THE INDIAN JOURNAL OF PUBLIC ADMINISTRATION

Editor

M.P. Singh

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Greetings to the readers from a new editor!

Public Administration is a new and dynamic discipline with modern parameters but ancient roots. Like other modern social sciences, it developed in the wake of the crystallisation of the modern nation-state born in the trail of the bourgeois revolution in France in 1789. It was Germany, however, which produced the first major classic theoretician of the nation-state in Hegel in the 18th century. It was, however, the Idealist theory of state in need of liberal democratic reorientations by John Stuart Mill, McIvor, Harold Laski and others.

The bourgeois revolution in the United States of America (USA) triggered by the American War of Independence (1775-1782), on the other hand, produced the first federal nation-state - in a democratic reincarnation of the Tudor monarchy of the United Kingdom (UK) of England, Scotland, Wales, and Ireland (now Northern Ireland). This pioneering federal state was fabricated in the first written Constitution made by the Philadelphia Convention in 1787 (after the failed Articles of Confederation drafted by the Continental Congress). The earliest major classic theoretical exposition of this model of government – the preferred term in Anglo-American tradition had been ‘government’ as against the European penchant for the term ‘state’ – are (i) The Federalist (1987) authored by Alexander Hamilton, James Madison, and John Jay, all among the prominent makers of the US Constitution; and (ii) Democracy in America (2 volumes) (English Trans. 1945) by Alexis De Tocqueville, a French traveller across the USA in 1831 for nine months. In uniting previously independent states, the Americans crafted a constitutional contract premised on a combination of the theory of separation of powers they borrowed from Montesquieu and John Locke in European political tradition and their own newly devised theory of federal division of powers, creating in the process the mechanism of institutional checks and balances.

Canada adopted the first parliamentary-federal Constitution in 1867, followed by Australia in 1901, departing from the US presidential-federal model. India was the first Afro-Asian country to adopt a similar Constitution in 1950 in the British Commonwealth parliamentary-federal tradition. These constitutions seek to combine contradictory principles of parliamentary centralism with federal decentralism in view of their considerable cultural
and regional diversities. In Canada and Australia each colony in the sub-continent or continent was severally linked with the imperial government in London (in some ways similar to the princely states in India before 1947), while the various British Indian provinces were integrated in a common administrative framework in the colony and then connected with the imperial government in London. Thus the process of federal formation in the USA and the British Commonwealth differed significantly. In the USA previously independent states united to form a peripheralised and decentralised federation, retaining more powers for the states. In the Commonwealth a centralised imperial or colonial state structure was sought to be divided into federating units with somewhat limited powers vis-à-vis the Centre. Yet their transition from a unitary to federal state retained significant residues of political centralism which they considered necessary for maintaining national unity and integrity.

The first comprehensive comparative academic treatise on federalism was produced by an Australia-born Briton, K. C. Wheare, in *Federal Government* (1964, first edition 1946). Wheare tended to take the US Constitution as the model of federalism, calling others deviating from it as 'quasi-federal'. The more contemporary theoreticians of federalism, including Wheare’s Ph. D. student Ronald L. Watts, and others like Daniel Elazar have freed themselves from this untenable US-centric historical hangover and treat every federal constitution and/or system in its own historical context and contemporary ground. Even Wheare in his classic work had conceded, for example, that the Constitution of Canada was quasi-federal but its later working had made the government of Canada federal in practice. About India, Wheare’s argument was that the Constitution as well as the Government of India were quasi-federal until at least the time of Prime Minister Nehru when the last revised edition of the text was published by the author which coincided with the demise of Nehru in 1964. The contemporary scholarship on Indian federalism has no reservations against interpreting both the Constitution and Government of India as federal, barring the Emergency interlude.

Industrial Revolution in the latter half of the 19th century in the UK and the West produced modern capitalism, a strange bedfellow of democracy, strange because both have contradictory guiding principles in mass public interest and capitalist profit respectively. Yet it is only in a capitalist economy that democracy has managed to survive by seeking to reconcile the major premises of democracy and capitalism. Capitalist democracy in Europe and America produced the first classical theorists of Public Administration in Max Weber in Germany and Woodrow Wilson in the USA. Weber theorised that bureaucracy was an essential part of the state: a ‘patrimonial bureaucracy’ in a feudal state and ‘legal-rational’ one in a modern state. Both
maintained a politics-bureaucracy dichotomy, Wilson even more clearly in the context of the American history which lacks a feudal past and has had a more vigorous civil society and market institutions.

Excesses of capitalism in its early, more exploitative, phase produced its major classic critique in the writings of Marx and Engels in the 19th century. It was followed by its revisionist versions in Western Marxism and its revolutionary executions in the Soviet and Chinese versions. Paradoxically both these developments were contradictory to the Marxist theory as Marx and Engels had produced a prognosis of progressive immiserisation of the industrial working class in the capitalist economy which would propel a revolutionary overthrow of capitalism in the inexorable course of history. In the West, progressive improvement in the condition of the working class produced the revisionist strands and neo-Marxist interpretations in Western Marxism signalled in Eduard Bernstein, Antonio Gramsci, Louis Althusser, Nicos Paulantzas, Ralph Miliband, etc. In Eastern Marxism, Lenin and Mao actually led peasant revolutions in Russia and China rather than industrial proletarian revolutions. More relevant for our argument here, in a state founded on Marxist ideology, bureaucracy could not have a functional role autonomous from the political leadership as the two were integrated in a totalitarian fusion of the communist party and the state.

The rise of Fascism in Italy and Nazism in Germany during the inter-War period in the last century, the Great Economic Depression in 1929-30s, and the post-World War II reconstruction prepared the backdrop to the rise of Welfare State by way of reconciling democracy and capitalism in mutual symbiosis. The theoretical lead for this development came from the British economist John Maynard Keynes and an attempt to operationalise it in the UK was made in the Report on Full Employment in a Free Society made by Lord Beveridge. Substantially universal Welfare States were also developed in Canada and Scandinavia.

The Constitution of India drafted around the same time in the post-World War II era reflects the Indian political discourse on democracy and development that had crystallised into a consensus during the movement for national independence and limited constitutional reforms by the British Raj. These are encapsulated in the Motilal Nehru Committee Report, 1928; the ‘Poorna Swaraj’ Resolution of the Lahore All India Congress Committee, 1930; Karachi Resolution of All India Congress Committee, 1931; the Government of India Act, 1935; and Tej Bahadur Sapru Committee Report, 1945. The independent Indian Constitution, 1950, founded a liberal democratic state structure with a Charter of Fundamental (civil and political) Rights and a Charter of Social and Economic Securities reminiscent of the Welfare State called Directive Principles of State Policies. The Fundamentals
were made enforceable by courts while Directives were not, but were still declared to be ‘fundamental in the governance of the country’, thus endowing them with a great deal of a constitutional moral force.

However, limited steps towards a full-fledged universal Welfare State of the Western version in India have so far remained limited to a package of poverty alleviation programmes. Before the Indian dream could materialise, it was thwarted by: (i) the gradual folding up of the Welfare State in the West itself due to the fiscal overload on the state as well as the human cupidity of its misuse; and (ii) the crisis of the Indian model of the democratic developmental state as well. The former made a global ideological shift to neoliberal capitalism and the latter reduced the manoeuvrability of the Indian state vis-à-vis pressures of globalisation to introduce neoliberal economic reforms.

The neoliberal capitalist globalisation itself has faced some serious financial crisis first in East Asian developmental states in 1997 and subsequently in the metropolitan capitalist centres in North America and Western Europe themselves since 2008-2009. This necessitated some retreat from market fundamentalism and in some way substantiated the scepticisms of those who were critical of the undue pressures for neoliberal policies in the capitalist peripheries. Moreover, the 21st century opened up the possibilities of faster, in fact fastest, rates of economic growth globally in Asian economies, especially China, India, and Indonesia.

We must rethink Public Administration, increasingly called Public Management, in the historical backdrop and fast-changing contemporary contours rapidly reviewed and sketched above. The fuller narratives will have to cover at least three major paradigm shifts in the theories of modern state and capitalism as the larger institutional complexes within which public administration and public management are nestled: the rise and decline of Socialism (1848-1948), the rise and decline of the Welfare State (1945-1960s), and the rise and decline of Neoliberal State (1970s-to-date). What next? Neither return to socialism nor to neoliberalism are the likely courses the future might take. For aberrations in practice of socialism in the Soviet Union and Communist China have been far more sinister and costly in human suffering and exploitation than those of the Welfare State in the U. K., Canada, and Scandevia. A reformed Welfare State being currently debated under the nomenclatures such as ‘progressive governance’ or the Third Way between Socialism and Neoliberalism and premised on the core values and policy framework emphasising ‘opportunity’, ‘responsibility’, and ‘community’ (territorial rather than ethnic) would appear to be the most probable way ahead. This would be the best bet in terms of both empirical and normative political theory.
Thomas Piketty in his book *Capital in the Twenty-First Century* (2014) argues with evidence that neoliberal economic restructuring during/since 1980s in the West has actually slowed down economic growth, and whatever growth that has taken place has benefited only a handful of people at the top. This has only contributed to global instability. The author has adduced enough evidence on considerable increase in wealth-production ratio over time. In standard economic theory this should have led to greater rise in wages and relative decrease in profitability of capital. But in capitalism today just the reverse has been happening! The reason for this is that accumulation of capital is not coupled with investment. There is stagnation in productive capital. The expansion of wealth has occurred in real estate and immovable property. The burst of the real estate balloon has been witnessed in several countries of the West. There is hardly any correction in this distortion, only some bailout of the beleaguered capital in misguided reward to the failure due to neo-feudal prestige competitiveness in buying villas on the hills or the coasts. In a review essay on this book, Joseph E. Stiglitz opines that if we correct the rules of the game, we can return to the economic system of the mid-twentieth century middle-class societies premised on high and widely shared economic growth.

II

Not being a Special Issue focused on a single topic, this issue naturally lacks a thematic unity. The 13 articles included here are broadly divisible into issues concerning gender and child rights, federal dilemmas, developmental concerns and service delivery, statecraft in ancient Indian epics, decision making, political and economic institutions, urban sustainability, and methodological issues in social sciences in general and Public Administration in particular. The articles by Bidyut Chakrabarty, Gadadhara Mohapatra, and Sanjeev Kumar and Sainath Banerjee deal with issues relating to women and children. Chakrabarty narrativising women’s empowerment in India, with special reference to some villages in U.P., largely attributes their plight to the socio-economic structures and the culture of patriarchy. He pins his hope on education, laws, and policies of the state in actualisation of the objectives of gender equality and justice. Gadadhara Mohapatra presents a case study of mobilising micro-finance in a backward region of a backward state involving weaker section women. It is a success story as the women’s self-help groups in Kalahandi district of Odisha were able to significantly reduce dependency of tribal women and their families on the local moneylenders. This study corroborates the internationally known work of Md Yunus in Bangladesh. Sanjeev Kumar and Sainath Banerjee report on their policy evaluation study of the integrated child development
services among the urban poor and slum-dwellers. The child rights earlier relegated to Part IV of the Indian Constitution on Directive Principles of State Policy are now increasingly being emphasised by the judiciary and the political discourse in the country as deserving a place in Part III on Fundamental Rights. This changing discourse is also discernible in some measure in relation to the rights of women, citizen’s right to information, right to rural employment, right to food security, right to forest resources for livelihood and some other customary purposes by tribals and other forest dwellers. New case laws and legislative instruments have emerged in the field of gender and child rights, including the signing of some United Nations conventions. A new category of legal rights, as distinct from constitutional or fundamental rights, have been created in the decade of the 2000s.

Rajendra Kumar Pandey turns his analytical focus on anti-terror measures and federal balance in India. These measures by the Union government in his view have willy-nilly resulted in central preponderance in matters which have been considered to be falling in the jurisdiction of the States such as law and order and police power. But he seems to be glossing over here the distinction between ‘law and order’ and ‘terrorism’ and underestimating the imperative of the 42nd constitutional amendment made in 1976. Terrorism (like natural disaster) happens to be a residuary subject which under the Constitution of India falls under the Union’s jurisdiction. And the 42nd amendment has added entry 2A to the Union List and entry 2 to the State List in the Seventh Schedule of the Constitution on federal division of powers. The former makes the deployment of any armed forces or paramilitary forces of the Union ‘in any State in aid of the civil power’ a Union subject. The latter makes any ‘police (including railway and village police)” in the State List subject to the entry 2A of the Union List. Besides, enormous expansion of the central paramilitary forces, constitutional feature of fiscal preponderance of the Union, and the contingent factors of recurrence of terrorist/insurgent-radical class violence in parts of the country have contributed to the denouement of the situation which the author rightly laments as the disturbance of federal balance and makes a plea for its rectification. Although it is not a part of the scope of this article, we may add that Prime Minister Narendra Modi made ‘cooperative federalism’ and ‘team India’ a major poll plank in the 2014 general elections.

Ashok Ranjan Basu deals with decision-making as a factor in politico-administrative culture. Public administration/management literature has
generally overwhelmingly focused on organisational and managerial structures. And those that do deal with administrative culture generally treat culture as the determinant of administrative behaviour. Basu seeks to unconventionally treat decision making as a factor in inculcating politico-administrative culture. He methodologically breaks a new ground and innovatively takes an ‘internalist’ view of administration, so to say.

At a broader plane of methodology, Lavanya Suresh seeks to delve into the contemporary epistemological discourse on the nature, structure, and functions of science, drawing on philosophy of science (as distinguished from sociology of science) and takes a glance at implications and approaches to these issues in the study of public administration.

A set of articles in this issue of the journal deal with economic and political institutions. Shri Prakash Singh explores an aspect of ancient Indian political thought, namely, *rajadharma* in the two ancient Indian epics—the *Ramayana* and the *Mahabharata*, which holds out the ideal of seeking the welfare of the ruler in the welfare of the subjects.

Sudhakar Babu and N. A. Francis Xavier study the transition from the bureaucratic control state to the regulatory state reflected in the proliferation of supposedly autonomous authorities or commissions in various sectors of the national economy under parliamentary statutes since the onset of business liberalism and globalisation in 1991. This issue of governance in the context of rapidly changing financial markets under the impact of information and communication technology has been brought under descriptive and analytical scanner by these authors. They underline the dilemma of dealing with ‘information overload’ and insufficient human resources to meaningfully process them and put to positive use for financial transactions and governance.

Alex K. Thottuunkel and Sibi Varghese Kuppathanath present some empirical observations about information/communication technology-enabled panchayats in Kerala that have brought about a tremendous change in the way these councils work with much greater participation, transparency, and accountability. Traditionally, technology was supposed to be a highly centralising instrumentality. The Kerala experiment has demolished this myth and added technological value to the process of democratic decentralisation.

Rajni Kumari takes a brief look at the Mani Shankar Aiyar Committee Report on Panchayati Raj Institutions (PRIs), focusing on one of the volumes dealing with the vital aspects of devolution of powers and people’s participation. An important constitutional amendment suggested by the committee is the establishment of the District Council, but not as an urban substitute of the rural zila parishad. Instead, it is conceived as an integrated
body representing both the urban and the rural segments of the District. The idea is reminiscent of the proposal for the District Government made by the Administrative Reforms Commission – II (Chair Veerappa Moily).

Najmul Abedin presents an overview of human rights ombudsman around the world, whose need is particularly acutely felt in the developing countries. This article also offers two case studies of child rights ombudsman from Tennessee, the USA.

Finally, a set of papers address the developmental concerns and service delivery. Chandrani Bandyopadhyaya and P. J. Philip discuss the need for planning with safe city approach in the context of the great urban explosion globally in a world today when in 2008 the urban population equalled the rural and is expected to surpass it in the times ahead. The two dimensions of the problem that underlie the analysis premised on systems approach are physical sustainability and human/community resilience.

P. Sigamani examines health care service delivery under new public management system (NPM). As against the traditional system, which is monopolistic, overcentralised, and hierarchical, the new system does not fundamentally alter the structural features. It does, however, emulate the private sector values of high performance, growth, and speedy service delivery. The author problematises the relevance of NPM for health care services and concludes on the positive side, on the balance. However, such a conclusion must be backed up by carefully conducted empirical case studies in a representative sample with sufficient number of cases.

—EDITOR

Note
Shri T.N. Chaturvedi, Chairman of IIPA, has appointed Prof. Mahendra Prasad Singh as the Editor of *The Indian Journal of Public Administration* until further orders. Prof. Singh was formerly a Professor and Head of the Department of Political Science, University of Delhi, and is presently an honorary Senior Fellow of the Centre for Multilevel Federalism, Institute of Social Sciences, New Delhi. He is a Paul Appleby Awardee, 2014.
NARRATIVISING WOMEN EMPOWERMENT IN INDIA

BIDYUT CHAKRABARTY

Gender equality and women empowerment are two critical pillars of inclusive development. Despite being half of the population, women never seem to have obtained what they deserve from society presumably because of well-entrenched patriarchal bias. Needless to say, there are innumerable progressive legislations addressing this socio-economic imbalance; nonetheless, they continue to remain at the receiving end given the prevalence of the mindset upholding well-entrenched prejudices. How to combat such a mindset? Drawn on empirical data, the article argues that education is a great leveler. By focusing on various schemes relating to women empowerment, the article further shows that the well-entrenched prejudiced mindset can be effectively combated by making women aware of their rights and also by raising their voice in case they are infringed. It is easier said than done. Nonetheless, specific legal stipulations to challenge patriarchal prejudices in the socio-economic system need also to be complemented by parallel movements involving the masses regardless of gender; otherwise, the entire exercise, the article underlines, shall become futile. In that sense, movements for women empowerment and gender equality do not seem to be exclusive, but inclusive both in aims and agenda-setting.

IN THE context of growing democratisation in India, gender equality and women empowerment have gained tremendous significance in contemporary political discourses on freedom and equality. Although the founding fathers devoted a great deal of attention, the issue of gender rights was never addressed conclusively. B.R. Ambedkar proposed the Hindu Code Bill seeking to protect some basic women rights, like the right to divorce, outlawing polygamy, granting of inheritance rights and recognition of inter-caste marriage, among others. Despite being tuned to the fundamental constitutional ethos of freedom and equality, the Bill was
knocked down in the lower house notwithstanding the support that the Prime Minister, Jawaharlal Nehru, extended, presumably because it threatened the patriarchal social framework.

Conceptually, the ideas of gender equality and women empowerment are not difficult to comprehend since they are dialectically inter-connected. The difficulty arises as soon as one draws one’s attention to the context because these are also context-dependent. These ideas thus do not have universal connotation as there is a clear variation in their meanings and articulation in historical time and space. Just like the conceptualisation of human freedom the contour of which is being constantly expanded, the ideas of gender equality and women empowerment acquire newer dimensions almost every day out of daily struggles over issues of discrimination involving women as well. This is indicative of two interdependent processes: on the one hand, it is theoretically debilitating if one ignores the wider socio-economic circumstances challenging discrimination of any variety which is also linked with struggles for survival. Underlining the dialectics between specific and wider struggle, it is thus argued that battle for gender equality is intimately linked with the challenge against unequal social mores and practices which are also justified by the legal code of conduct. Linked with this is, on the other hand, another important process which leads to empowerment of those involved in the struggle. What it means is that the endeavour for change is also suggestive of the proactive role of those who are encouraged because of the prevalent socio-economic circumstances to take up the cudgel against norms, values and legal stipulations which are usually justified as ‘normal’ or ‘appropriate’. So, deliberations on these issues remain incomplete without paying adequate attention to the struggle that leads to socio-economic metamorphosis which is always indicative of change in relative terms, but may not have conclusively resolved the issues that provoked resentment at the first instance.

The aim in this article is to understand the issues of gender equality and women empowerment in India in a historical context. Given the distinct socio-economic texture of the Indian social context, the Western outlook on the feminist issues does not appear to be exactly appropriate though it will be a definite aid to conceptualise Indian feminism in a proper historical perspective. This is an attempt to grasp the Indian feminism with reference to the socio-economic context in which it is articulated and given a precise meaning which may also have resonance elsewhere. So women issues have both specificities and universal character at the same time. Despite visible changes in their being in many contemporary societies, there is no doubt that women continue to face difficulties in getting their voice heard in public which perhaps means that prejudices against women empowerment are universal. This also raises another serious theoretical point on the relative
vacuous nature of the well-entrenched social, political and economic institutions which are also legally-guarded and institutionally-protected. What it means a clear institutional bias that is being carefully nurtured to deny one section of the population of its genuine socio-economic and political rights. This has serious practical implications because the codified legal stipulations do not have the same depth of application in a situation which is contrary to the dominant perception in which socio-economic discrimination is deeply entrenched. So, a careful study of the processes leading to gender equality and women empowerment also reveals the discriminatory nature of human endeavour which is often prejudiced because of specific socio-economic and political circumstances. In this sense, this is an area of enquiry which is neither conventional nor uniquely new, but an outcome of obvious human instinct in search of a society, free from prejudice and bias against a natural half of human demography. The Indian case study is theoretically most instructive for two reasons: on the one hand, since India is one of those few polities where tradition and modernity exist side-by-side, understanding of the feminist issues reveals how the Western-driven conceptualisation is inadequate in this respect; hence one needs to be sensitive to the existent context in which these issues are grappled and negotiated. A study of feminism with reference to specific aspects of struggle for gender equality and women empowerment also reveals, on the other hand, the peculiar nature of the struggle which is not always about specific feminist issues, but linked with the wider struggle for equality and freedom. Here, the feminist aspect of the struggle is just an entry point also to understand the conceptual roots of a struggle seeking to combat threats to equality and freedom.

