी गईं। उदाहरणार्थ प्रेस कॉन्सिल ऑफ इण्डिया को अर्धनयायिक दर्जा तो प्राप्त है परन्तु इसके पास दण्डात्मक अधिकार नहीं हैं। दूसरी बात इलेक्ट्रॉनिक मीडिया संबंधी प्रावधान भी पर्याप्त नहीं हैं। प्रेस कॉन्सिल ऑफ इण्डिया एक्ट 1978 के सेक्सन 15(4) में इस प्रकार संशोधन किया जाय कि इसके निदेश सरकार पर बाध्यकारी हों तथा इसके अध्यक्ष पर सरकारी नियंत्रण या प्रभाव नहीं हो।
2. आज आवश्यकता आन पड़ी है कि मीडिया के लिए अम्बुड्समैन या लोकपाल जैसी संस्था का निर्माण किया जाय जो सरकारी नियंत्रण से परे हो तथा उसके प्रभाव से मुक्त हो।
3. राजनीतिक दलों के आय स्रोतों में पारदर्शिता लायी जाय तथा इसे सूचना के अधिकार के दायरे में लाया जाय। इसपर सर्वोच्च नयायालय के एक वाद में टिप्पणी उभर कर आयी है कि राजनीतिक दलों को मिलने वाला धन भी सार्वजनिक धन ही माना जाय। इनके द्वारा मीडिया पर किये गये व्यय का लेखा जोखा सार्वजनिक होना चाहिए।
4. यह तथ्य भी प्रकाश में आया है कि पत्रकारों की सेवा शर्तें इतनी नाजुक कर दी गई हैं कि उनकी स्वायत्तता समाप्त हो गई है। उनकी सामाजिक सुरक्षा के ठोस प्रावधान नहीं हैं। वेतन कम होने के साथ साथ उनकी सेवा में स्थायित्व नहीं है। इसलिए उन्हें आजिविका की रक्षा के लिए मालिकों के अनुसार कार्य करना पड़ता है। उपर हम चर्चा कर आये हैं कि राजनीतिज्ञ एवं पूँजीपतियों के बीच एक अप्रत्यक्ष गंठजोड़ होता है। अतः अब समय आ गया है कि पत्रकारों की समुचित सेवा शर्तों का निर्धारण कानून द्वारा किया जाय।
5. हाल ही में चुनाव आयोग ने प्रचार सामग्री के साथ-साथ पेड न्यूज़ को चुनावी अपराध घोषित करने का प्रस्ताव रखा है। चुनाव आयोग का ऐसा मानना है कि इस कदम से दोषी प्रत्याशियों के विरुद्ध निर्वाचन याचिका के तहत कार्रवाई की जा सकेगी। हालाँकि यह प्रस्ताव अभी सरकार के पास लंबित है। अगर अब यह विधि मंत्रालय के ऊपर निर्भर करता है कि वह पेड न्यूज़ को चुनावी अपराध घोषित करने के लिये साहसिक कदम उठाता है या नहीं। अतः आवश्यकता इस बात की है कि मीडिया जनता के हित में काम

करे न की सत्ता में बैठे लोगों के लिए। अगर वे ऐसा करते हैं तो लोकतंत्र मजबूत होगा अन्यथा लोकतंत्र खतरे में पड़ जाएगा।