It has been persuasively shown that despite being context-driven, feminism, as a discourse, has certain universal features which are linked with a specific patriarchal mindset. Women are deprived even of their basic rights in societies where values supporting patriarchy remain dominant. Efforts at raising women issues are usually suppressed with exemplary violence to scuttle future endeavours in this direction. Not only does patriarchy survive, it is also consolidated further in the process. The scene appears to be changing across the world since gender equality is a global call and the voice for women rights is not heard everywhere which no one can afford to ignore except at his/her peril. Two fundamental ideas thus remain most critical in conceptualising the twin issues of gender equality and women empowerment: while the campaign against patriarchy is immensely significant, the consolidation of complementary thought-processes is equally important to sustain the momentum towards a well-defined goal. In other words, mere opposition to the archaic mindset cannot be adequate to uproot the status-quoist values defending the existing gender discrimination as
just. Unless there are constant socio-political movements to challenge the prevalent social relations, the ideas of gender equality and women empowerment shall never be translated into practice. Hence it is argued that the battle for gender equality cannot be an isolated struggle since this is integrally linked with wider struggle for equality and freedom; once these civilisational values of equality and freedom are respected and adequately protected, gender issues shall get resolved rather amicably in an atmosphere of good will and camaraderie.

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**Conceptual Points**

The women issues did not receive adequate attention because of the prejudices against them were allowed to prosper. Historically, this has been the case, argued Simone De Beauvoir in her famous book, *The Second Sex*, by saying that–

‘[w]omen have never constituted a closed and independent society, they form an integral part of the group which is governed by males and in which they have subordinate place. They are united only in a mechanical solidarity from the mere fact of their similarity, but they lack that organic solidarity on which every unified community is based; they are always compelled … to band together in order to establish a counter-universe (sic), but they always set it up within the frame of masculine universe’.\

Two ideas are prominent here: on the one hand, Beauvoir links the degrading status of women to a specific mindset which is the product of the prevalent social milieu in which women are never taken as integral to the masculine universe; the other implicit ideas is, on the other hand, about building an organic solidarity among themselves to fight for their cause.
Greetings to the readers from a new editor!

Public Administration is a new and dynamic discipline with modern parameters but ancient roots. Like other modern social sciences, it developed in the wake of the crystallisation of the modern nation-state born in the trail of the bourgeois revolution in France in 1789. It was Germany, however, which produced the first major classic theoretician of the nation-state in Hegel in the 18th century. It was, however, the Idealist theory of state in need of liberal democratic reorientations by John Stuart Mill, McLvor, Harold Laski and others.

The bourgeois revolution in the United States of America (USA) triggered by the American War of Independence (1775-1782), on the other hand, produced the first federal nation-state - in a democratic reincarnation of the Tudor monarchy of the United Kingdom (UK) of England, Scotland, Wales, and Ireland (now Northern Ireland). This pioneering federal state was fabricated in the first written Constitution made by the Philadelphia Convention in 1787 (after the failed Articles of Confederation drafted by the Continental Congress). The earliest major classic theoretical exposition of this model of government – the preferred term in Anglo-American tradition had been ‘government’ as against the European penchant for the term ‘state’ – are (i) The Federalist (1987) authored by Alexander Hamilton, James Madison, and John Jay, all among the prominent makers of the US Constitution; and (ii) Democracy in America (2 volumes) (English Trans. 1945) by Alexis De Tocqueville, a French traveller across the USA in 1831 for nine months. In uniting previously independent states, the Americans crafted a constitutional contract premised on a combination of the theory of separation of powers they borrowed from Montesquieu and John Locke in European political tradition and their own newly devised theory of federal division of powers, creating in the process the mechanism of institutional checks and balances.

Canada adopted the first parliamentary-federal Constitution in 1867, followed by Australia in 1901, departing from the US presidential-federal model. India was the first Afro-Asian country to adopt a similar Constitution in 1950 in the British Commonwealth parliamentary-federal tradition. These constitutions seek to combine contradictory principles of parliamentary centralism with federal decentralism in view of their considerable cultural and regional diversities. In Canada and Australia each colony in the sub-
continent or continent was severally linked with the imperial government in London (in some ways similar to the princely states in India before 1947), while the various British Indian provinces were integrated in a common administrative framework in the colony and then connected with the imperial government in London. Thus the process of federal formation in the USA and the British Commonwealth differed significantly. In the USA previously independent states united to form a peripheralised and decentralised federation, retaining more powers for the states. In the Commonwealth a centralised imperial or colonial state structure was sought to be divided into federating units with somewhat limited powers vis-à-vis the Centre. Yet their transition from a unitary to federal state retained significant residues of political centralism which they considered necessary for maintaining national unity and integrity.

The first comprehensive comparative academic treatise on federalism was produced by an Australia-born Briton, K. C. Wheare, in *Federal Government* (1964, first edition 1946). Wheare tended to take the US Constitution as the model of federalism, calling others deviating from it as ‘quasi-federal’. The more contemporary theoreticians of federalism, including Wheare’s Ph. D. student Ronald L. Watts, and others like Daniel Elazar have freed themselves from this untenable US-centric historical hangover and treat every federal constitution and/or system in its own historical context and contemporary ground. Even Wheare in his classic work had conceded, for example, that the Constitution of Canada was quasi-federal but its later working had made the government of Canada federal in practice. About India, Wheare’s argument was that the Constitution as well as the Government of India were quasi-federal until at least at the time of Prime Minister Nehru when the last revised edition of the text was published by the author which coincided with the demise of Nehru in 1964. The contemporary scholarship on Indian federalism has no reservations against interpreting both the Constitution and Government of India as federal, barring the Emergency interlude.

Industrial Revolution in the latter half of the 19th century in the UK and the West produced modern capitalism, a strange bedfellow of democracy, strange because both have contradictory guiding principles in mass public interest and capitalist profit respectively. Yet it is only in a capitalist economy that democracy has managed to survive by seeking to reconcile the major premises of democracy and capitalism. Capitalist democracy in Europe and America produced the first classical theorists of Public Administration in Max Weber in Germany and Woodrow Wilson in the USA. Weber theorised that bureaucracy was an essential part of the state: a ‘patrimonial bureaucracy’ in a feudal state and ‘legal-rational’ one in a modern state. Both maintained a politics-bureaucracy dichotomy, Wilson even more clearly in
the context of the American history which lacks a feudal past and has had a more vigorous civil society and market institutions.

Excesses of capitalism in its early, more exploitative, phase produced its major classic critique in the writings of Marx and Engels in the 19th century. It was followed by its revisionist versions in Western Marxism and its revolutionary executions in the Soviet and Chinese versions. Paradoxically both these developments were contradictory to the Marxist theory as Marx and Engels had produced a prognosis of progressive immiserisation of the industrial working class in the capitalist economy which would propel a revolutionary overthrow of capitalism in the inexorable course of history. In the West, progressive improvement in the condition of the working class produced the revisionist strands and neo-Marxist interpretations in Western Marxism signalled in Eduard Bernstein, Antonio Gramsci, Louis Althusser, Nicos Paulantzas, Ralph Miliband, etc. In Eastern Marxism, Lenin and Mao actually led peasant revolutions in Russia and China rather than industrial proletarian revolutions. More relevant for our argument here, in a state founded on Marxist ideology, bureaucracy could not have a functional role autonomous from the political leadership as the two were integrated in a totalitarian fusion of the communist party and the state.

The rise of Fascism in Italy and Nazism in Germany during the inter-War period in the last century, the Great Economic Depression in 1929-30s, and the post-World War II reconstruction prepared the backdrop to the rise of Welfare State by way of reconciling democracy and capitalism in mutual symbiosis. The theoretical lead for this development came from the British economist John Maynard Keynes and an attempt to operationalise it in the UK was made in the Report on Full Employment in a Free Society made by Lord Beveridge. Substantially universal Welfare States were also developed in Canada and Scandinavia.

The Constitution of India drafted around the same time in the post-World War II era reflects the Indian political discourse on democracy and development that had crystallised into a consensus during the movement for national independence and limited constitutional reforms by the British Raj. These are encapsulated in the Motilal Nehru Committee Report, 1928; the ‘Poorna Swaraj’ Resolution of the Lahore All India Congress Committee, 1930; Karachi Resolution of All India Congress Committee, 1931; the Government of India Act, 1935; and Tej Bahadur Sapru Committee Report, 1945. The independent Indian Constitution, 1950, founded a liberal democratic state structure with a Charter of Fundamental (civil and political) Rights and a Charter of Social and Economic Securities reminiscent of the Welfare State called Directive Principles of State Policies. The Fundamentals were made enforceable by courts while Directives were not, but were
still declared to be ‘fundamental in the governance of the country’, thus endowing them with a great deal of a constitutional moral force.

However, limited steps towards a full-fledged universal Welfare State of the Western version in India have so far remained limited to a package of poverty alleviation programmes. Before the Indian dream could materialise, it was thwarted by: (i) the gradual folding up of the Welfare State in the West itself due to the fiscal overload on the state as well as the human cupidity of its misuse; and (ii) the crisis of the Indian model of the democratic developmental state as well. The former made a global ideological shift to neoliberal capitalism and the latter reduced the manoeuvrability of the Indian state vis-à-vis pressures of globalisation to introduce neoliberal economic reforms.

The neoliberal capitalist globalisation itself has faced some serious financial crisis first in East Asian developmental states in 1997 and subsequently in the metropolitan capitalist centres in North America and Western Europe themselves since 2008-2009. This necessitated some retreat from market fundamentalism and in some way substantiated the scepticisms of those who were critical of the undue pressures for neoliberal policies in the capitalist peripheries. Moreover, the 21st century opened up the possibilities of faster, in fact fastest, rates of economic growth globally in Asian economies, especially China, India, and Indonesia.

We must rethink Public Administration, increasingly called Public Management, in the historical backdrop and fast-changing contemporary contours rapidly reviewed and sketched above. The fuller narratives will have to cover at least three major paradigm shifts in the theories of modern state and capitalism as the larger institutional complexes within which public administration and public management are nestled: the rise and decline of Socialism (1848-1948), the rise and decline of the Welfare State (1945-1960s), and the rise and decline of Neoliberal State (1970s-to-date). What next? Neither return to socialism nor to neoliberalism are the likely courses the future might take. For aberrations in practice of socialism in the Soviet Union and Communist China have been far more sinister and costly in human suffering and exploitation than those of the Welfare State in the U. K., Canada, and Scandevia. A reformed Welfare State being currently debated under the nomenclatures such as ‘progressive governance’ or the Third Way between Socialism and Neoliberalism and premised on the core values and policy framework emphasising ‘opportunity’, ‘responsibility’, and ‘community’ (territorial rather than ethnic) would appear to be the most probable way ahead. This would be the best bet in terms of both empirical and normative political theory.

1980s in the West has actually slowed down economic growth, and whatever growth that has taken place has benefited only a handful of people at the top. This has only contributed to global instability. The author has adduced enough evidence on considerable increase in wealth-production ratio over time. In standard economic theory this should have led to greater rise in wages and relative decrease in profitability of capital. But in capitalism today just the reverse has been happening! The reason for this is that accumulation of capital is not coupled with investment. There is stagnation in productive capital. The expansion of wealth has occurred in real estate and immovable property. The burst of the real estate balloon has been witnessed in several countries of the West. There is hardly any correction in this distortion, only some bailout of the beleaguered capital in misguided reward to the failure due to neo-feudal prestige competitiveness in buying villas on the hills or the coasts. In a review essay on this book, Joseph E. Stiglitz opines that if we correct the rules of the game, we can return to the economic system of the mid-twentieth century middle-class societies premised on high and widely shared economic growth.

II

Not being a Special Issue focused on a single topic, this issue naturally lacks a thematic unity. The 13 articles included here are broadly divisible into issues concerning gender and child rights, federal dilemmas, developmental concerns and service delivery, statecraft in ancient Indian epics, decision making, political and economic institutions, urban sustainability, and methodological issues in social sciences in general and Public Administration in particular. The articles by Bidyut Chakrabarty, Gadadhara Mohapatra, and Sanjeev Kumar and Sainath Banerjee deal with issues relating to women and children. Chakrabarty narrativising women’s empowerment in India, with special reference to some villages in U.P., largely attributes their plight to the socio-economic structures and the culture of patriarchy. He pins his hope on education, laws, and policies of the state in actualisation of the objectives of gender equality and justice. Gadadhara Mohapatra presents a case study of mobilising micro-finance in a backward region of a backward state involving weaker section women. It is a success story as the women’s self-help groups in Kalahandi district of Odisha were able to significantly reduce dependency of tribal women and their families on the local moneylenders. This study corroborates the internationally known work of Md Yunus in Bangladesh. Sanjeev Kumar and Sainath Banerjee report on their policy evaluation study of the integrated child development services among the urban poor and slum-dwellers. The child rights earlier relegated to Part IV of the Indian Constitution on Directive Principles of State Policy are now increasingly being emphasised by the judiciary and
the political discourse in the country as deserving a place in Part III on Fundamental Rights. This changing discourse is also discernible in some measure in relation to the rights of women, citizen’s right to information, right to rural employment, right to food security, right to forest resources for livelihood and some other customary purposes by tribals and other forest dwellers. New case laws and legislative instruments have emerged in the field of gender and child rights, including the signing of some United Nations conventions. A new category of legal rights, as distinct from constitutional or fundamental rights, have been created in the decade of the 2000s.

Rajendra Kumar Pandey turns his analytical focus on anti-terror measures and federal balance in India. These measures by the Union government in his view have willy-nilly resulted in central preponderance in matters which have been considered to be falling in the jurisdiction of the States such as law and order and police power. But he seems to be glossing over here the distinction between ‘law and order’ and ‘terrorism’ and underestimating the imperative of the 42nd constitutional amendment made in 1976. Terrorism (like natural disaster) happens to be a residuary subject which under the Constitution of India falls under the Union’s jurisdiction. And the 42nd amendment has added entry 2A to the Union List and entry 2 to the State List in the Seventh Schedule of the Constitution on federal division of powers. The former makes the deployment of any armed forces or paramilitary forces of the Union ‘in any State in aid of the civil power’ a Union subject. The latter makes any ‘police (including railway and village police)’ in the State List subject to the entry 2A of the Union List. Besides, enormous expansion of the central paramilitary forces, constitutional feature of fiscal preponderance of the Union, and the contingent factors of recurrence of terrorist/insurgent/radical class violence in parts of the country have contributed to the denouement of the situation which the author rightly laments as the disturbance of federal balance and makes a plea for its rectification. Although it is not a part of the scope of this article, we may add that Prime Minister Narendra Modi made ‘cooperative federalism’ and ‘team India’ a major poll plank in the 2014 general elections. We earnestly hope this poll promise is made good and a kind of federal balance is restored which avoids the aberrations of both excessive centralisation of the phase of Congress dominance and excessive regionalisation of the phase of federal coalition and minority governments.

Ashok Ranjan Basu deals with decision-making as a factor in politico-administrative culture. Public administration/management literature has generally overwhelmingly focused on organisational and managerial structures. And those that do deal with administrative culture generally treat culture as the determinant of administrative behaviour. Basu seeks to
unconventionally treat decision making as a factor in inculcating politico-administrative culture. He methodologically breaks a new ground and innovatively takes an ‘internalist’ view of administration, so to say.

At a broader plane of methodology, Lavanya Suresh seeks to delve into the contemporary epistemological discourse on the nature, structure, and functions of science, drawing on philosophy of science (as distinguished from sociology of science) and takes a glance at implications and approaches to these issues in the study of public administration.

A set of articles in this issue of the journal deal with economic and political institutions. Shri Prakash Singh explores an aspect of ancient Indian political thought, namely, rajadharma in the two ancient Indian epics—the Ramayana and the Mahabharata, which holds out the ideal of seeking the welfare of the ruler in the welfare of the subjects.

Sudhakar Babu and N. A. Francis Xavier study the transition from the bureaucratic control state to the regulatory state reflected in the proliferation of supposedly autonomous authorities or commissions in various sectors of the national economy under parliamentary statutes since the onset of business liberalism and globalisation in 1991. This issue of governance in the context of rapidly changing financial markets under the impact of information and communication technology has been brought under descriptive and analytical scanner by these authors. They underline the dilemma of dealing with ‘information overload’ and insufficient human resources to meaningfully process them and put to positive use for financial transactions and governance.

Alex K. Thottuunkel and Sibi Varghese Kuppathanath present some empirical observations about information/communication technology-enabled panchayats in Kerala that have brought about a tremendous change in the way these councils work with much greater participation, transparency, and accountability. Traditionally, technology was supposed to be a highly centralising instrumentality. The Kerala experiment has demolished this myth and added technological value to the process of democratic decentralisation.

Rajni Kumari takes a brief look at the Mani Shankar Aiyar Committee Report on Panchayati Raj Institutions (PRIs), focusing on one of the volumes dealing with the vital aspects of devolution of powers and people’s participation. An important constitutional amendment suggested by the committee is the establishment of the District Council, but not as an urban substitute of the rural zila parishad. Instead, it is conceived as an integrated body representing both the urban and the rural segments of the District. The idea is reminiscent of the proposal for the District Government made by the Administrative Reforms Commission – II (Chair Veerappa Moily).
Najmul Abedin presents an overview of human rights ombudsman around the world, whose need is particularly acutely felt in the developing countries. This article also offers two case studies of child rights ombudsman from Tennessee, the USA.

Finally, a set of papers address the developmental concerns and service delivery. Chandrani Bandyopadhyaya and P. J. Philip discuss the need for planning with safe city approach in the context of the great urban explosion globally in a world today when in 2008 the urban population equalled the rural and is expected to surpass it in the times ahead. The two dimensions of the problem that underlie the analysis premised on systems approach are physical sustainability and human/community resilience.

P. Sigamani examines health care service delivery under new public management system (NPM). As against the traditional system, which is monopolistic, overcentralised, and hierarchical, the new system does not fundamentally alter the structural features. It does, however, emulate the private sector values of high performance, growth, and speedy service delivery. The author problematises the relevance of NPM for health care services and concludes on the positive side, on the balance. However, such a conclusion must be backed up by carefully conducted empirical case studies in a representative sample with sufficient number of cases.

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Note:

Shri T.N. Chaturvedi, Chairman of IIPA, has appointed Prof. Mahendra Prasad Singh as the Editor of *The Indian Journal of Public Administration* until further orders. Prof. Singh was formerly a Professor and Head of the Department of Political Science, University of Delhi, and is presently an honorary Senior Fellow of the Centre for Multilevel Federalism, Institute of Social Sciences, New Delhi. He is a Paul Appleby Awardee, 2014.
Gender equality and women empowerment are two critical pillars of inclusive development. Despite being half of the population, women never seem to have obtained what they deserve from society presumably because of well-entrenched patriarchal bias. Needless to say, there are innumerable progressive legislations addressing this socio-economic imbalance; nonetheless, they continue to remain at the receiving end given the prevalence of the mindset upholding well-entrenched prejudices. How to combat such a mindset? Drawn on empirical data, the article argues that education is a great leveler. By focusing on various schemes relating to women empowerment, the article further shows that the well-entrenched prejudiced mindset can be effectively combated by making women aware of their rights and also by raising their voice in case they are infringed. It is easier said than done. Nonetheless, specific legal stipulations to challenge patriarchal prejudices in the socio-economic system need also to be complemented by parallel movements involving the masses regardless of gender; otherwise, the entire exercise, the article underlines, shall become futile. In that sense, movements for women empowerment and gender equality do not seem to be exclusive, but inclusive both in aims and agenda-setting.

IN THE context of growing democratisation in India, gender equality and women empowerment have gained tremendous significance in contemporary political discourses on freedom and equality. Although the founding fathers devoted a great deal of attention, the issue of gender rights was never addressed conclusively. B.R. Ambedkar proposed the Hindu Code Bill seeking to protect some basic women rights, like the right to divorce, outlawing polygamy, granting of inheritance rights and recognition of inter-caste marriage, among others. Despite being tuned to the fundamental constitutional ethos of freedom and equality, the Bill was
knocked down in the lower house notwithstanding the support that the Prime Minister, Jawaharlal Nehru, extended, presumably because it threatened the patriarchal social framework.

Conceptually, the ideas of gender equality and women empowerment are not difficult to comprehend since they are dialectically inter-connected. The difficulty arises as soon as one draws one’s attention to the context because these are also context-dependent. These ideas thus do not have universal connotation as there is a clear variation in their meanings and articulation in historical time and space. Just like the conceptualisation of human freedom the contour of which is being constantly expanded, the ideas of gender equality and women empowerment acquire newer dimensions almost every day out of daily struggles over issues of discrimination involving women as well. This is indicative of two interdependent processes: on the one hand, it is theoretically debilitating if one ignores the wider socio-economic circumstances challenging discrimination of any variety which is also linked with struggles for survival. Underlining the dialectics between specific and wider struggle, it is thus argued that battle for gender equality is intimately linked with the challenge against unequal social mores and practices which are also justified by the legal code of conduct. Linked with this is, on the other hand, another important process which leads to empowerment of those involved in the struggle. What it means is that the endeavour for change is also suggestive of the proactive role of those who are encouraged because of the prevalent socio-economic circumstances to take up the cudgel against norms, values and legal stipulations which are usually justified as ‘normal’ or ‘appropriate’. So, deliberations on these issues remain incomplete without paying adequate attention to the struggle that leads to socio-economic metamorphosis which is always indicative of change in relative terms, but may not have conclusively resolved the issues that provoked resentment at the first instance.

The aim in this article is to understand the issues of gender equality and women empowerment in India in a historical context. Given the distinct socio-economic texture of the Indian social context, the Western outlook on the feminist issues does not appear to be exactly appropriate though it will be a definite aid to conceptualise Indian feminism in a proper historical perspective. This is an attempt to grasp the Indian feminism with reference to the socio-economic context in which it is articulated and given a precise meaning which may also have resonance elsewhere. So women issues have both specificities and universal character at the same time. Despite visible changes in their being in many contemporary societies, there is no doubt that women continue to face difficulties in getting their voice heard in public which perhaps means that prejudices against women empowerment are universal. This also raises another serious theoretical point on the relative
vacuous nature of the well-entrenched social, political and economic institutions which are also legally-guarded and institutionally-protected. What it means a clear institutional bias that is being carefully nurtured to deny one section of the population of its genuine socio-economic and political rights. This has serious practical implications because the codified legal stipulations do not have the same depth of application in a situation which is contrary to the dominant perception in which socio-economic discrimination is deeply entrenched. So, a careful study of the processes leading to gender equality and women empowerment also reveals the discriminatory nature of human endeavour which is often prejudiced because of specific socio-economic and political circumstances. In this sense, this is an area of enquiry which is neither conventional nor uniquely new, but an outcome of obvious human instinct in search of a society, free from prejudice and bias against a natural half of human demography. The Indian case study is theoretically most instructive for two reasons: on the one hand, since India is one of those few polities where tradition and modernity exist side-by-side, understanding of the feminist issues reveals how the Western-driven conceptualisation is inadequate in this respect; hence one needs to be sensitive to the existent context in which these issues are grappled and negotiated. A study of feminism with reference to specific aspects of struggle for gender equality and women empowerment also reveals, on the other hand, the peculiar nature of the struggle which is not always about specific feminist issues, but linked with the wider struggle for equality and freedom. Here, the feminist aspect of the struggle is just an entry point also to understand the conceptual roots of a struggle seeking to combat threats to equality and freedom.

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These are powerful conceptualisations which set in motion campaign for gender equality and women empowerment. J.S. Mill, in his *The Subjection of Women*, foresaw some of the conclusions that Beauvoir drew in her *The Second Sex*. According to Mill, the social ethos were so deeply entrenched that it would be ‘unlikely that women should be collectively rebellious to men’. In his conceptualisation, well-crafted psycho-analytic processes seemed to be at work in making women feel inferior to their male counterparts over centuries. This Mill firmly argues by saying that:

‘[a]ll women are brought up from the very earliest years in the belief that their ideal of character is the very opposite to that of men; not self-will, and government by self-control, but submission, and yielding to the control of others.’

What Mill seeks to highlight is the fact that the women submission is historically-endangered; this is a carefully nurtured system of social hierarchy, which reinforces an equally well-protected system of segregation that cannot be replaced given the prevalence of an equally coercive system of thought in its defence. While pursuing this point forcefully, Mill further argued that—

‘[a]ll the moralities tell [the women] that it is the duty of women, and all the current sentimentalities that it is their nature, to live for others; to make complete abnegation of themselves, and to have no life but in their affections. And by their affections are meant the only ones they are allowed to have – those to the men with whom they are connected, or to the children who constitute an additional and indefeasible tie between them and a man’.

Mill expressed his helplessness because he found out that this was a project that had been historically-endorsed for reasons which endorsed the institutional bias of the prevalent socio-economic and political system. Like Beauvoir, Mill also attributed the women failure to rise against male prejudices to ‘an instinct of selfishness [which made] … man hold women in subjection, by representing to them meekness, submissiveness, and resignation of all individual will into the hands of a man as an essential part of sexual attractiveness’.

As is evident, women were oppressed because of deeply-ingrained prejudices which were historically nurtured. Patriarchy continues to remain integral to the human psyche across the globe that has constantly been challenged. The results were visible: not only are the gender-rights protected constitutionally, there has also emerged a parallel mindset across sex questioning gender-based social discrimination. This is a study of
women empowerment in India where feudal values do not appear to have evaporated completely. Nonetheless, the demands for gender equality always received adequate support from among those fighting for equality and freedom. During the nationalist movement, it was Mahatma Gandhi who lost no opportunity to raise the women issues while being engaged in his battle against colonialism. For him, it was not a strategic call, but one that came out of his ‘inner self’ for half of India’s population who remained segregated due to a prejudiced mindset. In his perception, by being integral to human society, women cannot be pushed out because, as he argued,

‘woman is the companion of man, gifted with equal mental capacities. She has the right to participate in the minutest details in the activities of man, and she has an equal right of freedom and liberty with him. She is entitled to a supreme place in her own sphere of activity as man is in his. This ought to be the natural condition of things and not as a result only of learning to read and write. By sheer force of vicious custom, even the most ignorant and worthless men are enjoying a superiority over woman which they do not deserve and ought not to have. Many of our movements stop half way because of the conditions of our women’.6

By insisting that until ‘we recognise woman as an equal partner, … the progress of India in all directions is impossible’,7 Gandhi initiated a powerful campaign for gender equality and women empowerment which received adequate attention by the founding fathers while preparing the Constitution for independent India. Believing that the Constitution was not “a mirror of perverse social discrimination, [but] … a mirror on which equality will be reflected brightly”,8 the constitution-makers thus codified provisions accordingly. Article 14 of the Constitution of India is instructive here. According to this Article, ‘the state does not deny to any person equality before the law or equal protection of the laws within the territory of India”. This Article is clearly a guarantee for gender equality. Along with this, one should also read Article 15 (3) which enables the State to make provisions for women and children; the right to equality, as enshrined in Article 21 of the Constitution, is another substantive right for women which cannot be compromised under any circumstances; it is further reinforced by the guarantee that Article 51 A (e) provides to the effect that it shall be the duty of every citizen of India to renounce practices derogatory to the dignity of women. Besides these specific Articles, the Preamble to the Constitution of India guarantees social, economic and political justice which includes gender justice, liberty of thought, expression, belief, faith and worship. A brief scan shows that the ideas of gender equality and women empowerment remained the guiding ideals for the constitution-makers which they articulated in various provisions of the Constitution.
NARRATIVISING WOMEN EMPOWERMENT IN INDIA

The constitutional guarantee of equality cannot be a strong shield against social discrimination. Women need to be empowered so that they can exercise their rights independent of their male counterparts. Woman is not, as Mary Wollstonecraft asserted, “toy of man, his rattle [which] must jingle in his ears whenever, dismissing reason, he chooses to be amused”. This is an idea which will be effective once women are empowered not only by legal guarantee of their rights but also by evolving a mindset appreciative of their existence as equal partners in society. Underlining this aspect, the J.S. Verma Committee formed in 2013 thus defines ‘empowerment’ as:

“The advancement of women as contemplated under Article 14 and 21 of the Constitution of India through integrated strategies, frameworks, programmes, plans, activities and budgets which aim to eliminate structural inequalities and which enable women to gain power and control over decisions and resources which determine the quality of their lives in a sustainable manner”.

The Committee further argues that the lack of empowerment of women is largely due to: (a) the inequality perceived and felt by women; (b) de facto inequality; and (c) poverty and lack of power, or the inability to access authority in equal terms. Refuting the argument that holding of important political offices by women represents empowerment, the Committee was not persuaded to believe that mere political equality (in terms of voting rights) was enough to do away with the prejudices against women. “The ethos of empowerment of women”, thus adumbrated the Committee, “does not limit itself to political equality, but also extends, in equal terms, to social, educational and economic equality”. So, the empowerment of women can be realised fully once the ‘law, as well public policy [is] capable of engaging substantially with women’s rights, opportunities, acquisition of skills, the ability to generate self-confidence and insist on total equality in relationships, both with society and State”. Women should have the capability, to borrow the expression from Amartya Sen, to fulfil her assigned role in the society; so long as this is not accomplished, the clamour for the empowerment of women shall remain mere cosmetic, the Committee apprehends. Once women are made capable, they are likely to exercise “more political power as they begin to realise the real value of the majority votes that they control”, which will make the 21st Century “a century of much greater gender equality than the world has ever seen before”.

Gender equality and women empowerment are dialectically constructed; one is futile without the other. As the theoretical debate demonstrates, key to avoidance of gender discrimination is equality in its unalloyed form, or in its substantial manifestation which cannot be guaranteed merely by
constitutional codification, but by creating a social milieu where gender-based discrimination, or, for that matter, discrimination of any type has no place. By linking empowerment with capability, it has also been emphasised that gender equality cannot be achieved overnight by a single feat since it is possible only when the entrenched patriarchal prejudices are completely done away with. Hence one is persuaded by the argument that discrimination against women is most intimately linked with the overall clamour for equality and freedom, the twin fundamental categories which always remain most critical in any endeavour for changes in opposition to the vested interests. This is the fundamental lesson of history showing also the dialectical interconnection between struggle for gender equality and the wider battle for equality that is being waged every day across the globe. By confirming this, the available theoretical literature not only provides useful inputs, but also enables us to understand how genuine human capability (not merely women capability) shall be a mirage unless human beings are equal and free in an undiluted way.

**Women as Agents of Change**

Women have become far more visible in India not only as harbingers of change but also as actively involved in fulfilling their social role in the struggle for equality and freedom. The Government of India has recognised the need for gender development as integral to its widely publicised goal of inclusive development. Setting the goal for inclusive development for the 11th Plan period (2007-2012), the former Prime Minister, Manmohan Singh thus declared:

“the transition to high growth is an impressive achievement, but we must not forget that growth is not the only measure of development. Our ultimate objective is to achieve broad based improvement in the living standards of all our people. Rapid growth is essential for this outcome because it provides the basis for expanding incomes and employment and also provides the resource needed to finance programmes for social uplift. However, it is not by itself sufficient. We also need to ensure that growth is widely spread so that its benefits, in terms of income and employment, are adequately shared by the poor and weaker sections of our society, especially the Scheduled Castes and Scheduled Tribes, Other Backward Classes and minorities. For this to happen, growth must be inclusive in the broadest sense. It must occur not just in our major cities but also in our villages and small towns. It must be spread across all states and not just limited to some. It must generate sufficient volumes of high quality employment to provide the means for upliftment of large numbers of our population from the low income, low quality occupations in which too many of them have traditionally locked. The
Eleventh Plan addressed itself to the challenge of making growth faster and more inclusive.\textsuperscript{15}

Whether there has been inclusive growth is not the concern of this article which is devoted to understand the degree of women empowerment in India in recent years. The most positive development has certainly been the adoption of the 73rd Amendment Act in 1992 which guarantees 33 per cent reservation of seats for women. Now, there are many elected women in village governance.\textsuperscript{16} At present all over India, there are a total of 20,56,882 women representatives in Gram Panchayats, out of which there are 8,38,244 women (40.5\%); similarly, out of a total of 1,09,324 Anchalik Panchayat members, women constitute about 40.4 per cent, and out of a total of 11,708 Zila Parishad members, the number of women is as high as 4,923 which is about 42.1 per cent of the total members.

These figures are very impressive to show that women have been adequately empowered with the constitutional guarantee of the one-third reservation of seats for women in rural administration. Whether they exercise real power is another debatable question that needs separate discussion. Suffice it to say, that there are reasons to believe that women members do not seem to have overcome the patriarchal bias even while exercising their duties as rightful representatives of the people. Why this is so? There are many reasons which are linked with the consolidation of a mindset supporting an institutionalised bias that has stemmed from deeply ingrained patriarchy. Women seem to have less chances of survival, as Table 1 confirming the declining sex-ratio shows.

<table>
<thead>
<tr>
<th>Census Year</th>
<th>Sex Ratio (Females per 1000 Males)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901</td>
<td>972</td>
</tr>
<tr>
<td>1911</td>
<td>964</td>
</tr>
<tr>
<td>1921</td>
<td>955</td>
</tr>
<tr>
<td>1931</td>
<td>950</td>
</tr>
<tr>
<td>1941</td>
<td>945</td>
</tr>
<tr>
<td>1951</td>
<td>946</td>
</tr>
<tr>
<td>1961</td>
<td>951</td>
</tr>
<tr>
<td>1971</td>
<td>930</td>
</tr>
<tr>
<td>1981</td>
<td>934</td>
</tr>
<tr>
<td>1991</td>
<td>927</td>
</tr>
<tr>
<td>2001</td>
<td>933</td>
</tr>
<tr>
<td>2011</td>
<td>940</td>
</tr>
</tbody>
</table>

\textbf{Table 1: Sex Ratio in India since 1901}

The situation does not seem to have changed at all even after decolonisation in 1947. This imbalance in sex ratio is not due to female infanticide. No one even imagines that. A large number of female mortality takes places due to neglect which is explained by the absence of adequate health care both in the pre and post-natal stage. There are studies showing that the neglect is visible more in case of girl child and less in case of boy-child. Girls lose out because of neglect; they do not get enough medical attention after their birth even when they suffer from treatable diseases arising out of dysentery, diarrhoea, measles which are not life threatening diseases at all. Female infanticide has recently become a problem despite the ban on detecting the sex of the foetus following the acceptance of the Parental Determination Act in 1994. As the Census Reports demonstrate, even the 1901 figures have not been surpassed in independent India which perhaps explains the failure of the State to bring about what is much-hyped as inclusive growth: a section, an integral section, of India’s population thus remains neglected.

Similarly, when it comes to the question of capabilities, the scene does not seem to be satisfactory as well. A perusal at the record of girl’s education confirms the apprehension. Despite the euphoria over the state-directed planned economic development, the figures in Table 2 clearly indicate how remote the goal of inclusive development is.

**TABLE 2: LITERACY RATE BY GENDER (IN PERCENTAGE), 1971-2005**

<table>
<thead>
<tr>
<th>Year</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1971</td>
<td>46.0</td>
<td>22.0</td>
<td>34.5</td>
</tr>
<tr>
<td>1981</td>
<td>56.4</td>
<td>29.8</td>
<td>43.6</td>
</tr>
<tr>
<td>1991</td>
<td>64.1</td>
<td>39.3</td>
<td>52.2</td>
</tr>
<tr>
<td>2001</td>
<td>75.3</td>
<td>54.2</td>
<td>64.8</td>
</tr>
<tr>
<td>2005</td>
<td>77.0</td>
<td>57.0</td>
<td>57.0</td>
</tr>
</tbody>
</table>


Although the progress of literacy may not be satisfactory, it nonetheless shows that the government efforts in education seem to have worked towards the goal especially in the light of the definition of ‘being literate’ does not go beyond the ability to write and read few sentences. One should not read too much into this achievement! This reveals if one draws one’s attention to the school enrolment since 1970 (Table 3).
### TABLE 3: SCHOOL ENROLMENT BY GENDER (IN PERCENTAGE), 1970-2008

#### Primary (I-V)

<table>
<thead>
<tr>
<th>Year</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970/71</td>
<td>35.7</td>
<td>21.3</td>
<td>57.0</td>
</tr>
<tr>
<td>1980/81</td>
<td>45.3</td>
<td>28.5</td>
<td>73.8</td>
</tr>
<tr>
<td>1990/91</td>
<td>57.0</td>
<td>40.4</td>
<td>97.4</td>
</tr>
<tr>
<td>2000/2001</td>
<td>64.0</td>
<td>49.8</td>
<td>113.8</td>
</tr>
<tr>
<td>2007/2008</td>
<td>71.5</td>
<td>64.8</td>
<td>136.3</td>
</tr>
</tbody>
</table>

#### Middle/Upper Primary (VI-VIII)

<table>
<thead>
<tr>
<th>Year</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970/71</td>
<td>9.4</td>
<td>3.9</td>
<td>13.3</td>
</tr>
<tr>
<td>1980/81</td>
<td>13.9</td>
<td>6.8</td>
<td>20.7</td>
</tr>
<tr>
<td>1990/91</td>
<td>21.5</td>
<td>12.5</td>
<td>34.0</td>
</tr>
<tr>
<td>2000/2001</td>
<td>25.3</td>
<td>22.0</td>
<td>42.8</td>
</tr>
<tr>
<td>2007/2008</td>
<td>30.7</td>
<td>26.1</td>
<td>56.8</td>
</tr>
</tbody>
</table>

#### Higher/Secondary (IX-XII)

<table>
<thead>
<tr>
<th>Year</th>
<th>Boys</th>
<th>Girls</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970/71</td>
<td>5.7</td>
<td>1.9</td>
<td>7.6</td>
</tr>
<tr>
<td>1980/81</td>
<td>7.6</td>
<td>3.4</td>
<td>11.0</td>
</tr>
<tr>
<td>1990/91</td>
<td>12.8</td>
<td>6.3</td>
<td>19.1</td>
</tr>
<tr>
<td>2000/2001</td>
<td>16.9</td>
<td>10.7</td>
<td>27.6</td>
</tr>
<tr>
<td>2007/2008</td>
<td>15.9</td>
<td>12.3</td>
<td>28.2</td>
</tr>
</tbody>
</table>


The data in Tables 2 and 3 are indicative of the declining sex-ratio in school enrolment. In comparison with the statistics on general literacy, the figures reveal that number of girls dwindles in higher classes. This is indicative of a clear patriarchal bias. The girls are enrolled in lower classes and are also allowed to continue; but as years pass by, they are withdrawn from schools. The reasons are located in the mindset that does not usually favour girls’ education beyond a point; they are forced to be engaged in household works so that they do not have adequate time to pursue education; a large number of them are also married-off even sometimes violating the legally-stipulated age of marriage. The overall situation is bad though the worse sufferers happen to be those belonging to the underprivileged sections in rural India, especially the *adivasi* and minority girls who are disadvantaged on two counts: *first*, because of the patriarchal bias against gender equality and *secondly* by being part of the historically disempowered segment of the Indian demography. Besides the staggeringly low rate of literacy, the 2006 Sachar Committee have, for instance, corroborated the
fact that the dropout rates among the schools are highest at the level of primary, middle and higher secondary levels in comparison with other socio-economically disadvantaged sections of society.18

Women Representation in Decision-making

Women are a disadvantaged group despite concerted efforts by the State to address the sources of deprivation. The adoption of 33 per cent reservation of seats for women at the grassroots governance has brought about radical changes in the texture of local government though it is not sufficient to transform the prevalent mindset opposed to gender equality. The 1996 bill proposing 33 per cent seats for women in the Lok Sabha and the state legislative assemblies is being challenged by various political parties on the ground that it is likely to be appropriated by ‘elite women’ and the goal of the bill shall be defeated. Unlike the 73rd and 74th Amendment Acts which introduced women in the decision-making, the proposed bill shall, it is thus apprehended, protect the privileged section of the population at the cost of those who shall always remain peripheral in the highest decision-making authority of the country. The apprehension does not seem to be unfounded given India’s hierarchical social structure where considerations of caste, clan and ethnicity remain critical in elections, besides of course, the role of money power which will place the women from the disprivileged sections clearly at a disadvantage. According to the Election Commission of India, for the 543 Lok Sabha seats, the number of elected women increased from 49 in 1999 to 59 in 2009, with 11 per cent representation in the lower house; in a context when the number of women voters in India has increased from 44.3 per cent in 1999 to 45.8 per cent in 2014, the increase of just two parliamentarians in the 16th Lok Sabha poll does not seem to be impressive. Nonetheless, it is symptomatic of a definite attitudinal change when women are also seen as participants, and not mere voters, in Indian democracy. As the result of the 2014 Lok Sabha poll shows, one-third of West Bengal’s Members of Parliament happen to be women (Table 4).

Women representation in India’s Lok Sabha (11%) and Rajya Sabha (10.6%) put India in 108th rank out of 188 countries covered in the annual analysis on statistics of women Members of Parliament by the Inter-Parliamentary Union (IPU). The global average of women in Parliaments in 2013 stood at 21.3 per cent which is way above the Indian average. India is nowhere near the average of women parliamentarians even in her neighbouring countries: while Nepal ranked at 24, China at 55 and Pakistan at 66. Despite having institutional guarantee, like 33 per cent reservation of seats for women in rural governance, women continue to remain peripheral in the highest decision-making forum like Parliament. The low women
What is revealing is also the fact that while choosing women for contesting a parliamentary seat, political parties do not seem to be entirely free from such prejudices. Not only are women selectively nominated, they also do not appear to receive adequate support from their male colleagues during the elections except, of course, high-power women candidates. The results are obvious. As Table 5 shows, women representation in India’s Lok Sabha has not shown remarkable changes since the 2004 national polls.