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नैराश्य नभ में न्यायतंत्र

अशोक कुमार*

देश के संविधान निर्माताओं ने लोकतंत्र के अति तीन महत्वपूर्ण स्तम्भों में न्यायपालिका को जो अलौकिक जिम्मेदारी प्रदान किया था वह ईश्वरीय न्याय के बाद द्वितीय स्थान दिया गया था। बढ़ती जनसंख्या और सामाजिक तानेबाने के टूटते तारतम्य ने इसकी भूमिका में गुरुतर कर्तव्यों से लैश कर दिया क्योंकि बढ़ते मुकदमों के अम्बार ने न्यायालय की कोठरी को जीवन मरण के प्रश्न से जोड़ दिया। पारिवारिक मुकदमे से लेकर निजी प्रतिष्ठानों एवं सरकारी विवादों को कचहरी को अंतिम न्याय का मंदिर घोषित कर दिया है। चिन्ताप्रद आंकड़े साक्षी हैं कि देश के जिला न्यायालयों में करीब पौने चार करोड़ मामले, उच्च न्यायालयों में 55 लाख से अधिक जबकि उच्चतम न्यायालय में एक लाख से अधिक मुकदमों वर्षों से विचाराधीन हैं। इन कुल मुकदमों में लगभग सत्तर प्रतिशत विषय फौजदारी के हैं जबकि नीति आयोग के प्रतिवेदन स्पष्ट बता रहे हैं कि उपरोक्त तीनों स्तर के न्यायालय में इन वादों के निष्पादन में सवा तीन सौ साल का समय लग सकता है। हाल में उच्चतम न्यायालय ने भारत सरकार के कानून मंत्रालय से जानना चाहा कि देश के उच्च न्यायालयों में न्यायाधीश की नियुक्ति हेतु करीब चार दर्जन से अधिक जिन नामों की अनुशंसा कॉलेजियम द्वारा की गई थी उसका भविष्य अभी तक क्यों नहीं तय किया गया। सबसे गम्भीर स्थिति यह भी उजागर हुई कि दस मामले में जब कॉलेजियम ने दुबारा अनुशंसा सरकार को भेज दी तो स्वीकृति की बाध्यकारी स्थिति को भी नजरअंदाज किया गया। मौन मन से यह स्वीकार करने में कोई गुरेज नहीं है कि राष्ट्रीय न्यायिक नियुक्ति आयोग की भ्रूण-हत्या जबसे हुई है तब से सरकार और उच्चतम न्यायालय के बीच मनमुटाव और कटुता में वृद्धि हुई है। आंकड़े यह भी बता रहे हैं कि देश की जिला अदालतों में पांच हजार से अधिक जबकि विभिन्न उच्च न्यायालयों में चार सौ से अधिक रिक्ति विद्यमान है। आश्चर्य यह भी है कि वर्षों से देश विधि आयोग के गठन से वंचित है। जजों के चयन में देरी के कारणों में उच्च न्यायालय के कॉलेजियम द्वारा अनुशंसित नामों में करीब तीस प्रतिशत नाम सुप्रीम कोर्ट द्वारा विभिन्न कारणों से अस्वीकार कर दिए जाते रहे हैं जबकि केंद्र सरकार भी कई नामों पर अपनी आपत्ति दर्ज कर सुप्रीम कोर्ट लौटा दिया करती है। 2020

* डॉ. अशोक कुमार बिहार विश्वविद्यालय सेवा आयोग के सदस्य हैं। लेखक बिहार प्रशासनिक सेवा के वरीय पदाधिकारी रहे हैं। (नोट: ये लेखक के व्यक्तिगत विचार हैं) E-mail: ashok17_kumar@rediffmail.com;

में 20 से अधिक मामले जब सुप्रीम कोर्ट कॉलेजियम ने केन्द्र सरकार को पुनः भेजे तो उसे भी रस्साकशी के कारण लंबित रखा गया। हाईकोर्ट जजेज एसोसिएशन की याचिका पर वर्ष 2002 में सुप्रीम कोर्ट ने अपने निर्णय में प्रत्येक दस लाख की जनसंख्या पर 50 जजेज की बात कही थी जबकि वर्तमान में 19 जजेज ही कार्यरत हैं। कोरोना कहर में विभिन्न न्यायालयों में साठ लाख से अधिक मुकदमों में वृद्धि होना चिंता का विषय है।

बिहार के विभिन्न जिला अदालतों में एक हजार से अधिक मुकदमों तीस सालों से करवट बदल रहे हैं जबकि राज्य के एक जिले के कोर्ट में 1952 से एक मुकदमा दम तोड़ रहा है। ये उदाहरण तो एक बानगी है जबकि सही ढंग से जांच हो तो देश में लाखों दायर मुकदमों में दोष सिद्ध होने पर निर्धारित सजा अवधि से अधिक की जेल की सजा काट चुके विचाराधीन कैदी मिलेंगे। बुनियादी तौर पर मानवाधिकार मामले का तकाजा है कि ऐसे अंडरट्रायल मुजरिम यदि बेगुनाह सिद्ध होते हैं तो उनकी जेल में बिताई अवधि उसे कौन सा कानून वापस दिला सकेगा जिसके कारण वे अपने परिवार से विलग रह मानसिक, आर्थिक, सामाजिक एवं शारीरिक यंत्रणा के शिकार हुए। कचहरी के किताबों में दर्दनाक आंकड़े साक्षी हैं कि विभिन्न श्रेणी के कारागार में करीब चार लाख विचाराधीन कैदी हैं जो हमारे ज्यूडिशियल सिस्टम को खुद कटघरे में खड़ा करती है। एक ओर वीवीआईपी के न्यायिक मामलों की सुनवाई हेतु अर्धरात्रि में न्यायालय के दरवाजे खुल जाते हैं लेकिन सालों साल से लंबित विचाराधीन कैदियों के मुकदमों के फाइल दम तोड़ते दिखते हैं। सर्वेक्षण सूत्र बता रहे हैं कि विचाराधीन कैदियों के मामलों में ज्यादा गरीब, दलित और कमजोर वर्ग के लोग हैं जो लघु किस्म के आपराधिक कृत्यों के कारण आरोपी बने हुए हैं जिनके पास अपनी सुनवाई और पैरवी के लिए पर्याप्त पैसे नहीं हैं। यद्यपि न्यायिक व्यवस्था ने ऐसे आरोपी के लिए विधिक सहायता राशि का प्रावधान किया है लेकिन वह राशि इतनी कम है कि कोई वकील उनके मामले की कानूनी पैरवी करने को तैयार नहीं होते। ऐसे मामले "तारीख पर तारीख" की नियति से गुजरने को विवश हैं। देश का मीडिया मंडी भी ऐसे संवेदनशील मामले को उठाने में परहेज करती है जबकि मानवाधिकार जैसी संवैधानिक संस्था की निगाहें भी इस ओर गतिशील नहीं हो पा रही हैं।