<table>
<thead>
<tr>
<th>State</th>
<th>No. of Women Parliamentarians</th>
<th>Total number of Members of Parliament</th>
<th>% of women Parliamentarians</th>
</tr>
</thead>
<tbody>
<tr>
<td>West Bengal</td>
<td>12</td>
<td>42</td>
<td>29</td>
</tr>
<tr>
<td>Uttarakhand</td>
<td>01</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>05</td>
<td>29</td>
<td>17</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>01</td>
<td>06</td>
<td>17</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>13</td>
<td>80</td>
<td>16</td>
</tr>
<tr>
<td>Gujarat</td>
<td>04</td>
<td>26</td>
<td>15</td>
</tr>
<tr>
<td>Delhi</td>
<td>01</td>
<td>07</td>
<td>14</td>
</tr>
<tr>
<td>Assam</td>
<td>02</td>
<td>14</td>
<td>14</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>05</td>
<td>48</td>
<td>10</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>04</td>
<td>39</td>
<td>10</td>
</tr>
<tr>
<td>Odisha</td>
<td>02</td>
<td>21</td>
<td>10</td>
</tr>
<tr>
<td>Bihar</td>
<td>03</td>
<td>40</td>
<td>8</td>
</tr>
<tr>
<td>Punjab</td>
<td>01</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>03</td>
<td>42</td>
<td>7</td>
</tr>
<tr>
<td>Kerala</td>
<td>01</td>
<td>20</td>
<td>5</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>01</td>
<td>25</td>
<td>4</td>
</tr>
<tr>
<td>Karnataka</td>
<td>01</td>
<td>28</td>
<td>4</td>
</tr>
<tr>
<td>Chandigarh</td>
<td>01</td>
<td>01</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>61</strong></td>
<td><strong>543</strong></td>
<td><strong>11</strong></td>
</tr>
</tbody>
</table>

Source: The Times of India, New Delhi, May 19, 2014.
TABLE 5: WOMEN REPRESENTATION IN INDIA’S LOK SABHA

<table>
<thead>
<tr>
<th>Political Party</th>
<th>2004</th>
<th>2009</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indian National Congress</td>
<td>12</td>
<td>23</td>
<td>03</td>
</tr>
<tr>
<td>BJP</td>
<td>10</td>
<td>13</td>
<td>30</td>
</tr>
<tr>
<td>BSP</td>
<td>01</td>
<td>04</td>
<td>00</td>
</tr>
<tr>
<td>CPI (M)</td>
<td>05</td>
<td>01</td>
<td>01</td>
</tr>
</tbody>
</table>


Of all the parties, the All India Trinamul Congress has shared 11 of the total tally of women parliamentarians in 2014 while AIADMK has a share of four seats among them. The proportion of women parliamentarians is still negligible because in democracy what matters are numbers and where number is less the voice can easily be ignored, if not gagged. This means that their very presence in Parliament is not sufficient to substantially alter the prevalent gender bias in the decision-making processes. Furthermore, the majority of women in the Indian Parliament are “elite women”. While their public role challenges some stereotypes, their class position, it is argued, “often allows them a far greater range of options than are available to poorer women”. Their socio-economic status is an important factor in their successful inclusion in the political system. That they are from socio-economically advantaged sections of society help them avoid drudgeries of daily life that most of those at the lower rung of society undergo. Women representation in the Parliament, while important on the grounds of social justice and legitimacy of the political system, does not easily, it is further argued, “translate into improved representation of women’s various interests”. What is thus fundamental is the fact that women representation in Parliament does not necessarily imply a conclusive fight against gender discrimination despite its symbolical impact on women’s movement for justice and dignity. In other words, although women parliamentarians play an important role in raising gender-related issues, their intervention may not yield results without the support of their male counterparts. This is obvious in a parliamentary democracy where decision is always majority-driven. Nonetheless, their role cannot so easily be wished away in view of hyper-alert media in contemporary India. An issue which may have been ignored in Parliament may help create movements in the country which cannot be wished away so easily; in that sense, the women parliamentarians remain important instruments for social change despite their obvious limitations due to their class roots.

Women Empowerment at the Grassroots

The role of women parliamentarians is constitutionally institutionalised; their role is both restricted and rejuvenating: restricted because of their elite
socio-economic background; rejuvenating given their locational advantage in raising issues if they so desire. Does it mean that women in general are at the mercy of these women parliamentarians who, by virtue of their social background, are not always accessible? The answer is a clear no especially in the context of the growing number of Self-Help Groups (SHGs) all over the country. Constituted by the village women, these SHGs not only raise women-related issues, but also fight till they are conclusively resolved. One of the reasons for their sustained growth is also the gradual withdrawal of state from social sectors; given their local roots, they are not only effective agents of financial self-reliance, but also engender self-awareness for the women who so far remain neglected in the rural social hierarchy.

Constituted generally by non-governmental organisations, SHGs have broad anti-poverty aims besides empowering their members; they are seen as instrument for a variety of socio-economic goals, including empowering women, developing leadership abilities among the socio-economically disadvantaged sections of society. Since they are neither initiated nor driven by the State, they are always independent of government intervention at least in what they decide to undertake in fulfilling their pre-determined goal. Being integral to rural society, the SHGs are better placed than the government agencies in pursuing the goal-driven government-sponsored activities. In this way, they have not only become effective instruments of public administration at the grassroots, their role has also become decisive in gender equality and women empowerment since they are constituted largely by women. They are seen as instrument or a variety of goals, including empowering women, developing leadership among the poor people, increasing school enrolments and improving nutrition and the use of birth control. With their existence in majority of India’s villages, they seem to have set the ball in motion for dramatic socio-economic changes which so far remain distant.

The Self-Help Groups (SHGs) in Uttar Pradesh

An intensive interaction with several Self-Help Groups (SHGs) in eastern Uttar Pradesh is more than a mere indication of the silent revolution at the grassroots involving women. It is amazing to see how popular the SHGs in rural empowerment are! Initiated by the Rajiv Gandhi Mahila Vikas Pariyojana (RGMVP), these women-driven SHGs have become a harbinger of change in recent years. Introduced in 2002, this programme seems to have awaken rural women not only about their duties towards the community, but about their entitlement that they have been denied because of obvious social constraints. Unlike so many of the organisations that are reportedly committed to gender empowerment, RGMVP has succeeded in putting across the message of inclusion to the socially-peripheral sections of eastern
UP. In order to translate into reality the aim that “the poor have a strong desire and innate ability to overcome poverty”, the RGMVP has undertaken several specific programmes to inculcate the community feelings and also to promote financial independence, health care, livelihood enhancement, education and healthy environment by involving the stakeholders in 40 districts in UP. With 47,000 SHGs across the state, the Pariyojana seems to have taken-off as a realistic plan of action which is likely to radically alter the socio-economic balance in villages.

Prepared by well-trained and also committed members of the programme, the RGMVP model is drawn on the idea that women happen to be a central change agent and it is possible through financial empowerment. Instead of pursuing the plan in a piecemeal manner which was prevalent with regard to schemes for gender empowerment, this programme seeks to promote confidence and connectivity among the poor to meaningfully articulate its mission. Contrary to making ideological statements, the Pariyojana is translated into action by creating several institutions linked with various kinds of activities which are integral to women empowerment in the area in which it is in operation. The activities are conducted by a three-tier organisational set-up: SHGs at the bottom which form village and block level federations comprising primarily the office holders at the constituent SHGs. Once they are in place, they form four different committees relating to [a] the liaison with the banks for credit, [b] making people aware of the importance of education and basic health and [c] creating an awareness among the rural people of being connected with each other to effectively combat poverty and also other sources of atrocities against women.

The stories that came out of the author’s interaction with these proactive women in Seshpur Samodha village in Rae Bareli reveal how effective the Pariyojana is in mitigating poverty and also fulfilling its goal of empowering village women. Out of 982 families, the Other Backward Classes constitute a majority, followed by those belonging to the general castes and Scheduled Castes; the social engineering is so effective that the Muslims with three per cent of the total demography remain connected with the programme. In most of the villages where the SHGs are formed, what is noticeable is the zeal in which the village women participate in activities relating to the villages. Given their proactive role, the banks have become sensitised to the women power which is reflected when the bank authority refuses to open a bank account on certain flimsy grounds. It is thus not surprising that in the Bank of India branch in this village, the number of bank accounts surpasses the number of families showing the faith of the villagers in bank transaction and also the transformation of the bank officials in accepting the village folk as reliable customers. The proactive role of the village women was
also visible recently in regard to the mid-day meal in a village school in Seshpur. With repeated complaints about the quality of food in the primary school from those studying in these schools, the members of the SHGs resorted to available democratic means to convey their displeasure and also a request to immediately address the problem by regularly monitoring the quality of food which went unheeded. Left with no choice, they then met the authorities responsible for providing rice and other ingredients; after having had several rounds of discussion, the district authority was persuaded to supply the ingredients directly bypassing the authority of the village Pradhan which caused consternation at the outset; but with the threat of a sustained agitation involving SHGs in other villages, the village Panchayat agreed to the new system of supply in which the Pradhan lost his control over the supply chain. There is another incident involving the distribution of subsidised fertilizer: the local supplies used to hoard the supply of subsidised fertilizer; the same pattern was evident here: with the gherao of the shop by the SHGs, the shop owner was forced to distribute fertilizer in accordance with government rules. These widely-publicised incidents have created an environment in which women are not only treated fairly, but also with respect regardless of caste. It is thus not surprising that a majority of governmental developmental plans and programmes like MGNREGA, National Rural Health Mission, INDIRA AWAS YOJANA, Sarv Shiksha Abhiyan do not lose their focus largely because of the presence of the vigilant SHGs, supported by equally proactive Vinay Kumari, Rekha, Manorama or Kamla, the faceless women who have become a critical part of the development processes as stakeholders.

With the increasing involvement of the SHGs in village reconstruction, what is most striking is the growing awareness of village women about the methods of family planning not only with regard to the usage of various kinds of contraceptive methods, but also for pre-and post-natal care of mothers. It is not surprising thus that the villages in which SHGs are most effective family planning remains most effective. These activities apart, the SHGs, by standing by the poorest of the poor in the village whenever needed, have become an integral part of rural being, which is not a mean achievement in the midst of rivalries over caste, class and clan. In the event of crises – whether flood or fire – the villagers are not left to themselves. There was heart-breaking story in which a villager lost everything in an accidental fire. The SHGs immediately plunged into action by *annadan* (offering food), besides helping him to rebuild his house out of the corpus fund that they accumulated in the bank out of the deposit of Rs. 1000 per family per month. On the basis of their own financial strength which is being supported by supplementary credit from the bank, the SHGs have set in motion an empowering design of self-dependence which was unthinkable
in the past because of the hegemonic and debilitating presence of the money lenders as saviours in financial stress.

The SHGs are an empowering device whereby the village women have acquired a self-esteem that was elusive in recent past because of obvious social constraints due to age-old patriarchal practices, supported by equally authoritarian devices denying gender equality. The village women in those villages where SHGs are most active are now fairly treated and can claim an equal status with their male counterparts not only in the villages, but also elsewhere in their interaction with the authorities while claiming their actual entitlement in a spirit of equality and fairness. That they have gained recognition at par with the rest of the society is how Nirmala Devi summarised while identifying the achievement of the SHGs in eastern UP. This is the crux of the silent revolution involving half of India’s demography.

CONCLUDING OBSERVATIONS

The twin goals of gender equality and women empowerment are most critical for inclusive development. As a statement, it makes sense and is easily accepted at its face value; but the trouble starts once efforts are made to implement them into practice because in a hierarchical society, they are a threat to the prevalent socio-economic and political balances. It is thus obvious that attempts at evolving new social equations reflective of gender equality shall always be opposed vehemently by those upholding patriarchy in its most virulent form. There are two theoretically important points that thus come out: on the one hand, gender equality and women empowerment need to be understood historically given their deeply-ingrained socio-economic roots; as the issue is historically-textured, it cannot be grasped, let alone conceptualised, on the other, independent of the social context in which it is articulated. To state it simply, the dialectical interconnection between gender equality and women empowerment put in a perspective the twin issues that need to be grappled in a historical context as well. This means that there is hardly a universal model in conceptualising gender-related issues; but only through context-based analyses, they can be comprehended to our satisfaction. What is being reinforced here is the critical role that the context plays in shaping the mindset supporting or rejecting the prevalent approaches to gender issues. On the whole, it is thus argued that unless linked with the socio-economic and political context, the issues of gender equality and women empowerment can never fully be understood, let alone conceptualised.

By drawing attention to two different (and yet complementary) endeavours at establishing gender equality in India, the article confirms the importance of context. It is true that women parliamentarians represent a social space which is different from that of women at the grassroots;
nonetheless, their role is critical in raising gender issues which would not have been raised otherwise had they not been there. In this sense, the women parliamentarians, despite being relatively privileged in socio-economic terms, also fulfill a historical task in pursuing a goal that is opposed to patriarchy and gender discrimination. With their engagement in day-to-day struggle for existence in rural India, the SHGs put forward a different perspective to the struggle for gender equality which is linked with the general concern for equality and freedom. A unique formation in the context of the neo-liberal avalanche of the State, these are devices which draw their sustenance from human endeavours at the grassroots. The field trip to eastern Uttar Pradesh confirms that, on most occasions, these SHGs are spontaneous responses to issues which are context-specific; unlike their counterparts in India’s Parliament, the women in SHGs have not only articulated their voice, they have also set in motion those activities which are usually goal-driven. Financially self-reliant and being opposed to leadership by proxy, these women seem to have crafted a new phase of India’s recent political history in which gender issues are as significant as issues of equality and freedom. What is unique in their endeavours is the effort at conceptualising gender issues as integral to the wider discourse of the democratic struggle against discrimination per se. In view of their peculiar contextual location in India, the SHGs approach to the gender issue is bound to be different from the women parliamentarians; nonetheless, by being engaged in endeavours for gender equality and women empowerment in India, they do not seem to substantially differ in terms of the mission that they finally seek to fulfill.

Two contemporary issues, namely, a uniform civil code and reservation of seats for women in the national Parliament and state legislative assemblies seem to have hogged the limelight in contemporary feminist discourse in India. Conceptually, these twin issues are tuned to the wider concern for freedom and equality. Uniform civil code cannot be accepted so easily since it involves a clear violation of fundamental tenor of the Sharia laws. This thus amounts to a threat to India’s secular identity though the continuity of separate civil code for the Muslims negates gender equality in general. The issue has thus created a logjam which none of the political stakeholders is willing to address presumably due to obvious socio-political repercussions. Similarly, the arguments over the reservation of seats for women in the legislature are justified as essential to fulfill the constitutional goals of freedom and equality. The introduction of the 81st Amendment Bill in 1996 by the United Front government brought back the gender issue to the centre stage of Indian politics. Women needed to be empowered and reservation through a legal enactment was perhaps the most effective device to bypass the patriarchal prejudices responsible for gender discrimination. The efforts have also received severe opposition because it is alleged that
a blanket reservation policy is likely to protect the privileged section of women given their instant access to political power due to their specific socio-economic roots. The argument opposing reservation thus draws on the fact that women in India are socially fragmented and it would be conceptually misleading and empirically wrong to conceive of a situation in which women at various social strata articulate a single voice because of their identical biological persona as women. The imbroglio cannot be sorted out so easily. Nonetheless, these debates have established beyond doubt that women are no longer just a voice, but a critical voice challenging the conventional outlook on freedom and equality while providing creative inputs to conceptualise gender equality and women empowerment in the wider social, economic and political context.

Women are disadvantaged due to their gender identity. A blanket legal stipulation may be a necessity, but not a sufficient shield against gender discrimination because the degree of women's suffering is also contingent on their social location which is conceptually sought to be articulated by the notion of intersectionality. As a result, besides being disadvantaged as women, they are also socially deprived due to their social and ethnic identity. In other words, in order to address gender inequality and discrimination, one needs to take into account several other sources which conjointly work to contribute to social exclusion. For instance, women belonging to rural areas, or those who are Muslims or Dalits, are naturally underprivileged given the ingrained sectional social prejudices; these women are subject to accumulative dominance which is historically justified and sustained by an appropriate socio-economic and political mechanism; the voice that is raised against the visible sources of gender discrimination is thus rather easily gagged. So, zeal for uniform civil code or reservation of seats for women in Parliament does not seem to completely eradicate gender discrimination or ensure women empowerment in substance unless one is sensitive of the intersectional aspect of women deprivation because of the prevalent mindset in support of prejudices against gender equality. In that sense, a legal enactment, which is a mere diversonal therapy, does not seem to be as decisive as it is projected so long as those who are responsible for implementation hold onto such prejudices.

What is the way out? There is hardly an easy answer because a prejudiced mind cannot be reformed overnight even by applying most stringent coercive measures. One has to constantly attack the sources of prejudices by evolving simultaneously alternative thought processes seeking to bring about changes in the wider social, economic and political environment. This is not a battle between two biologically divided sections of society; but a tussle between two diametrically opposite weltanschaungs: one for change, and the other for status quo. Since it is a fight against a mindset, it cannot be gender-
driven, but an encounter involving various sections of society which are persuaded to believe that gender equality is not a charity, but is a key to human progress, and hence the sooner it is accomplished, it is better for a society reeling under well-entrenched prejudices depriving half of India’s population of equality and fairness.

The Indian feminist discourse confirms once again that there exists the plurality of identities in the single subject: as a woman, she is automatically identified with other women though a blanket description can take us no farther given the embedded diversity due to their specific socio-economic locations. It is, therefore, theoretically debilitating to essentialise women in view of the deeply ingrained diversity that cannot be ignored in an engagement with gender issues. Women cannot thus be treated as a homogeneous group primarily because their experience as women is determined by their racial, class and ethnic background. Since they are different from one another, the all-inclusive category of women shall never be an effective aid in understanding the issues of gender equality and women empowerment. Despite being uniform as women, the inevitable differences separating one group of women from another, due to differences around various social, economic and political axes, need to be especially grasped to suggest effective policy solutions; otherwise, there shall hardly be a conclusive end to the debates over gender equality and women empowerment.

REFERENCES

3. Ibid.
4. Ibid.
5. Ibid.
13. The J.S. Verma Committee reproduces a quote from Amartya Sen’s work on page 7 of the Report of the Committee on Amendments to Criminal Law to argue that the idea of
capability is coterminous with its notion of the empowerment. Persuaded by approach that capability is an appropriate conceptual tool, the Committee thus endorses the idea by saying that ‘seeing opportunity in terms of capability allows us to distinguish between: (i) whether a person is actually able to do things she would value doing and (ii) whether she possesses the means or instruments of permissions to pursue what she would like to do (her actual ability to do that pursuing may depend on many contingent circumstances’. This excerpt is quoted from Amartya Sen, Human Rights and Capabilities, *Journal of Human Development*, Vol. 6 (2), July, 2005, pp. 151-66.


16. As per the provisions of Article 243 D of the Constitution of India, one-third of the total number of seats to be filled by direct election in panchayats at all levels and all those of the chairpersons are reserved for women. The states of Andhra Pradesh, Bihar, Chhattisgarh, Himachal Pradesh, Jharkhand, Kerala, Madhya Pradesh, Maharashtra, Odisha, Rajasthan, Tripura and Uttarakhand have already legislated for 50% reservation for women. In Sikkim, reservation for women is 40%. As a result of this initiative, out of about 2.8 million elected members in panchayats, around one million are women. [http://panchayat.gov.in](http://panchayat.gov.in), *Annual Report*, 2011-12, Ministry of Panchayati Raj, Government of India, New Delhi, 2013, p. 27.

17. This section draws on Stuart Corbridge, John Harriss and Craig Jeffrey, *India: Economy, Politics, Society*, (Oxford University Press, New Delhi, 2014) unless otherwise states.

18. *Social, Economic and Educational Status of the Muslim Community of India: a report*, (also known as The Sachar Committee) Government of India, New Delhi, 2006, pp. 52, 62.


21. The following story is based on the author’s extensive field trip to eastern Uttar Pradesh in 2013 in connection with a project on women empowerment and poverty alleviation in India.
ANTI-TERROR MEASURES AND FEDERAL BALANCE IN INDIA

RAJENDRA KUMAR PANDEY

In the federal framework of Indian polity, countering terrorism has been complicated by an unsavoury spat between Centre and States over their respective competencies and roles in the matter. Centre seeks to play a proactive and commanding role on the plea of protecting the unity and integrity of the nation. However, states perceive such a central role as an encroachment in their eminent constitutional domains of public order and police. Amidst these contending positions, the course of anti-terror measures has tended to disturb the precarious federal balance in the field of Centre-State administrative relations. By asserting its domineering role in anti-terror activities, Centre seems to be claiming a prominent role in the domains constitutionally and conventionally vested with the States. But such tendencies on the part of the Centre may neither augur well for tackling terrorism nor the endurance of federal balance. The article, therefore, argues that Indian federalism may be placed in a perilous position in the course of anti-terror measures unless States are taken as the constitutionally empowered stakeholders in coping with the menace of terrorism.

INCREASING SCOURGE of terrorism over the years in India has presented a complex conundrum of evolving a fine and consensual policy of its effective control and management. Such a strategic plan of action not only needs to take into consideration all the critical concerns lying at the root of the problem, it should also minimally upset the basic constitutional design and political conventions of the country. However, both seem to be at a loss in so far as anti-terror measures in India are concerned. As for the first, indeed, the anti-terror strategy is mired into the competing claims of two contending approaches: contextualist and confrontationalist. While the contextualists seek to locate the origin and development of terrorism in
the complex historical socio-economic and political factors lying beneath deprivation and consequent alienation of the people, the confrontationalists take terrorist activities as ‘misconceived causes espoused by the misled and crime-prone individuals and groups whose sole purpose is to disturb the social order as that is the only way they know how to express themselves’. Accordingly, the two advocates’ differing strategies to deal with the challenge. The former argues for a concerted and long-drawn strategy of planned socio-economic development coupled with effective political empowerment to dispel the sense of deprivation and alienation. That is the only way these people can be encouraged to give up arms and abjure violence to join the mainstream of peaceful and constructive life. On the contrary, the latter unhesitatingly takes terrorism as nothing more than a law and order problem and calls for preponderant use of force to counter the menace. Clearly, the confrontationalist approach seems to have been the dominant approach in the echelons of decision-making in the Central Government.

On the second proposition, the situation appears to be more precarious with far-reaching consequences for the constitutional foundations of federalism, given the original constitutional mandate and recognisable political conventions in the country. As such the constitutional scheme stipulating distribution of responsibilities between the Centre and states, the latter has primarily been vested with power and responsibility of maintenance of law and order in the state. For this purpose, police has specifically been placed under the primary jurisdiction of states presumably not only to emphasise the primacy of the states functional domain but also to indirectly rule out any explicit overlapping jurisdiction of the central government. In the course of working of the Constitution for over six decades, the sanctity and viability of these stipulations have been recognised to a great extent. Sporadic attempts to undermine and violate the constitutional mandate on the part of the Centre have met with stiff resistance from both the constitutional luminaries as well as the states that eventually repelled all such moves, to a large extent. Thus, a political convention has also emerged that recognises states’ ordinarily inviolable jurisdiction over the matters of law and order, and police. Nonetheless, over the years, the country has witnessed a massive growth of centralised paramilitary forces which are increasingly deployed in localised conflict management, along with a centralisation of intelligence functions. Above all, with the rise and growing menace of terrorism, a sense of disdain has sought to be created that terrorism is an exceptional threat to public order, and the states are unable to cope with it. Resultantly, a natural space exists for the Centre to be dominant and proactive partner with the states in
tackling the threat of terrorism. However, such an assertion is a usurpation of states primary domain as per the constitutional provisions and political conventions. Moreover, any domineering move to upset the federal balance in Centre’s favour is likely to go against the spirit of cooperative federalism that underpins federal structure of the country. For, “only the spirit of ‘cooperative federalism’—not an attitude of dominance or superiority—can preserve the balance between the Union and the states, and promote the good of the people”.\(^4\) It has, therefore, been argued here that anti-terror measures shall tend to bother the federal balance of Indian polity unless the states are taken as the primary stakeholder in all such measures.

**Constitutional Framework**

Bearing out the wisdom and farsightedness of founding fathers on critical issues of Indian polity, Austin contends that the ethos of decision-making by consensus was manifested most in drafting the federal provisions of the Constitution.\(^5\) Evidently, at the time of finalising these provisions, certain doctrinal tenets of federalism appeared so axiomatic to the members of the Constituent Assembly that they agreed to make them part of the Constitution even without a summary debate on the subject. One such principle, *inter alia*, seems to be the subject of public order in the scheme of division of administrative powers and responsibilities between the Centre and states. Taking the maintenance of law and order as a routine matter, the fathers of the Constitution probably did not think twice in assigning this responsibility to states with minimum explicit role visualised for the Central Government. Even when a demand was made to give control over the railway police to the Union Ministry of Railways, it did not find favour with the drafters on the plea that it directly compromised with the power of the states. Moreover, it was strongly felt that the states should have overall operational control over the police.\(^6\) As a result, the subjects of public order and police were placed in the State List with states having extensive power to take appropriate legislative and administrative measures to discharge their prime responsibility in this regard.

However, Central Government could not resist the temptation of carving out a role for itself. Accordingly, subtle but schematic amendments have been made in the relevant provisions of the Constitution. Currently, therefore, a conjoined reading of Entries 1 and 2 of State List with Entries 2 and 2A of the Union List clearly points out that states' jurisdiction over the subjects of public order and police has not remained absolute. It has, in fact, been made a qualified general jurisdiction subject to specific laws, legislations, stipulations and directions of Central Government. Such an overlapping scenario is grounded in the jurisprudential axiom which lays
down that in case of two concurrent jurisdictions on the same subject—one specific and the other general in nature—the former would prevail over the latter in case of any discrepancy. So, in case of the subjects of public order and police, states have now been bestowed with a general competence whereas in select but related matters, Central Government has been given specific responsibilities. Hence, to the extent of those specific competences, the state’s general jurisdiction over the given domains becomes subjected to the specific responsibilities of the Centre. In other words, until and unless Centre steps in to discharge its specified obligations, states retain a general competence over public order and police. But once a specific move is contemplated by Central Government, to that extent, the functional space of states shrinks in the matter. Summarily, thus, in contemporary times, public order is construed as “a joint responsibility requiring joint management and joint policing”.

Of late, maintenance of public order and social control of disorder have challenged democratic societies across the world. But in the federal polities like India, equally complex issue of explicating proper constitutional domain of the stakeholders also becomes a vexed question. In other words, the rise of unconventional threats to public order like terrorism has added newer dimension to the constitutional provisions affording contingent role for the Centre in a sphere placed in the State List. Hence, as Singh reasons out, “Public order’, ‘internal and national security’, ‘territorial integrity’, and maintenance of constitutional political order when read together with ‘terrorism’ blur boundaries of jurisdictions between federal and state governments. Organisationally and in its effects and ramifications, terrorism is local, national and international, hence a shared responsibility, requiring better coordination of policing, intelligence and resources”. Amidst such a complexity, it is important to understand that the constitutional rationale of ordaining public order and police for states rests on the territoriality principle of federalism whereby states are given competence to maintain public order with their operational control over police in the specified area of jurisdiction under them.

But the ever changing dynamics of terrorism has been argued to have radically altered this scenario. In reality, “the potential for, as well as actual incidents of, terrorism have not only increased but have also become relatively more global, often conducted by transnational and non-state actors.” To put it differently, the newer threats like terrorism generally defies the logic of territoriality thereby obtaining a leg space for federal government to join states in discharging a responsibility basically vested in states. Underscoring peculiarity of the threat presented by terrorism,
Singh writes succinctly:

As terrorism is maintained through a spiral net of ‘cadre and cache’, therefore, constitutional principle of ‘territorial nexus’ loses its relevance in determining power domain under the constitutional competence called ‘policing’. What is emphasised here is that policing have extraterritoriality in terms of specifying powers of the federal and state governments. Extraterritoriality produces concurrency of jurisdictions and actions with constitutional privileging of federal powers.\(^{11}\)

In the face of such intricacies, the concurrency of Centre and states jurisdiction over public order on account of grave threats of terrorism has been subject to intense judicial scrutiny as well. Through its judgements in various cases, the Supreme Court has added an altogether new dimension to the discourse by proclaiming that tackling terrorism patently falls within the amorphous sphere of residuary powers of Centre. Deciding on the nature and extent of ‘public order’ and the related issue of Parliament’s competence to enact anti-terror laws, among others, the court held:

Having regard to the limitation placed by Article 245(1) on the legislative power of the Legislature of the State in the matter of enactment of laws having application within the territorial limits of the State only, the ambit of the field of legislation with respect to ‘public order’ under Entry 1 in the State List has to be confined to disorders of lesser gravity having an impact within the boundaries of the state. Activities of a more serious nature which threatens the security and integrity of the country as a whole would not be within the legislative field assigned to the states under Entry 1 of the State List but would fall within the ambit of Entry 1 of the Union List relating to defence of India and in any event under the residuary powers conferred on Parliament under Article 248 read with Entry 97 of the Union List.\(^{12}\)

However, the questions on Parliament’s competence to make anti-terror laws were finally put to rest in the case of *People’s Union for Civil Liberties v. Union of India*.\(^{13}\) Challenging the constitutional validity of Prevention of Terrorism Act, 2002, PUCL contended that Parliament did not have jurisdiction to legislate the law as it substantially dealt with public order stipulated under Entry 1 of List II. But, dismissing the petition, Court reiterated that tackling terrorism does not fall within the rubric of public order or security in so far as it effects or relates only to a particular state. Fight against terror is not a regular crime control endeavour as terrorist activities take the shape of an undeclared war against the nation by the epicentre of terrorism. With massive support of well-organised and
resourceful terrorist organisations, terrorism poses a formidable challenge to the edifice of sovereignty and integrity, constitutional principles, secular fabric and the democratically elected government of the country. That way, the totality of terrorist activities cannot be meaningfully confined to the domain of public order or any other entries in List II. Therefore, concluding that terrorism obtains an uncommon phenomenon to be a fit case for inclusion under the residuary power of Centre, the court upheld Parliament’s competence to make anti-terror laws.

In brief, the existing provisions of the Constitution reflect the modified version of the original intent of the founders. In the aftermath of substantial amendments, Constitution seems to afford excessive operational space to Centre in an area that conventionally falls under the general domain of states. To put it differently, in spite of public order and police being placed in the State List, these entries have been unambiguously qualified with an inexplicable role for Central government that does not permit them to remain absolute. Hence, it is not astonishing to find that despite vehement contestations from states as well as the civil liberties organisations, Supreme Court has categorically taken the position that Centre does have an important, if not formidable, role to play in the maintenance of public order in extraordinary situations. What, however, seems more significant in this context is the virtuous hope of the founders that the constitution is meant to be worked, to the maximum feasible extent, in as normal and general framework as possible. The emergency, abnormal and exceptional provisions of the constitution need to be as minimally used as possible. Arguably, the same canon of constitutional wisdom applies to the federal template of anti-terror measures in which the primary operational domain must be ordained for states. In sum, as the veteran constitutional luminary Noorani points out, “Public order is exclusively a state responsibility unless: (a) central aid is sought by the state government, or (b) the breaches of public order have become so grave and prolonged as to amount to the ‘internal disturbance’ contemplated by the founding fathers”.

Scale of Federal Matrix

Enthusiastic conceptualisation of the ingenious constitutional provisions by Central Government, backed by their radical judicial interpretation, appears to have put the normal federal scheme on public order and police in a precarious situation. Provisions that have declaredly been placed in the Constitution to deal with extraordinary circumstances with their most judicious application have apparently been overused as if they are for mandatory implementation. When such insalubrious tendencies were sought to be stemmed by judicial interventions, the petitioners were in for a jolt. The court, instead of being considerate to their concerns,
seemed to have even jumped the constitutional threshold. Thus, overstepping Centre’s moderate contention that anti-terror measures are a shared responsibility, it ruled that it is a subject under residuary powers with Centre having full operational control over it. But thanks to imperatives of coalition politics, on one hand, and indomitable resistance mounted by states, on the other, tackling terrorism has well been accepted as a joint responsibility of both Centre and states. However, on a critical examination of the spirit and the operational dynamics of constitutional provisions, it becomes obvious that states do have primary and clearly identifiable role in tackling terrorism. “The central security forces and the Army come in when the situation is beyond the control of the police”.15

Interestingly, in the original scheme of constitution, reflecting the mindset of the founders, public order and police were generally ordained as eminent domains of states with minimum or no overlap with the Centre’s jurisdiction. Later on, certain qualifying provisos have been inserted in the relevant provisions ostensibly to obtain a supplementary role for the Centre in maintenance of national security, internal peace and order, territorial integrity and constitutional arrangements in normal times. This move itself has had the potential of dislocating the constitutional scale of federal matrix in so far as states’ eminent domains are concerned. However, it was tolerated at that time presumably with the understanding that these are provisions for abnormal times, and states’ primary jurisdiction over public order and police would remain unfettered during such times. Hence, despite the fact that terrorism has posed a serious challenge to the peace and order in certain states, that need not be alarmingly construed as an insurmountable threat to the national security and territorial integrity of the country. The basic responsibility of meeting the challenge must, therefore, remain with the states. Only when states find themselves at a loss, and seek legal or logistical assistance from the Centre, must the latter assume upon itself the responsibility of enacting appropriate laws and arranging required logistics to help states overcome the challenge. Thus, tackling terrorism undoubtedly remains a shared responsibility with the frontal charge resting with the states. For, “in India’s federal system, it is extremely important that local intelligence units and state police forces are put to good use to generate ‘intelligence from below.’”16

Even in case a more prominent role for the Centre is visualised in the anti-terror operations, such role is precisely that of coordination than control, given that the Constitution “provides for a framework unity where federal units have a coordinate authority and responsibility in the maintenance of national unity, security and integrity with the Centre”.17 Clearly, this coordinating role in no case should be construed as negating
the prime responsibility of the states. As he explains eloquently:

...national coordination on counter terrorism does not mean usurping the authority of states but a consensual interaction which can mutually respect the constitutional domain of each structure of India’s federal polity. Coordination never means subordination or subjugation of sub-national jurisdiction to national jurisdiction. Contextually, coordination refers to a networked effort. Also, if terrorism is a shared responsibility, then no one can dispute states’ legitimate claims to decision by consensus.\(^\text{18}\)

He further adds:

Consensus never means subordination; cooperation does not mean subjugation of state policing to central policing.\(^\text{19}\)

In view of so succinct normative explication of the nature of the role of Centre in tackling terrorism, it would be undesirable on the part of the Centre to usurp a prized constitutional domain of the states. Rather than taking proactive measures such as enactment of anti-terror laws, and creating new supranational intelligence and operational agencies, Centre needs to encourage and strengthen state endeavours in coping with terrorism by providing solid backup support and inputs to them.

In crux, therefore, on matters of maintaining public order and exercising operational control over police, “the Union Government has only the enabling authority where consent of the state has to be constitutionally manufactured. Consent is the prerequisite of the working of federalism, and in the instant case states are protesting their federal right, i.e., consent right, therefore, objection to unilaterality of Centre’s decision”.\(^\text{20}\) Indeed, Centre does neither have pragmatic sanction nor conventional rationality in initiating any unilateral measure towards tackling terrorism. In case it discerns an inevitable contingency where a state government is unable to take on an imminent danger to public order, normally its response to such threats should strictly be in accordance with the overt consent of the state government. Only in the rarest of the rare cases where the conduct and disposition of the state government itself appears inimical to the general public order or the unity and integrity of the country, that Central Government may take unilateral action. But to deal with such cases, adequate arrangements have been made under emergency provisions of the Constitution. Hence, in the final analysis, the federal balance regarding public order and police indisputably remains tilted in favour of the states. Objectively disagreeable interpretation of constitutional provisions, both judicial and otherwise, in the matter need not be bestowed finality except
in a constitutional emergency subject to judicial review, for, that might inflict irreparable dent on the vision of the founding fathers.

Trajectory of Anti-terror Laws

Given the mosaic of diversities and concomitant political, social, economic and ethnic cleavages that characterise India as a nation, it is not surprising to find genes of terrorism shortly after Independence.

Owing to several internal as well as external factors, the emergence of the country as an independent nation was marred by the sowing of the seeds of terrorism in one form or the other, though the threat did not appear to be as severe as it has become in the contemporary times. The original field of terrorism in India happens to be the North-East where the urge for creation of certain separate or independent states led few people to pick up arms to wage an armed struggle against the Government of India.21

What has, however, been disquieting is the way the policy makers have sought to deal with the quandary by enacting one after another draconian laws. As a veteran critic of these laws suggests: A history of these legislations show that any Government of any political party and by whomsoever headed has a tendency to conjure up a sense of panic in order to make its position stronger, notwithstanding that the authors of these statutes were persons apparently committed to the freedom and rights of the individuals and the liberties of the citizens.22

In a way, the spree for passage of anti-terror laws and regulations began with the enactment of The Punjab Security of State Act and The Assam Maintenance of Public Order (Autonomous Districts) Act in 1953. This was followed by The Assam Disturbed Areas Act, 1955 and The Armed Forces (Special Powers) Regulation, and later, The Armed Forces (Assam and Manipur) Special Powers Act, 1958. Subsequent decades of 1960s and 1970s were witness to The Unlawful Activities (Prevention) Act, 1967 and The Maintenance of Internal Security Act, 1971. Enactment of sweeping legislations gained further momentum during 1980s and 1990s, each having a total of five and two such acts respectively, the most dreadful of which has been The Terrorist and Disruptive Activities (Prevention) Act, 1987. The cycle of such laws was assumed to be complete with the passage of the Prevention of Terrorism Act, 2002, followed by the National Investigation Agency (NIA) Act, 2008, that perfectly made India “a security state”.23 Nonetheless, what has revived the debate on ascertaining the scale of federal balance on anti-terror laws in the country has been the idea of establishment of the National Counter Terrorism Centre (NCTC).

Circumstantial dynamics, nature and content of these laws from the perspective of their implications for Centre-state relations lead to certain unmistakable pointers that cannot be said to augur well for Indian federal
polity. Curiously, the circumstances of enactment of many of these laws were portrayed in such a schematic way in the public domain as if the unity and integrity of the nation is going to shambles. For, “the image of the ‘nation under siege’ provides the handle by which the Centre seeks to wrest control in matters which are primarily seen as falling within the domain of the state...”

Moreover, the undue haste of getting these laws passed appeared so clamorous for their proponents that they did not have any qualm even in circumventing the ordinary procedure of parliamentary enactments like referral to select committees and clear passage by each house of parliament. Rather, an extraordinary joint session of Parliament seems to be the preferred course to get such legislations enacted, as in case of POTA, a move considered by many ‘as a subversion of federalism’ due to the sidestepping of the vote of Rajya Sabha. What has, however, been most appalling is the judicial endorsement of constitutional validity of these federally upsetting laws that eventually tends to pave the way for gradual advance of Centre even in those areas that are constitutionally and conventionally reckoned as legitimate sphere of states.

Apart from the legislative intent, the execution component of anti-terror laws has also carried ominous portents for the federal matrix of Indian polity. In view of constitutional ordainment of law and order within the rubric of states competence, even the normal implementation of these laws is “to be largely determined by the specific political contexts of different states, the relationship of the ruling regime with that in the Centre, and the electoral calculus”. Such a seemingly propitious situation for the states is illusory given the provisions of Articles 256 and 257 of the Constitution that leave no scope for any aberrant conduct on the part of the states. Notwithstanding the apparent complexities in invoking the anti-terror laws in selective cases of political vendetta and witch hunting, what is probably more startling are the provisions and procedures relating to the withdrawal of these laws. On a matter pertaining to arbitrary withdrawal of the charges framed under such laws by a state government, the Supreme Court held that a state government is not within its powers to take a decision on a central law. As a result, consent of central government is mandatory on revocation of charges framed under the laws enacted by Parliament. In fine, thus, the underlying feature of anti-terror laws “is the extraordinary powers of initiation of proceedings that it gives to the executive, making it the sole decision-making agency in the matter... This prerogative of the executive has played itself out in ways that shows interplay between legality and politics, with significant ramifications for coalition politics and federal principles”. On the whole, the trajectory of anti-terror laws demonstrates an unambiguous ‘quest for hegemonic
centralism that presumably seeks to alter the sensitive federal balance in the name of national security and fight against terror.

Defending the Turf

Attempts at undermining the vision of the founders and fine constitutional provisions governing Centre-state administrative relations have been in vogue for long. But states have been equally resolute in defending their constitutional turf. Unsurprisingly, for each of the arguments made to shore up Centre’s case for a proactive and unilateral action in the domain of ambivalent matters listed in State List, particularly public order and police, equally forceful counter arguments have been advanced by states. For instance, during 1960s when a few states witnessed the advent of communist governments, Central Government sought to appropriate states eminent domain of public order. It argued that given the pro-workers outlook of these governments, they might not be able to maintain public order and protect the central offices and properties located in the states. Hence, Centre gets a consequent right to unilaterally dispatch Central Paramilitary forces to a state to protect its offices and establishments. However, such a move was countered with strident argument that Centre had no business of anticipating deterioration of public order in a state. Moreover, it must obtain the consent of the state government before sending central forces to a state. Since no consent of the state government was sought before dispatching central forces to Kerala, it was considered as an encroachment upon the states’ jurisdiction.

Conceptually, an implied notion of distinct territoriality is inherent in each state’s jurisdiction over the subject of public order. In other words, each state is endowed with its authority to maintain public order in specified geographical area forming the physical sphere of the state. On the contrary, jurisdiction of Centre spans over the whole geographical regions forming part of India. In such marked division of territorial domains, states have been steadfast in guarding their valued spatial possessions. The major bone of contention between Centre and states in this regard has been the occasional moves on the part of the former to create intelligence or security agencies having national or interstate operational jurisdictions. This has been considered as an affront to the exclusive and cherished territorial reach of the state governments. It has been argued that setting up of interstate intelligence units under central agencies is tantamount to usurping the legitimate rights of state governments. Probably, such vociferous postures of the states might have precisely been the reason that many, if not all, of the anti-terror laws enacted by the Centre pertained to specified regions or states. Moreover, even the laws that have been passed with national or interstate coverage, the implementation of
such laws have been left to the discretion of the state governments. As this long term tacit understanding between Centre and states is attempted to be ruptured now, states have stood in vehement opposition to these moves.