न्याय व्यवस्था की इस दर्दनाक स्थिति के लिए जितना उत्तरदायी न्यायाधीशों की कमी, उनकी जटिल नियुक्ति प्रक्रिया है उससे कहीं अधिक दोषी सरकार है जो एक ओर न्याय के साथ विकास की बात करते हुए पांच ट्रिलियन डॉलर की अर्थव्यवस्था के लुभावने सपनों में जनता जनार्दन को सराबोर करती है। उपाय यही है कि अभियान चलाकर रिक्त पड़े जजों की सीट को भरा जाय और मुकदमों की भीड़ को कम किया जाए। इस हेतु सरकार एवं न्यायालयों को पूर्वाग्रह से मुक्त हो देश की जर्जर न्यायिक तंत्र को मजबूती देने की जरूरत है ताकि पीड़ित पक्ष को उसे न्याय इसी जन्म में प्राप्त हो सके। साथ ही साथ उच्च एवं उच्चतम न्यायालय में अवकाश की संख्या कम की जाय, न्यायालय का संचालन दोनों पाली में सप्ताह में छः दिनों तक किया जाय, नूतन न्यायालय का गठन किया जाय, त्वरित न्यायालयों की संख्या में वृद्धि की जाय एवं मुकदमों के निपटारे के लिए निर्धारित अवधि सहित अधिकतम सुनवाई की संख्या भी सुनिश्चित हो। मुकदमों के निष्पादन में बरती जा रही सुस्ती हेतु भी सम्बंधित जजों को चिन्हित करते हुए उनके विरुद्ध ससमय स्थापित प्रावधानों के तहत कारवाई की जाए।



15वीं वित्त आयोग एवं सघीय व्यवस्था: एक टिप्पणी

अशोक कुमार शर्मा*

भारतीय संविधान के अनुच्छेद २८० में प्रदत्त प्रावधानों के अंतर्गत भारत की संघीय व्यवस्था के तहत वित्त आयोग की संरचना का प्रावधान किया गया है जो केन्द्र और प्रदेश की सरकारों के बीच प्राप्त कर राशि का वितरण करने की अनुशंसा करने का काम करती है। संघीय व्यवस्था में सभी प्रदेशों के लिए यहां समावेशी व्यवस्था अपनाई गई है ताकि प्रदेशों के बीच विकास के अन्तर को कम करने का प्रयास किया जाय न कि उत्कृष्ट प्रदर्शन करने वाले प्रदेशों को उच्चतम राशि आवंटित की जाय।

१५ वीं वित्त आयोग के द्वारा समर्पित प्रतिवेदन में यहां एक बेहतरीन व्यवस्था करते हुए समता, जरूरत एवं दक्षता पर ध्यान केंद्रित करने की कोशिश की गई है जो इस वित्त आयोग के द्वारा समर्पित अनुशंसाओं की सबसे बड़ी विशिष्टता है। इसके अतिरिक्त जम्मू-कश्मीर की सुरक्षा व्यवस्था और विशेष जरूरतों को पूरा करने के लिए अन्य राज्यों के आवंटन को ४२ प्रतिशत से ४१ प्रतिशत कर दिया गया है। इस रिपोर्ट में सभी छोटे- बड़े प्रदेशों की जरूरतों को दृष्टि में रखकर अनुशंसाओं को मूर्त रूप दिया गया है ताकि किसी भी प्रदेश को कोई वित्तीय सहायता मिलने में कहीं कोई सरकारी अड़चन उत्पन्न नहीं हो। १५ वीं वित्त आयोग के द्वारा वर्ष २०११ के जनगणना की आवादी को आधार बनाकर निर्णय लेते हुए समस्त अनुशंसाएं की गई है तथा १४ वीं वित्त आयोग के द्वारा अपनाए गये सभी मापदण्डों को ही स्वीकार करते हुए ही प्रदेशों के बीच वितरित की जाने वाली कर राशि हेतु अनुशंसाएं की गई है। १५ वीं वित्त आयोग के द्वारा सरकारी खर्चों की गुणवत्ता में सुधार लाने और राजकोषीय स्थिरता बढ़ाने के उद्देश्य से इसमें समता, जरूरत तथा दक्षता के मापदंडों को अपनाने की व्यवस्था अपनाते हुए प्रदेशों के बीच प्राप्त कर राशि के वितरण की व्यवस्था की गई है। आयोग के द्वारा ४१ प्रतिशत राजस्व को केन्द्र एवं प्रदेशों के बीच वितरित करने की अनुशंसा की गई है जो पिछले वित्त आयोग से १ प्रतिशत कम है जिसके पीछे के कारणों में जम्मू-कश्मीर एवं लद्दाख का केन्द्र शासित प्रदेश बनना एक महत्वपूर्ण कारण रहा है।