A fine but sure intrusion in their domain that states have remonstrated in recent times pertains to the power of central agencies to carry out clandestine operations of search and arrest in their geographical spheres. In fact, central intelligence and security agencies have continuously been carrying out surreptitious operations in various parts of the country to detect anti-national activities and nab people involved in such activities. But as a matter of operational convenience, if not federal principle, in all such operations, the local intelligence and security agencies have invariably been taken into prior confidence. However, this conventional prudence in anti-terror operations has sought to be sacrificed by law to arrogance of the central agencies like NIA and the proposed NCTC. Vested with sweeping powers of search and arrest, these agencies are supranational in reach and unaccountable to the constitutional functionaries of the government. What has, however, not gone down well with the states are the federally stinging stipulations that empower the officers of these agencies to carry out their covert operations of search, seizure and arrest of papers, properties and persons without any prior information or consent of the state government. Clearly, this has stoutly been opposed by the states on the plea that “the primary concern of the states lies in the modalities and details of the operational coordination with the NCTC. The need to make the states an effective stakeholder in all aspects of counterterrorism domain and in the proposed NCTC format was a general view expressed by most states”.

In brief, despite being foundation stones of the federation, regrettably, states have gradually been divested of most, if not all, of their eminent domains by appropriation of the constitutional provisions by successive central governments. Presently, the only vital subjects they are left with are public order and police. Hence, it is natural for them to be extremely agitated when sinister plans are hatched to take even that away from them. As a stakeholder articulates grudgingly: Excessive interference from the Centre in matters of day-to-day governance is against the spirit of the Constitution. Over the decades subsequent to independence, central government has slowly but surely extended its control over a large number of developmental and fiscal activities in the states ostensibly for serving larger public interest. The significant area of control left with the states under the Constitution, i.e. law and order and policing, is now increasingly under attack from the Centre.

Thus, the states seem to have become excessively vigilant in warring off any more central initiative in disenfranchising them from their constitutional privileges. Grave challenges falling within their domains
like terrorism do not propitiate central intrusion in their turfs. At the most, what they are likely to oblige is a coordinating role for the Centre, and that too with their willing consent and amiable cooperation. To an extent this new reality is an antifact of federal coalitional governance, in which regional parties have had a decisive balancing role in formation and termination of governments in New Delhi, the interpretation offered here may well be contested in a changed balance of political forces in the national and state party systems.

Working of Centre-State Relations

Contestations on the appropriate constitutional mandate and operational command regarding public order and police have been part of federal discourse in India for long. Given the dominance of politics than constitutional precepts in demarcating the functional authority over these items, early years of working of Indian federalism did not witness much acrimony over the issue. For, prevalence of Congress governments both at Centre and states ensured a harmonious and respectful attitude towards each other. Hence, despite the occurrence of a number of turbulent and violent incidents in states, the situation was managed with cooperation and coordinated action on part of the both Centre and states concerned. But the things started taking an ugly turn with the transformation in the political texture of some state governments. As a result, the much required cordiality and considerate outlook between the Centre and those states evaporated, and the fine constitutional edifice of fledging and delicate Centre-state relations appeared set for tumult. The first standoff on the matter came in 1968 when the Central Government employees called a strike in Kerala. Taking the strike as a routine matter, E. M. S. Namboodiripad led Kerala government did not foresee any problems to law and order. But the Central Government dispatched Central Reserve Police units to Kerala for protection of its offices and property from the striking employees. However, the central action was chided by the state government on the ground that since Centre sent its forces without consent of the state, it amounted to undue interference in the jurisdiction of the state.

Interestingly, in the field of anti-terror legislation, right from the independence till a long time, centre-state relations did not witness much acrimony despite the enactment of a number of such legislations by Parliament. The reasons for smooth sailing of these laws might have been two-fold. One, most, if not all, of such legal instruments were enacted on the basis of the felt needs of the time. What is of prime significance in this context is that the need and urgency of these laws were equally shared by both Centre and states. Two, notwithstanding their enactment by Parliament, the basic responsibility of execution of these laws rested with the state governments, with Centre providing only back up strategic
and logistical support. Thus, the crucial factor during this time had been strong sense of mutual understanding and cooperation between the Centre and states in dealing with the challenges to public order and national security. Neither any attempt seemed to be made by the Centre to debilitate the distinguished constitutional domain of the states, nor were the states suspicious of the Centre’s move so as to mount formidable challenge to that. Political dynamics of the time might have a role to play, but what appeared to have carried the day has been a genuine shared concern on the part of both Centre and states to deal with terrorist and disruptive activities in a truly cooperative, collective and coordinated manner.

Nonetheless, the first redoubtable attempt at dislocating the delicate federal balance vis-a-vis public order and police was made in 1976 during peak of the internal emergency clamped by Indira Gandhi. Unfortunately, this was the time when the virtues like democracy and federalism became alien to Indian polity. So, while authoritarianism became the sacred mantra of governance, sweeping run of the central dictates all over the country without any hitch turned out to be the paramount desire of the government. Moreover, instead of taking recourse to persuasive and democratic methods of securing obedience of the people, the more direct and stern methods like use of police and paramilitary forces were heavily relied on. In such a scenario, the placement of vital subjects like public order and police in the State List seemed extremely awkward for the Centre. Had sanity not prevailed in certain quarters of the government, the two subjects would have tersely been transferred from State List to either Union or the Concurrent List without any murmur from the states. But presumably an understanding dawned on the Centre that its purpose would be served just by inserting certain qualifying provisos in the two subjects. Accordingly, through Constitution (42nd Amendment) Act, 1976, such provisos were superimposed on the two subjects that their nature and content were drastically altered. Thus, severe erosion of states’ exclusive jurisdiction on the two crucial subjects not only left them in a precarious situation, it also afforded jurisprudential rationale to courts to interpret the said provisions in favour of the Centre.

In the post-emergency period, the overall political texture remained fluid in the country. Hence, no major volatility was discernible in the federal matrix. However, with the growing sting of terrorism in time and space, a need was felt by the Centre to create certain supranational anti-terror bodies like the NIA and NCTC that turned into the latest round of acrimony between the two layers of governments. In this spat, despite having legal edge, Centre decided not to bulldoze the states owing to its precarious political position. Moreover, what appeared remarkable
has been the collective vociferousness and coordinated strategy of states to guard their fortress.

**Way Ahead**

The course of Centre-state relations vis-a-vis measures against terrorist and allied subversive activities, like all other aspects, has arguably been influenced more by political dynamics than imperatives of mutual cooperation, coordination and support. It is precisely for this reason that the trajectory of anti-terror measures has been marked more by the turf war between Centre and states than by evolving a foolproof framework and strategy that would have wiped out terrorism from the country. Given the overall centrist disposition of the Constitution, it is obviously the Centre that has been destined to gain an upper hand in the standoff. But what transformed the basic contours of Centre-state administrative relations beyond even the imagination of the founding fathers has been the fundamental changes effected in the provisions ordaining primary role to the states in the domain of public order and police. The judicial pronouncements guaranteeing almost unfettered powers to Centre in the area of anti-terror measures sprang presumably out of the retro-fitments carried out in the relevant provisions during emergency. Thus, in a sphere that has perfectly been assumed to be the core concern of states in the original constitutional scheme ultimately turned out to be completely out of their reach. Nevertheless, effective handling of the menace of terrorism remains an unprecedented challenge not only to the unity and integrity of the nation but also to the mundane realm of public order and tranquil life of the common people. Despite its unrestrained powers and enthusiastic activism, Centre might never be able to tackle terrorism single-handedly. Being the first response point, states will have to be involved in that endeavour.

At the outset, tackling terrorism need not turn out to be a turf war between the two constituent stakeholders of the Indian federation. Complexity of the conundrum is that while the ultimate accountability to cope up with the challenge of terrorism is that of the Centre, it is the spatial domain under immediate access of states that becomes the theatre of mindless violence. Therefore, it is out of question to conceive that terrorism can be tackled by either of the two exclusively. Consequently, what seems *sine qua non* is a cooperative, coordinated and strategically supplemented approach of eliminating terrorism involving both the Centre and states. Clearly, the two levels of governments must perform the tasks for which they are best suited. With a view to nip in the bud the cache and cadre of the terrorists, Centre needs to be best equipped in intelligence and connoisseur activities. Logically, therefore, field operations to bust the
terror plans and nab terror operatives should lie with the states. Reports suggest that all-encompassing central anti-terror agencies like NIA have not been able to serve the purpose substantially. Experiences elsewhere in the world have also shown that remarkable positive changes in the anti-terror operations have been brought about by ensuring a collaborative and cooperative relationship between the national intelligence agencies and the local police. Hence, the need for a dedicated national intelligence unit in the overall counter terror operations cannot be ruled out. But at the same time, such a move must not only be permitted to be construed as undue penetration in the conventional domain of the state, efforts must also be made to remove their genuine apprehensions on such moves.

In any earnest attempt to stamp out the strands of terrorism, manifest need for a sound legal framework has long been advocated. But such legal framework needn’t be reduced to the modicum of linear and frictional bodies like the NIA. Instead, a comprehensive legislative enactment stipulating the role and responsibilities of various stakeholders and operating units of the federal system must be put in place. At the core of such a framework may lay a nodal anti-terror agency. Indeed, such an agency must be formed after comprehensive consultation with and taking into confidence all the states as well. Above all, in no way, the central endeavour at anti-terror measures may look like creeping into the prime domain of the states by the Centre. Being the dominant partner in the federal set up, the onus of responsibility in this regard rests with the Centre to be considerate and sensitive to the concerns and apprehensions of the states. Once the infallible mantra of mutual trust and cooperation between the two layers of the federation is operationalised, anti-terror measures are in all probability likely to prove a nemesis of terrorism rather than the federal balance of the country.

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2. Ibid, p. 78.
32. Such a stout defence of the states’ legitimate constitutional domain has been mounted by Bihar Chief Minister Nitish Kumar in his speech at the Chief Ministers Conference on Internal Security. Full text of the speech is available at http://cm.bih.nic.in/pdf/CM%20speech%20NCTC%2005.pdf accessed on July 20, 2014.
A SAFE CITY APPROACH TO URBAN SUSTAINABILITY: DEVELOPING A FRAMEWORK FOR COMMUNITY RESILIENCE

CHANDRANI BANDYOPADHYAY AND P. J. PHILIP

Rapid urbanisation has been the hallmark of demographic growth in the 20th Century. In 2008, the urban population equaled the rural and is expected to grow rapidly in future, led primarily by Africa and Asia. The inevitable trend of urbanisation has concentrated economic activity and pushed economic growth and also promoted inequality and social disruption along with environmental damage. The authors argue that urban development should incorporate an approach towards building safer cities by building resilience of systems. Enhancing urban resilience should therefore follow a people-centred and multi-faceted approach, to integrate and highlight the physical, social, economic, governance and community characteristics. In the complex risk landscape of cities, planning for future can be successful only if an integrated approach for long-term planning within the socio-technical-built-environmental systems is adopted, rather than focusing on separate sectors. Safe development thus denotes enhancing the capacity of the communities and systems supporting them to withstand and cope with disasters. Therefore, increasing resilience of vulnerable communities and systems is required as priority action.

INTRODUCTION

THE HISTORY of mankind traces the intrinsic relationship of human endurance and natural phenomenon. Favourable natural conditions facilitated growth of great civilisations while extreme natural events or disasters often resulted in their destruction. The fall of Indus Valley and Minoan civilisations are attributed to natural disasters. Even today, disasters cause extensive devastation all over the world, causing death, injuries, destruction of assets and devastation of economies and livelihoods. Even today, disasters cause huge devastation; on an average the global cost of disasters exceeded about US$ 100 million per year over the last decade.
(United Nations System Task Team, 2012). The Nepal Earthquake of 25 April 2015 which killed an estimated 8000 people has caused losses that will take decades for the nation to recover from.

Just as disasters form an intrinsic part of human society, urbanisation has been its hallmark over the ages. Urban settlements evolved out of people’s needs for protection and security; or as centres of trade, storage of surplus produce, defence, religion or entertainment on the basis of a diversified economic base. The term “city” therefore implies a “concentration of people in a given geographic area who support themselves on a fairly permanent basis from the economic activities of the area” (Gallion & Eisner, 1986). Through history, cities of the Indus Valley, Mesopotamia, Egypt, Aegean and mainland Greece emerged as centres of power, culture, aesthetics, trade, communication, and learning. Rapid urbanisation has been the hallmark of demographic growth in the 20th Century. The world urban population has increased rapidly from 228 million to 2.8 billion during the 20th Century and is expected to go up to five billion by 2030 (United Nations Population Fund, 2007). In 2008, the urban population equaled the rural and is expected to grow rapidly in future, led primarily by Africa and Asia.

Urbanisation and Urban Risks are Inexorably Linked

The inevitable trend of urbanisation has both positive and negative connotations. As centres of economic activities, governance and trade, cities push economic growth of the region. Along with the development, cities also concentrate on issues of poverty, inequality, environmental damage and social disruption. However, the solutions to these issues also emerge from cities themselves, the advantages thus outweighing the disadvantages (United Nations Population Fund, 2007). The effort should be aimed towards promoting urban sustainability from its very outset.

The urban landscape is highly vulnerable to disasters of various nature and intensities. Cities located in hazard-prone areas become more vulnerable due to overlapping of physical and socio-economic factors like unsafe housing, uncontrolled use of land, high population densities, lack of access of resources and unsafe livelihoods. Most major cities of the world are located in coastal regions or near river deltas, thus increasing their risk of hydro-meteorological disasters. Rapidly expanding cities are continuously creating new risks and challenges for disaster risk reduction. Increasing urbanisation, especially in Asia and Africa translate into habitation in unsafe areas like river flood plains, unstable slopes and coastlines, thus ensuring greater exposure to hazards. Most often, it is the poor and first-generation migrants who reside in these unstable sites, their risk compounded by their poverty, informal livelihoods, lack of access to services and financial backup.
The vulnerability of urban settlements arises from their inherent complexities and variations in built-form, socio-economic conditions and empowerment of citizens. About one billion people live in poor quality housing and slums in urban areas across the world, which is expected to grow to 1.4 billion by 2020 if stringent measures are not taken to reverse the trend (IFRC, 2010). A huge segment of urban dwellers remains vulnerable to risks. In addition to housing, massive deficits in provision of water and sanitation facilities are characteristics of many urban areas in middle and low income nations. Populations already exposed to these risks and recurrent small-level hazards like drainage congestion and waterlogging, pest infestation and vector-borne diseases become more vulnerable to catastrophic events and may lose the capacity to recover for decades (Dickson et al, 2012).

Eight out of the 10 most populous cities in the world are exposed to seismic risks and most of the 30 Asian mega-cities are coastal, vulnerable to floods, cyclones, tsunamis. The concentration of population, housing, infrastructure, economic and socio-cultural activities, trade, commerce and governance in cities aggravate disaster risks so that even a moderate hazard event can cause a huge impact that can have global implications. The Tohoku Earthquake of 2011, with an estimated loss of 210-300 billion USD was the “costliest catastrophe ever” (Sundermann et al., Swiss Re 2013).

**Dimensions of Urban Risk in India**

The Indian urban scenario is characterised by high growth rate and primacy of cities. India’s urban population has increased from 25.85 million in 1901 to 377.2 million in 2011, an increase in share from 10.84 per cent to 31.2 per cent during the same period. This exponential urban growth has been marked by huge concentration of population in metropolitan centres leading to a top-heavy urbanisation process. Out of a total of 7935 urban centres, 468 Class I cities (each with a population exceeding 100,000) accommodates 70.24 per cent of urban population, leaving only 29.76 per cent spread over 7467 smaller towns. 42.62 per cent of urban dwellers reside in 53 million plus cities that occupy 0.2 per cent of the land area (IIHS, 2011).

Rapidly increasing urban population and top-heavy urban morphology have led to a complex system of risks and vulnerability. Concentration of population, assets and economic activities characterise large Indian cities, making them the densest and vulnerable cities of the world. The implication of this growth manifests in sub-urbanisation, unplanned development, inadequate urban infrastructure and services. Unsafe buildings and locations, informal livelihoods and environmental deterioration further exacerbate urban risks and vulnerability.
Physical, social, economic and environmental dimensions combine to form complex risk scenarios in cities. The physical dimension of urban risks relate to the vulnerability of built form. About 39.9 per cent of total census houses in India have mud, stone or unburnt brick walls, which are vulnerable to very high damage from earthquakes, high winds and cyclones and floods. Burnt brick walls constitute 44.9 per cent of all houses, with high to medium vulnerability to disasters. Relatively stronger concrete and wood walls make up only 3.9 per cent of all houses thereby pointing to the severe vulnerability of built structures. In terms of roofs, light weight sloping roofs (34.8%) are less vulnerable than heavy weight sloping roofs (31.4%). In predominantly urban Delhi, 4.3 per cent houses with weak walls of unburnt brick, mud or stone show high vulnerability to earthquakes, strong wind of velocity 47m/s and floods. 91.7 per cent of houses have moderately vulnerable burnt brick walls, with medium vulnerability while only two per cent have concrete or wood walls and another 1.9 per cent has walls of other materials, both showing medium to low vulnerability (Building Materials & Technology Promotion Council, 2006).

Socio-economic implications of risk are complex factors of migration, unsafe livelihoods, poverty, lack of access to public amenities and services. In addition to housing, massive deficits in provision of water and sanitation facilities are characteristics of many urban areas in middle and low income nations. 23.5 per cent of urban population lives in slums, revealing not only critical “shelter poverty” but also lack of basic urban services like water, sanitation and solid waste management. It is estimated that 23 million children under 14 years across Indian cities and towns are at risk from poor sanitation and eight million are at risk from poor water supply (High Powered Expert Committee, 2011).

Urban environmental risks arise from the complex interactions between the physical and social systems over space. Most major cities of the world are located in coastal regions or near river deltas, thus increasing their risk of hydro-meteorological disasters. Rapid urbanisation has exposed more people to natural hazards by way of habitation on river flood plains, unstable slopes and coastlines. Urban form influences the urban ecosystem in terms of heat island effect, emission patterns and energy demand. Rapid urban transformation of the world combined with a changing climate is fast changing the risk profile of cities. Though long-term changes in trends of losses from disasters are not directly attributed to natural and anthropogenic climate change, it nevertheless adds additional dimensions of risk in an already complex urban system (Jha et al, 2013). Climate change implications of temperature and precipitation increase, sea level rise, intense cyclones have serious bearing on the risk of cities (Dodman, 2009,
Dickson et al., 2012). While sea level rise and storm surges threaten coastal habitats and infrastructure, excess and intense precipitation causes higher frequency of flooding, urban landslides, road sinking, vector-borne diseases and epidemics, extreme heat and cold wave leads to higher morbidity and mortality, heat island effect, increased energy demand, water and air pollution, thereby adding to the complexity of risk scenario. The low and middle income nations are estimated to be most affected by climate change impacts (IFRC, 2010). An adaptive, inclusive, responsive and redundant approach to build urban resilience is imperative for risk-sensitive urban development (Jha et al. 2013).

Approaches to Urban Resilience

The approach to resilience in the context of disaster risk reduction implies a proactive system that reduces vulnerability on one hand and transforms and adapts to changing situations on the other. Derived from the Latin root “resiliere” meaning “to jump back” (Mayunga, 2007) resilience refers to the capacity to cope with and “bounce back” from the impact of disasters (Manyena et al., 2011). Urban risks arise out of concentration of population, economic activities and infrastructure, all functioning within a complex set of networks, exposed to natural forces and hazards. Yet, over millennia, cities have shown incredible resilience to natural disasters, military aggression and political disturbances (Vale & Campanella, 2005). Each city system, from Aleppo to Tokyo, London, San Francisco have faced plague, fire and earthquake to emerge as a vibrant economic centre. Conversely, the inherent resilience is being seriously undermined in recent years by rapid development in unsafe locations, habitations and structures.

The increasing potential of disaster loss in cities underlines the need for resilience within the systems and communities. Resilience refers to the ability of systems to cope with the shocks and stresses and adapt to the changed circumstances after the calamity (Manyena, 2009). Just as disasters are all encompassing, resilience needs to be integrated within governance systems, building systems, social dynamics and economic networks. Resilience, therefore should be seen as a public good used to build capacities of communities and systems to deal with disruptions (Jha et al., 2013).

The Hyogo Framework for Action (HFA) drew the world’s attention to resilience in the context of hazards and disasters. The HFA defined resilience as “the capacity of a system, community or society potentially exposed to hazards to adapt by resisting or changing in order to reach and maintain an acceptable level of functioning and structure.” The Sendai Framework for Disaster Risk Reduction, 2015-2030 has continued with its emphasis on enhancing resilience of people and countries, with an increased focus
on inclusive and sustainable development. The Sendai Framework has shown a resolute approach to resilience through its advocacy of “inclusive, accessible and non-discriminatory participation” of vulnerable communities in disaster risk reduction.

Within the framework of disaster management, resilience is best considered as part of a system that includes organisations, communities and individuals. The system interacts with the external environment to transform itself and discharge the functions envisaged (Mukherjee, 2009). Cannon (2008) identifies three major resilience functions of risk reduction, emergency management and mitigation and recovery functions. Any society can be called resilient if they can simultaneously perform these functions.

Enhancing resilience is a process, in the context of individuals, households and communities. Building the capacity of communities for enhancing urban resilience refers to the continuous effort to reduce the existing risks to an acceptable level and urge transformation to adapt to future or emerging risks (Satterthwaite et al., 2013). The resilience approach, therefore needs to include robustness, redundancy, flexibility and integration of policies and investments with development. The need is to build resilience through inclusive cities not only pertaining to natural systems, but also social and economic systems. Aldrich (2012) identifies five dimensions of resilience as: (a) personal and familial socio-psychological well-being, (b) organisational and institutional recovery capacity (c) economic and commercial resumption of services and productivity (d) capacity of early restoration of infrastructural systems and (e) operational regularity of public safety and governance.

Resilience as a Factor of Urban Sustainability

The status of risk and resilience is directly related to sustainability of urban areas. The concept of sustainability as espoused by the Brundtland Commission Report *Our Common Future* in 1987, emphasised the need for optimal utilisation of natural resources without compromising preservation of genetic diversity and ecosystem maintenance (Kula, 1998). The declaration that sustainable development is that which “meets the needs of the present without compromising the ability of the future generations to meet their own needs”, suggests human actions that balance social, economic and ecological objectives or needs today would enable sustainability of the future. The concept of sustainable development incorporates the basic concepts of needs in the social, environmental and economic spheres of activity and the limitations in terms of existing technology and prevailing social systems. The approach, therefore presupposes the existence of social, economic and environmental systems. Any disruptions or disturbances in the system compromise on the future generations.
Disasters affect development and are in turn affected by development. Loss of lives, livelihoods, assets and infrastructure wipe out years of development gains of nations and communities. Compounding the loss, the investment required for restoration, reconstruction and rehabilitation put a huge pressure on the national economy and divert resources from social sectors. In addition to the direct loss, disasters often give rise to or aggravate other stresses and shocks like political instability, environmental degradation, social conflict, epidemics, etc. (UNDP, 2004). While on one hand, disasters cause loss of development benefits, flawed development choices often result in disasters, on the other. UNDP (2004) underscores this relationship by terming disasters as “a cause and product of failed development.” Inappropriate development interventions like building on unstable slopes or floodplains incrementally increases disaster risks and create unresolved development issues.

The intrinsic relationship between disasters and development puts it firmly in the paradigm of sustainability. According to Agenda 21, sustainability comprises of four major dimensions, socio-economic that focussed on poverty alleviation, resource conservation and management, empowering and ensuring participation of communities and indigenous groups, implementation through knowledge and technology transfer (Sustainable Cities International, 2012). Fragile ecosystems create or aggravate vulnerability, leading to unsafe living conditions and lack of well-being. Inefficient resource management causes climate change that can lead to extreme weather events and disasters. Therefore, development that prevents creation or aggravation of risk is sustainable. Following a development process that is safe from risks and builds resilience of communities will be sustainable in all four dimensions. This approach has people at the centre of all development and the livelihood assets that they can access like natural resources, technologies, skills, knowledge, sources of credit, etc. seen in conjunction with the factors that influence their access to assets, viz. vulnerability, seasonality and socio-political environment.

**Building Resilient Cities through Resilient Communities**

Just as the community is at the core of all development efforts, resilience of urban systems can only be achieved through community-led initiatives. Disaster resilient communities have to be created through enhancing their adaptive capacities by focusing on holistic risk reduction (Gall, 2013). Enhancing community resilience would involve the collective effort by the community, government and other grassroots level organisations through risk reduction, collective decision-making, organisational linkages and information dissemination efforts.
A resilient urban system is expected to demonstrate three primary characteristics of robustness to absorb shocks and stresses, redundancy of alternate systems and rapidity of response in case of emergency. In disaster management terms, robustness can be linked to the coordination of departments and agencies, promoting vertical and horizontal synergy. Laws, regulation, policies and plans make up a robust disaster management system. Redundancy implies existence of alternate response systems in the event of failure of the functioning system. Alternate communication and information channels, economic activities and access to services make for redundancy in a disaster situation. Regular rehearsal of plans, mock-drills, information on evacuation sites and procedures affect rapidity of response.

Enhancing resilience of communities presupposes active participation and empowerment of communities. Norris et al (2008) identifies four sets of adaptive capacities that can build community resilience, viz. social capital, economic development, community competence and information and communication flows. Moral capital was identified as a crucially important form of community well-being and resilience by Stokols et al (2013). Therefore, community resilience underscores the safety aspect in terms of economic stability, awareness and communication of safety precautions, organisational linkages, community cohesion, access to infrastructure and consensual welfare development. The major resilience components of economic development, social capital, community competence and information and communication status are powered by the governance system in place. The elements of community resilience in an urban setting are illustrated in Fig. 1.

A Systems Approach to Disaster Resilience

The Systems Approach to Management emerged out of the need to combine the task and structure oriented classical management with the worker-centred behavioural approach of management (Mukherjee, 2009). The Systems Approach considers an organisation as a system comprising of interdependent parts that contribute to the functioning of the organisation. From the disaster resilience perspective, adopting a Systems Approach would be appropriate as the stakeholders operate within various systems. In a system analysis, community resilience is seen as a combination of efficiency of system response, rapidity of recovery and success of risk reduction.

A Systems Approach is dynamic, adaptive, multivariable, open (in case of social systems), integrated and interdependent (Mukherjee, 2009). Similarly, reducing disaster risks need the involvement of various dimensions or systems, viz natural, social, economic, infrastructural and
institutional (governance). All these sub-systems make up the composite environment where hazards come into play. Each component influences and is in turn influenced by changes in others. For example, infrastructure development (infrastructure system) may result in shrinking urban forests (natural system) that increase pollution and impact community health (social system) and livelihood (economic system). Thus resilience needs to be considered as a systems issue, where interdependent components make up the universe. A Systems Approach considers task, structures, people and technology. Disaster management and resilience can similarly be illustrated as in Fig. 2.

Measuring Urban Resilience

Urban resilience is a function of built environment, social dynamics, governance networks and metabolic linkages. Intrinsically linked to sustainable development and being a stated goal of Hyogo Framework for Action (HFA), community resilience has gained attention of development agencies and academicians alike. The studies are built on the concept of capacity of people and systems to cope with disasters. Resilience encapsulates the capacity of physical, social, environmental and operating/governance systems to withstand the shocks of disasters and resume their functions at the earliest. The core essence of resilience is to enhance the
capacity of the components of the system to reduce failure probabilities, reduce the consequences of failure or in other words, the impact of disasters and to reduce time for recovery (Bruneau et al, 2003). Indicators of community resilience therefore entail knowledge, information, awareness of the disaster, communication channels, coordination mechanisms and community focussed policy initiatives.

Cutter et al (2008, 2010) propounded the Disaster-Resilience-of-Place (DROP) Model that defines resilience as a dynamic process that considers the antecedent conditions of vulnerability in social, natural and built environment systems. Disasters are a cumulative function of the antecedent conditions, event characteristics and community coping measures. Resilience is thus dependent on antecedent conditions (vulnerability), severity of the hazard event, time between the events and exogenous factors.

Resilience is a multi-faceted concept including social, economic, infrastructural, institutional, ecological and community elements. Keeping this in mind, the authors of the DROP Model have selected the indicators for
measuring inherent resilience based on their validity, robustness, sensitivity, reproducibility, scope, availability, affordability, simplicity and relevance. Each systemic component has been divided into sub-components based on these factors. The DROP Model features 29 variables to measure resilience divided into ecological, social, economic, institutional, infrastructure and community competence dimensions.

The World Bank publication titled *Building Urban Resilience – Principles, Tools and Practice* (Jha et al., 2013) examines the concept of resilience in an urban context and identifies indicators of resilience. The document is primarily aimed as a guideline for municipal governments, development authorities, land-use planning agencies and risk management organisations. The guidelines aim to build resilience into urban development, critical infrastructure planning and risk mitigation measures in order to facilitate the decision-making process for urban development. While maintaining the traditional people-place approach, the document incorporates dynamism by stressing on putting in place a robust approach to deal with emergent and residual risks along with existing ones. Infrastructural resilience refers to availability of resilient building stock, critical infrastructure, evacuation plans, community’s capacity for response and recovery.

*Institutional resilience* refers to the institutions responsible for governance, the governmental and non-governmental institutions that administer a community.

*Social resilience* refers to the demographic profile of a community in terms of age, sex, disability, socio-economic status.

*Economic resilience* refers to a community’s economic diversity in employment, businesses and coping capacity in disasters.

*Community competence* refers to the sense of belongingness and cohesiveness of the community members, quality of life and local understanding of risk.

The Resilience Capacity Index (RCI) developed by the “Building Resilient Regions” network hosted by the University of California, Berkeley, is a measure of a society’s capacity to respond effectively to a future stress. It is a single score emerging from 12 equally weighted indicators, relating to the three basic components of Regional Economic Capacity, Socio-Demographic Capacity and Community Connectivity Capacity.

The United Nations launched the “Making Cities Resilient ‘My City is getting Ready!’” Campaign in May 2010 to involve local actors in reducing disaster risks in urban areas. The Campaign focussed on local government officials and local actors who have a wide range of responsibilities, from
emergency response to critical development functions involving managing and reducing risks.

The Campaign centres on a 10 point checklist as a building block for urban resilience, developed in line with the five priorities of action as incorporated in the HFA document. Each essential action for city resilience is informed by a priority action of the HFA. For example, HFA priority one informs resilience actions related to setting up a coordination mechanism, financial arrangements and local government’s interface with the community. HFA priority two relates to comprehensive analysis of risk and use of that information in development decisions. It also includes safety assessment of schools and health facilities and their upgradation to resilient structures. HFA priority three on knowledge, innovation and education informs essential actions like risk assessment using scientific methods and dissemination of this information to the public in order to increase their awareness and motivate them to undertake preparedness measures. HFA priority four that focuses on reducing underlying risks informs essential actions like enforcement of regulatory mechanism, sound urban planning practices, ecosystem management, preparedness planning, maintenance of critical infrastructure and ensuring community participation in risk reduction. Priority action five of HFA relates to ensuring emergency preparedness, early warning dissemination systems and recovery planning initiatives. Thus, the 10 essential actions for urban resilience are aimed at operationalising the HFA through specific actions at the city level.

The Climate Disaster Resilience Index (CDRI), developed by Kyoto University considers climate based disaster risks in the context of climate change. The CDRI is a tool to measure the vulnerable components of an urban system and their capacity to respond to shocks and stresses (Shaw et al, 2010). CDRI is designed to measure the capacity of urban communities and city governments to respond to hydro-meteorological disasters. The CDRI was developed as a 5X5 matrix, defined by five dimensions of physical, social, economic, institutional and natural, each dimension containing five parameters as follows:

The City Resilience Framework developed by Arup International Development for Rockefeller Foundation considers urban resilience as the “capacity of cities to function so that the people living and working in cities – particularly the poor and vulnerable – to survive and thrive no matter what stresses and shocks they encounter.” The approach considers urban areas functioning as a “system of systems” as a complex network of institutions, infrastructure and information. Each system affects the others and in turn gets affected by them. The Resilience Framework underscores the importance of people, space, institutions and knowledge in identifying
urban resilience indicators. 12 indicators in four categories of health and well-being that covers people, economy and society that covers institutions, infrastructure and environment that denotes place and leaders that denotes knowledge are identified as “fundamental attributes of a resilient city.”

**A Template for Resilience for Indian Cities**

Cities are complex entities, Indian cities probably more so. Indian cities are often a study of contrasts which demonstrate a wide range of functions, economic status and income, housing, facilities and amenities livelihood options. Enhancing urban resilience should therefore follow a people-centred and multi-faceted approach, to integrate and highlight the physical, social, economic, governance and community characteristics. In the complex risk landscape of cities, planning for future can be successful only if an integrated approach for long-term planning within the socio-technical-built-environmental systems is adopted, rather than focusing on

<table>
<thead>
<tr>
<th>HFA Priorities</th>
<th>Links</th>
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<tbody>
<tr>
<td>I. Ensure that disaster risk reduction is a national and local priority</td>
<td>A, B, G</td>
</tr>
<tr>
<td>II. Identify, assess and monitor disaster risks and enhance early warning systems</td>
<td>C, E, I</td>
</tr>
<tr>
<td>III. Use knowledge, innovation and education to build a culture of safety and resilience at all levels</td>
<td>C, G</td>
</tr>
<tr>
<td>IV. Reduce underlying risk factors</td>
<td>B, C, D, E, F, H, I, J</td>
</tr>
<tr>
<td>V. Strengthen disaster preparedness for effective response at all levels</td>
<td>E, G, I, J</td>
</tr>
</tbody>
</table>

**FIG. 3: OPERATIONALISING HFA IN MAKING CITIES RESILIENT CAMPAIGN**

<table>
<thead>
<tr>
<th>10 Essentials for Making Cities Resilient</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Put in place organization and coordination to understand and reduce disaster risk, based on participation of citizen groups and civil society. Build local alliances. Ensure that all departments understand their role to disaster risk reduction and preparedness.</td>
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</tr>
<tr>
<td>B. Assign a budget for disaster risk reduction and provide incentives for homeowners, low-income families, communities, businesses and public sector to invest in reducing the risks they face.</td>
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<tr>
<td>C. Maintain up-to-date data on hazards and vulnerabilities, prepare risk assessments and use these as the basis for urban development plans and decisions. Ensure that this information and the plans for your city's resilience are readily available to the public and fully discussed with them.</td>
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<tr>
<td>D. Invest in and maintain critical infrastructure that reduces risk, such as flood drainage, adjusted where needed to cope with climate change.</td>
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<tr>
<td>E. Assess the safety of all schools and health facilities and upgrade these as necessary.</td>
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<tr>
<td>F. Apply and enforce realistic, risk compliant building regulations and land use planning principles. Identify safe land for low-income citizens and develop upgrading of informal settlements, wherever feasible.</td>
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<tr>
<td>G. Ensure education programmes and training on disaster risk reduction are in place in schools and local communities.</td>
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</tr>
<tr>
<td>H. Protect ecosystems and natural buffers to mitigate floods, storm surges and other hazards to which your city may be vulnerable. Adapt to climate change by building on good risk reduction practices.</td>
<td></td>
</tr>
<tr>
<td>I. Install early warning systems and emergency management capacities in your city and hold regular public preparedness drills.</td>
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<tr>
<td>J. After any disaster, ensure that the needs of the survivors are placed at the centre of reconstruction with support for them and their community organizations to design and help implement responses, including rebuilding homes and livelihoods.</td>
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</table>
separate sectors. A template for resilience can, therefore comprise of the following indicators:

<table>
<thead>
<tr>
<th>Social</th>
<th>Economic</th>
<th>Institutional</th>
<th>Housing &amp; Infrastructure</th>
<th>Community</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age (vulnerable age group)</td>
<td>Housing capital (rental)</td>
<td>Preparedness planning</td>
<td>Age of structure</td>
<td>Metropolitan stability</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Place attachment</td>
</tr>
<tr>
<td>Educational attainment/ Skills</td>
<td>Employment</td>
<td>Mock drills</td>
<td>Extent of modification</td>
<td>Local understanding of risk</td>
</tr>
<tr>
<td>Access to transportation network</td>
<td>Alternate livelihood options</td>
<td>Coordination mechanisms</td>
<td>Availability of amenities &amp; level of satisfaction</td>
<td>Civic involvement</td>
</tr>
<tr>
<td>Special Needs</td>
<td>Community interaction</td>
<td></td>
<td>Sheltering needs</td>
<td>Quality of life</td>
</tr>
<tr>
<td>Health coverage</td>
<td>Early warning dissemination</td>
<td></td>
<td>Critical infrastructure</td>
<td></td>
</tr>
<tr>
<td>Health Insurance</td>
<td>Evacuation routes</td>
<td></td>
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</tbody>
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**CONCLUSION**

Urban sustainability is a function of urban resilience. Urban sustainability can be achieved by promoting resilience through long-term planning, encouraging partnership approach between the government and community, promoting integration of community resilience approaches into local development planning, meaningful participation of the community and positive contribution in addressing the root causes of vulnerability and integrating livelihood resilience and natural resource management (Sixth Asian Ministerial Conference, 2014).

At the crucial juncture that the world is currently at, with more people being affected by disasters, extreme weather phenomena due to climate change, unplanned and uncontrolled urbanisation, disaster displacement and myriad such issues, ensuring “safe” development for the future requires emphasis on involvement of all stakeholders in risk reduction initiatives and focus on community-owned and community-centred risk reduction. Safe development thus denotes enhancing the capacity of the communities and systems supporting them to withstand and cope with disasters. Therefore, increasing resilience of vulnerable communities and systems is required as priority action. Concerted and coordinated efforts from the global to the local levels are imperative for increasing resilience.
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RAPID CHANGE IN FINANCIAL MARKETS AND FINANCIAL TECHNOLOGIES: ISSUES AND IMPLICATIONS IN GOVERNANCE AND REGULATION

S. SUDHAKAR BABU AND N.A. FRANCIS XAVIER

The changing nature of financial transactions and financial markets, triggered significant new risks and new risk combinations, created by globalisation and intensive use of technology. As the traditional risks have not disappeared, the overall risk level of financial system has increased. The article traces this transformation in the financial markets at the global level and attempts to look at the challenges that new financial technologies pose for regulators, governance and investors. It also attempts to trace the impact of new technologies on India and its implications for regulators in India.

INTRODUCTION

THE LAST three decades have seen the exponential growth of the financial markets and financial products. This ‘financialisation’ has led to an increase in the depth as well as reach of the financial markets. It has led to the rise of new institutional players who command huge resources. Till about the 1980s, risk was essentially borne by banks while the past two decades have seen risk being spread out to new institutional players such as pension funds, hedge funds and private equity. This period has seen the transformation of the financial markets (which are thought to provide financial services) to those that are themselves commoditised. This article traces this transformation in the financial markets at the global level and attempts to look at the challenges that new financial technologies pose for regulators, governance and investors. It also attempts to trace the impact of new technologies on India and implications for regulators in India.

Trading in the Pre-Internet Era

Financial markets have aided business transactions (and speculation) in one form or another for more than a thousand years. The world’s
oldest stock exchange was founded at Amsterdam in 1602 to deal with the printed shares of the United East India Company of the Netherlands. Stock exchanges and subsequently other exchanges have flourished since then. Interestingly, in the present day, the volume of trading in the stock exchanges is a distant third, eclipsed by currency markets and commodity markets. However, in India, equity trading comprises the largest segment of the financial markets, both in terms of volumes and participation.¹

Till the last decade of the previous century, trading in the stock exchanges was largely based on the age-old practice of the ‘trading pit’. Traders of an exchange would meet during the trading hours in the exchange premises and would shout buy and sell orders jostling with each other. This system largely depended on manual confirmation notes that would then be entered in the exchange records. The trades would be settled at the end of a predetermined time. At the end of this ‘settlement period’, the buyers and sellers would settle their trades and exchange securities and cash.

The traditional system was not transparent and did not aid price discovery even for the brokers—leave alone the investors. Usually it was investors who suffered the most. Participants in the India’s premier stock exchange the Bombay Stock Exchange (hereafter BSE) clearly indicated this when they point out that the brokers would charge a huge six per cent of the value as commission and yet would invariably give confirmation notes that stated that they sold at the lowest point and bought at the highest point of the day. All this changed with the onset of screen-based computer trading. In one stroke, investors could sit in front of the computer terminal and would know the price at which securities could be bought and sold. It is beyond the scope of this article to go into the history and impact of this change. Suffice to say electronic trading centred around high technology enabled not only a better price discovery but also enabled investors to take control over their buying and selling decisions as they have greater amount of information at their disposal. Trading in different segments of the financial markets was no more restricted within a closed group of brokers.

Impact of Technology

A consequence of electronic screen based trading was that trading in the financial markets underwent a revolutionary transformation. Better price discovery and the ease of trading led to an exponential growth of volumes, which in turn led to a drastic fall in the costs associated with providing financial services. There was a drastic fall in the commissions charged. In the case of the commissions charged in the BSE, they fell from about five to six per cent to the present half per cent and less. This in turn has had the effect of drawing more speculators into the markets attracted by the
ease with which they can trade and the low costs. Thus, the introduction of new technologies has enabled common (often small) investors and large institutions to have access to information and to trade easily. Importantly, the pressure to earn profits has meant that brokerages are now forced to offer all types of investor’s information services that in the past were the privy of only the largest investors.

**Birth of New Players: Hedge Funds and Private Equity Groups**

The revolution in the financial markets since the 1980s has led to the creation of two new types of financial players, apart from mutual funds and pension funds that already existed. It is imperative to note that mutual funds and pension funds too increased in size. Today the largest pension fund, CALPERS (California Public Employees’ Retirement System) controls more than $230 billion while California State Teachers’ Retirement System controls roughly another $150 billion in funds and comprise the largest investors in the world. Interestingly their corpus is equivalent of about 40 per cent of India’s gross domestic product.

One consequence of technological innovation in the financial world has been the birth of a new breed of financial players that are referred to as ‘Hedge Funds’. Hedge funds are usually pools of capital raised from very high networth investors. They are not registered with any of the regulatory authorities. The minimum investment that an investor needs to invest to be a part of the pool is a minimum of one million dollars. There is no upper limit, but there are a number of funds that require a minimum investment of about $50 million. They charge fees that are quite high and usually a portion (normally about 20%) of the profits. With freedom to follow any investment pattern the goal of a hedge fund is to maximise profit for their investors that enables them to earn maximum profit. As they are often not registered with any authority, they are not regulated by any rules that are prescribed to other registered players like the pension funds and mutual funds.

In 1990, the Hedge Funds consisted of a fraternity of private-investment partnerships overseeing less than $40 billion, mainly on behalf of the wealthiest individuals. By the end of 2006, assets stood at more than $1.3 trillion, according to industry tracker Hedge Fund Research. However, a recent survey claimed that they managed money worth about $1.89 trillion. Growth has been fuelled by institutions, such as pension funds and endowments. In 2005 the highest paid hedge fund manager received about $1.5 billion in pay while the average pay for a hedge fund manager was $363 million.