* डॉ. अशोक कुमार शर्मा संप्रति बिहार लोक सेवा आयोग, पटना के सदस्य हैं। लेखक बिहार वित्त सेवा के वरीय पदाधिकारी रह चुके हैं। (नोट: लेख में व्यक्त विचार लेखक के व्यक्तिगत विचार हैं।)

दक्षिण के प्रदेशों को आबादी के हिसाब से राजस्व घाटा अनुदान की सिफारिश की गई है। आयोग के द्वारा राजस्व के क्षेत्रीय वितरण के लिए विचलन फार्मूला का तय किया जाना एक महत्वपूर्ण कदम है। अनुशांसाओं में देश में उचित अधिभार के साथ-साथ व्यय की समता, जरूरत और दक्षता के बीच संतुलन की व्यवस्था रखते हुए राजस्व के वितरण को महत्ता दी गई है। आयोग के द्वारा राज्यों की आय अन्तर को ४५ प्रतिशत अधिभार देते हुए सकारात्मक विभेद के आधार पर समानता करने का प्रयास किया गया है। जनसंख्या व क्षेत्रफल के लिए १५-१५ फीसदी, वन एवं पारिस्थितिकी के लिए १० फीसदी, जरूरत की कसौटी का प्रतिनिधित्व एवं डेमोग्राफिक प्रदर्शन को १२.५ प्रतिशत अधिभार तथा कर एवं राजकोषीय प्रयासों के लिए २.५ प्रतिशत देना वित्तीय दक्षता को संबल देता है। यह आयोग समसामयिक एवं उपयोगी अनुशांसाओं से परिपूर्ण प्रतीत होता है जिससे सामाजिक, ग्रामीण शासन एवं प्रशासनिक सुधार के क्षेत्र में कार्यों को मजबूती मिलने की प्रबल संभावना है। 15वीं वित्त आयोग के द्वारा अनुदान सहायता की सिफारिशों को पांच श्रेणियों में वर्गीकृत किया जा सकता है यथा राजस्व घाटा अनुदान, स्थानीय प्रदेशों के लिए अनुदान, आपदा प्रबंधन के लिए अनुदान, विशेष क्षेत्रों लिए अनुदान एवं विशेष प्रदेशों के लिए अनुदान जिसे बहुत ही स्पष्ट एवं सहजता के साथ रेखांकित किया गया है। आयोग के द्वारा प्रदर्शन आधारित प्रोत्साहन व अनुदान को चार श्रेणियों में वर्गीकृत किया गया है जो सामाजिक, ग्रामीण अर्थव्यवस्था, शासन और प्रशासनीय सुधार इसके साथ ही प्रदेशों को अतिरिक्त ऋण प्राप्त करने के लिए महत्वपूर्ण विंडो की स्थापना करने की अनुशांसा राज्यों एवं प्रक्षेत्रों के लिए लाभकारी प्रतीत होती है। १५ वीं वित्त आयोग में वित्त आयोग के अध्यक्ष एन के सिंह के द्वारा अपनी सौंपी गई रिपोर्ट में समता (Equity), जरूरत (Need) एवं दक्षता (Efficiency) के बीच संतुलन बनाए रखने का प्रयास किया गया है। हालांकि इस वित्त आयोग के रिपोर्ट में प्रदेशों के साथ सही-न्याय किया गया है फिर भी वित्त आयोग के द्वारा राशि वितरित करने के लिए अपनाई गई जनसंख्या के मानकों को दक्षिण के प्रदेशों के द्वारा आपत्ति दर्ज करते हुए आलोचना की गई है। जो भी हो, 15वीं वित्त आयोग की अनुशांसाएं पिछले आयोगों की तुलना में अधिक न्यायपूर्ण, सर्वांगीण तथा समावेशी विकासोन्मुख एवं संसदीय ढांचे को मजबूत करने की दिशा में उपयोगी सिद्ध होगी। हालांकि इस विषय पर और अधिक अन्वेषण एवं परीक्षण की आवश्यकता है। मेरा आग्रह है कि हमारे अर्थशास्त्री इसका मूल्यांकन करें।

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