The other new player that has emerged powerful in the financial landscape is a class that is often referred to ‘private equity’ funds. The
generic ‘private equity’ is used to connote a fund established for a closed group of investors, putting a minimum amount of money often for a fixed period of time. The amounts vary but the minimum investment is to the tune of about one million dollars. According to the news agency Bloomberg, private equity firms announced more than $400 billion of acquisitions in the US in 2006. The sheer size of the deals undertaken by private equity funds is mind-boggling. The largest deal, thus far, was the takeover of Equity Office Properties for about $39 billion by one of the largest private equity companies, Blackstone, represents about one third of the market capitalisation of the Bombay Stock Exchange.

The rise of these new players poses challenges to governance and regulation of the financial markets. Both, hedge funds and private equity have one common feature, their willingness to take exceptional risks in search of returns and their willingness to borrow large amounts (referred to as leverage in the financial markets). A manufacturing entity may find it difficult to leverage more than three times its net owned funds, in the case of a private equity fund or hedge fund it could be more than 20 times their own funds.

Technology and Changing Nature of Financial Architecture

The financial markets and their architecture have been structurally altered with the introduction of new technology. The single biggest factor that changed the nature of financial markets (in India and globally) may be said to have been the introduction of electronic trading systems that use Internet technologies. The importance of Internet has to be seen in the context that there are about 1.5 billion people around the globe who have access to the net. This enabled millions of people to trade in a more transparent manner facilitating better price discovery. The success of E-Trade and others such as Instinct in the USA has exponentially increased the scope and reach of the financial markets. The most obvious impact of the introduction of new technologies has been the huge jump in volumes. Investors traded about two billion contracts at the six US options exchanges last year, up 35 per cent from 2005, according to data compiled by Chicago-based Options Clearing Corporation in the US market. Stock trading at the New York Stock Exchange and the NASDAQ Stock Market increased 17 per cent.

The rise of Internet as a viable business tool has enabled individuals and institutions to trade in markets far and wide. The onset of new technologies based on the Internet has truly globalised capital and capitalism on a hitherto unknown scale. Technology has enabled the movement of huge amounts of capital. A recent McKinsey report claimed that global capital flows were expected to touch $213 trillion by 2010 with
stock being the key component of the global financial assets. It estimated that one in five stock globally is, owned by someone from the same country or the country of origin where the stock was issued. This contrasts to 1993 when financial assets were about $53 trillion. New technologies have enabled sophisticated financial institutions to quickly develop innovative financial instruments that can more efficiently quantify risk, enable risk to be re-allotted and parcelled out, while simultaneously reducing the economic cycle for the corporate world. These financial instruments that are often referred to as ‘derivatives’ have enabled the larger players to unbundle risk and shift risk in a highly calibrated manner. At the same time, technology has created opportunities to create and value these complex financial products on a global and real time basis. An interesting statistic by the international rating agency, Standard & Poor (S&P), better illustrates this transference of risk. International banks helped raise $480 billion of leveraged loans last year, up 62 per cent from 2005. Parts of these loans were sold to investors, two-thirds of which aren’t banks, up from 25 per cent in 2001, according to S&P. More than 250 institutions purchased these high-yield loans in 2006, compared with fewer than 100 in 2002 according to S&P. Many of the investors are new to the market. Another key new age innovation has been the introduction of trading that relies largely on advanced computer-based algorithms. It has been pointed out that algorithmic trading will be behind more than half of the stocks that change hands in the U.S., up from about 30 per cent last year (2006). The inauguration of algorithmic aided trading has changed financial markets trading. There are players who undertake about 6000 trades per second. Such has been the influence of this trading that even the most powerful of the securities firms have been forced to adopt them. Goldman Sachs, the most profitable and one of the largest securities firms in the world was forced to change its options system. The rise of these new players has also led to the creation of new financial products that have not only been innovative in their nature but have also altered the very nature of capitalism and its functioning. In the world of high finance, gone are the days when traders shout orders in the trading pit. Instead they use computers to help them make decisions and trade online. A recent report claimed that computers not only help the traders take decisions but are also used to generate buy and sell signals. It has been pointed out by a survey in the USA that hedge funds with less than $10 million and institutions managing less than $10 billion rely on electronic trading systems for almost two-thirds of their orders. Credit derivative products have grown exponentially in the recent past. Recent
reports claim that the nominal value of the credit derivative products in the world doubled from $12.6 trillion in 2007 to around $26 trillion in 2006.\textsuperscript{18}

An important consequence of the new technology and the rise of new players has been that they have deployed these new technologies to transform trading into computer-based programmes aimed at exploiting even minor variations in price simultaneously in markets spanning different parts of the globe. In other words, there is little human intervention, except in a very mechanistic way once the programming code is written and tested. The fact that they trade on small price variations but in large quantities means that their profits and losses tend to be magnified. Huge losses can often lead to instability in the global financial system. The 1998 collapse of the hedge fund, Long-term Capital Management (LTCM), forced the US Federal Reserve to arrange a bailout package. LTCM had leveraged its $2.6 billion capital by borrowing $125 billion to trade in securities and collapsed after wrong bets. In September 2006, another hedge fund, Amaranth Advisors LLC, collapsed after losses mounted to more than $9 billion.\textsuperscript{19} Interestingly, it has been reported that in 2006, about 83 Hedge funds lost about $35 billion and closed down, without causing any systemic crisis.\textsuperscript{20}

However, it is pertinent to point out that we need not overemphasise the chances of global financial crisis in case of the failure of one large financial player (unless it is the size of CALPERS). Unlike in 1998, when risk was not spread out among so many players, any risk to the global financial architecture may be a reality only if a number of such large institutions fail simultaneously. As already pointed out, the fact that a large part of the risk is being spread out means that a large number of financial participants will take large losses. However, these losses will not be big enough to lead to all of them collapsing. It is argued here that the statistical probability of such a simultaneous collapse is low.

This is not to claim that the impact of technology has only been positive. Invariably technological innovation has also enabled greater and more devastating speculation. This is because of the ease with which information disseminates seamlessly round the globe. The obvious impact of this has been that any crisis that affects one part of the globe risks becoming a global contagion in case effective remedial measures are not taken immediately. The 1997 South East Asian crisis and the global meltdown in the stock markets in May 2006 are clear pointers as to what can go wrong in the era of global capital flows aided by new technologies.

The result of the changes in the past three decades has been the transformation of financial services into commodities. Interestingly the past decades (more so especially after 2000) has seen the marketing of various
financial services as products that are fit for consumption to particular segments. This has happened to a sector that was in the past seen as an appendage of production and non-tradeable. This has in turn provided extraordinary growth in the influence of private agencies to shape global capital flows. In the past, this function essentially rested with governments. A good example would be online trading packaged into different products that are tailor made for particular classes.

The impact of technological trading has been felt in India too. Consequent to the Harshad Mehta scam in 1991 and related problems, the government decided to establish a new stock exchange (the National Stock Exchange, NSE). The NSE was conceived as an exchange that would be technology-driven. It commenced operations in 1994 with its screen-based very small aperture terminal (VSAT) platform. It was an instant success and this forced the other exchanges to adapt screen-based trading. Frequent scams and systemic crisis led to the introduction of dematerialisation of securities, where it was decreed that all securities would be held only in electronic form. By 2002 all the securities traded on the stock exchanges were to be only in dematerialised form. The successful implementation of dematerialisation of securities led to the introduction of compulsory rolling settlement from December 31, 2001, where trades would be settled within three days after end of the day on which the trades were entered into.

Despite all these changes, equity ownership has not expanded beyond two per cent. This despite the large increase in prices and the increase in volumes on the exchanges. However, the interesting aspect of Indian stock ownership is that there seems to have been a substantial shift in the investment and savings pattern of the urban populace towards financial assets, especially equities. The above cited McKinsey report cited that Indians in Tier I cities invested 70 per cent of their savings in stocks and bonds while only 30 per cent invested their savings in bank deposits while in rural India, almost 49 per cent of the savings is held in the form of bank deposits.

Governance and Regulatory Issues

The rise of the truly globalised ‘hot money’ is a reality that most of the regulators have to deal with. Dealing with speculative capital aided by new technologies is a challenge that most of the regulators have not been able to meet. The two important aspects of regulation are: (a) preventive regulation and (b) detective regulation. Technology has made both these difficult. This essentially means that the regulators have to deal with issues that will stop a problem from growing to one, which may cause a systemic collapse. The other major issue that regulators have to grapple with is that of insider trading, which is rampant in nearly all the markets. While the
former can bring the system to a grinding halt, the latter can erode the foundations on which capitalism is built.

Max Weber seems to have provided the basis around which the modern regulatory edifice has been built. Weber, unlike Marx, believed that speculation could not be suppressed and hence the better alternative was to regulate the people who speculated. In other words create conditions whereby individual speculators would not be in a position to cause a systemic collapse due to their speculative losses. Therefore, the best alternative was thought to see to it that speculators had sufficient financial resources. The modern exchanges have elaborate risk management systems in place. These provide norms and conditions that enable individuals or institutions to speculate.

The single biggest obstacle in governing capital (speculative or investment) is the anachronistic nature of regulation vis-a-vis capital. Regulators are concerned with governance issues (or regulation) only within the geographic domain of a single nation state or a trade block (like in the case of European Community). A related question that regulators, investors and academia have to answer is are the regulators equipped to regulate private equity, hedge funds and brokerages like Lime Group (which undertakes 6000 trades per second and cited above) effectively? The answer is most likely to be in the negative. These players often enter and exit a trade even before the regulators know about it and can take effective action. This has been compounded by the fact that a number of hedge funds undertake a large number of transactions with the aid of technology. It has been pointed out that some hedge funds undertake about a million trades per month.

On the other hand, global capital has operated over multiple geographic regions and has assumed what the Financial Services Authority (herein referred to as FSA), the UK regulator has termed as, ‘extra-territoriality’. In the Indian context, it has been noted by the Reserve Bank of India (RBI) that hedge funds constitute about 50 per cent of the trading activity undertaken by Foreign Institutional Investors (FIIs), through an indirect route that is referred to as Participatory Notes or PN in stock market parlance.

Insider trading is a more endemic problem that the regulators are unable to control. Recently, the FSA in UK declared that insider trading was rampant in which 23.7 per cent of financial takeovers were preceded by share price movements that indicated possible insider trading. This is considered mere tip of the iceberg and FSA studies was confined to equity markets. The debt and derivates markets are often considered worse. The Asian markets are no different and market observers claim that investors ‘have to live with reality of insider trading’. A recent US investigation
exposed similar illegal trading on price sensitive inside information, where even blackmail was used to profit from such information.\(^{28}\)

India is not immune and may in fact be worse than many Western markets. This is because often participants have a very elastic concept of legality. Recent reports indicate a number of such incidents in India. Securities and Exchange Board of India (SEBI, the Indian securities market regulator) banned unregistered advisors who were not only trading on inside information but also indulging in price rigging. The most recent example is that of one unregistered advisor, Anirudh Sethi, who would transmit his ideas using short messaging service (SMS).\(^{29}\) This phenomenon of unregulated unrecognised 'stock exchange gurus' using the web to disseminate information pervades in many small towns of India.\(^{30}\)

*Is Self-Regulation the Answer?*

One solution that has been proposed by financial services industry is the suggestion that sell-regulation as the most viable solution in the era of high technology. But is self-regulation the answer? The answer to this question is a resounding no. The call for such self-regulation largely springs from the classical political economy argument that claims that the state should not intervene in business. There are innumerable instances the world over indicating businesses cannot regulate themselves responsibly. This is for the simple reason that a business due to its inherent nature attempts to maximise profit for its shareholders and social responsibility comes a distant next. Recent example that supports the above argument is the case of the USA, where reckless lending practices in the housing market are stated to led to a near collapse of the economy. A senior official of the Federal Reserve (the US central bank) when asked why it did not take preventive measures stated that, while the regulators took some enforcement action, they placed the main responsibility on lenders to police themselves.\(^{31}\) An Indian example too illustrates that greed often gets the better of the corporate sector and hence they cannot be trusted to regulate themselves responsibly. A newspaper report claimed that the cement manufactures refused to reduce the price on the grounds that "they had started doing well only since the latter part of 2005, having struggled in the previous 15 years".\(^{32}\) It should be kept in mind that the nature of the financial markets is such that they lay primacy on short-term profits and hence make compliance and social responsibility less rewarding. This is one reason why governments should not leave regulation, despite its shortcomings to industry bodies. The fear of punishment, even if delayed and actually sparse, may often act as a deterrent to most of the participants in the financial world.
CONCLUSION

Thus it becomes clear that the market regulators are not able to deal with the problems of the rapidly changing nature of the financial markets. Technological change has only made their task of policing the markets almost impossible. In fact, the regulatory task in these circumstances has been restricted to being reactive in their approach rather than proactive. In other words, they restricted themselves to bolting the door after the horse has galloped. Everywhere the regulatory mechanisms have turned out to be unable to match the market participants and seem to have given up the task of preventive regulation and instead concentrate on attempts to detect certain cases (most of which are not high profile) and then take action. Invariably the method has been to let off the big fish but punish small fish so that fraud is seen to be kept within manageable limits. Technology instead of enabling prevention has a late attempt to detect minor fraud—an ominous sign for governance. The most obvious problem in the era of high technology is that paradoxically it has turned into an obstacle to effective regulation; there is simply too much data or what may be termed as ‘information overload’ while there are insufficient human resources to analyse the huge quantities of information generated.

NOTES AND REFERENCES

1. Due to the fact that the equity markets comprise the largest segment of the financial markets in the Indian context, this paper largely takes examples from the equity and equity futures markets while referring to the Indian situation.
3. It was only belatedly in June 2006 that the US Securities Exchange Commission (SEC) passed a rule that any Hedge fund with 15 or more clients register itself with it.
7. The Financial Services Authority found that banks had provided about 11 times the debt capital in 2005 and had increased it to 14 times in 2006. “Private Equity: A Discussion of Risk and Regulatory Engagement”, Financial Services Authority Discussion Paper 06/6, November 2006. p. 14.
8. “Embrace the ‘revolutionomics’ of the Internet”, Financial Express, February 2, 2007. However this is not claim that all those who have access to the Internet are participating in the financial markets.
9. E-trade is a brokerage firm in the USA that pioneered electronic trading using the Internet that enabled thousands of small and retail investors to participate directly in trading bypassing the major US brokerages. It became particularly popular during the technology bubble that burst in early 2000. Instinct is on online platform where one can buy and sell shares round the clock.

12. At the factory level, new technologies have enabled companies to manage their inventories better, improve productivity, efficiency and gain greater control over their operations in a multitude of ways. The impact of information technology on businesses in general is beyond the scope of this paper.


15. One such firm is the New York based Lime Brokerage LLC one such brokerage using algorithms. http://www.bloomberg.com/apps/news?pid=20601109&sid=al7Vgoya5Bak&refer=home

16. Ibid.


21. The Depositories Act was passed in 1996. The National Securities Depositories Ltd. (NSDL), owned by NSE, was established on June 7, 1996 and commenced operations on November 6, 1996 while the Central Depository Services Ltd. (CDSL) owned by BSE was established in 1998 and commenced operations on March 22, 1999.


25. “RBI Caution on Hedge Funds”, Businessline, March 20, 2007, p. 1. PNAs are derivative products issued by Foreign Institutional Investors to their clients. They are based on the underlying portfolio of stocks that are traded on the Indian exchanges.


27. Ibid.

28. Traders from 13 of the biggest financial houses were charged. Each is estimated to have made even up to $15 million from such price sensitive information.


HUMAN RIGHTS OMBUDSMAN: AN OVERVIEW

NAJMUL ABEDIN

Emergence of new nations since the end of World War II, and also the collapse of communism in Central and Eastern Europe in the late 1980s and early 1990s enormously contributed to the increasing awareness of the importance and significance of democracy and human rights both of which are, in fact, intertwined and complimentary or supplementary to each other. Even in some developed democracies certain issues, for example, civil rights movement in the USA had stressed or raised the human rights issue especially in the 1950s and 60s. In both developed and developing countries there are also increasing concerns about legitimate rights of vulnerable people such as minorities, children, handicapped, elderly, underdogs and the like. A number of international organisations, e.g., the UN, have also forcefully pursued the cause of human rights. Increasing concern and demand for advancement and protection of human rights have emerged as a vigorous socio-political movement almost all over the world. As a result, various steps have been taken and a number of agencies or institutions have been established to promote and protect human rights one of which has been the establishment of the office of Human Rights Ombudsman. The purpose of this article is to examine analytically the emergence, salient features, modus operandi, problems, issues and types of Human Rights Ombudsman in various parts of the world. In a nutshell, it looks at the role that this institution plays in managing human rights issues.

BACKDROP

For a better understanding of the origin, characteristics, and modus operandi of Human Rights Ombudsman, it is rather imperative to briefly look at such features of the Original/Classical/Legislative Ombudsman which is also referred to as “real ombudsman.” The ombudsman institution has its roots deep in the past. In 1713 the Swedish king appointed an ombudsman-like official, called Chancellor of Justice, to look into complaints against
royal officials. But it was in 1809 that the Swedish Parliament “first” made provision for the “the classical or real ombudsman” office in its modern form to “monitor and regulate the administrative activities of the executive branch.” And the first legislative/parliamentary ombudsman (Lars Augustin Mannerheim) was appointed next year, i.e. on March 1, 1810. In fact, this office was the beginning of the classical/legislative ombudsman institution.

Its primary responsibilities were to investigate and redress grievances or complaints against “bureaucratic wrong doing”, “maladministration”, “administrative injustice”, and the “excesses of the bureaucracy” and to “defend the law against official abuses affecting the interests of individuals”. Protection of individual rights and liberties of individuals against executive or bureaucratic encroachment was also a part of the ombudsman’s responsibilities. The International Bar Association (IBA) identified the following three salient features of this model: First, it is an “office provided for by the constitution or by action of the legislature or Parliament and headed by an independent, high level public official who is responsible to the legislature/Parliament.” Second, he/she receives complaints from aggrieved persons against (public) agencies, officials, and employees, or who acts on his own motion, or if requested by a member of the legislature. And third, he/she has “the power to investigate, recommend corrective action, and issue reports” to Parliament/legislature, but does not have the authority to impose his/her decisions. His/her work thus considerably ensures or facilitates transparency. Long before the IBA identified these features, Professor Emeritus Rowat had already referred to three identical salient features of this institution. In a nutshell the “classical ombudsman model, a public sector office (directly or indirectly) appointed by but separate from the legislature, is given the authority to supervise the general administrative conduct of the executive branch through investigation and assessment of that conduct”. It is interesting to note that although he/she is accountable to the legislature, he/she “enjoys a surprising amount of independence even from the legislature” and acts independently of it in conducting investigations”. Although he/she does not have the power to require or force the authority concerned to accept his/her decisions, a Classical “Ombudsman has the power of ... exposing any act of government which may amount to, not necessarily, a constitutional or legal infringement of the rights of the individual citizen, but what might amount to, in some ways, an injustice, or an act, which can be considered unfair although not necessarily illegal”. Time magazine called him/her the “People’s Watchdog”. He/she is a “grievance-man” and a “citizen’s defender”.

The Classical Ombudsman “spread through Scandinavia in the first half of the 20th Century.” Thus, for a long period of time it operated only in
Scandinavia and was virtually unknown to the rest of the world. It was since the end of World War II, especially since the mid-1960s, that it proliferated and spread to various continents at an accelerated speed for a wide variety of reasons. The following are some of the interrelated factors or issues that created opportunities and a socio-political environment suitable for the spread and adoption of the ombudsman institution in various parts of the world: the increasing need to more effectively monitor and check the rapidly expanding power of the bureaucracy, the emergence of a large number of new nations in the post-World War II period, the collapse of communism in the late 1980s and early 1990s, and a vigorous movement all over the world for democracy and human rights. All this positively impacted, especially upon new countries and post-communist countries.

HUMAN RIGHTS OMBUDSMAN

So far as salient features and modus operandi are concerned, Classical Ombudsman and Human Rights Ombudsman are almost identical, although, in some respects there are a few differences. As noted above, originally the main focus or emphasis of the Classical/Swedish Ombudsman was on redressing public grievances and complaints against maladministration or bureaucratic wrong doing, but at the same time the protection of somewhat vaguely defined individual rights and liberties was also a less pronounced part of the responsibilities of the Classical Ombudsman office. However, both the responsibilities were rather intertwined or interrelated. But since the end of the 20th Century the increasing awareness and forward thrust of the human rights movement in the newly independent countries in the developing world and especially in post-communist European nations have put this issue on the front burner along with the redressal of public grievances. The human rights issue has been the key factor in political process especially of these European countries. Ivan Bizjack, the first Human Rights Ombudsman of Slovenia, observes that “many new ombudsman institutions emerged in most newly ‘restored democracies’ in Central and Eastern Europe”. The first ombudsman in former communist countries in Europe was appointed in Poland in 1988, even before the fall of the Berlin Wall. “Due to the totalitarian past of these countries, they (ombudsmen) are faced with some specific and . . . (complex) problems (of how to promote and protect human rights), in comparison with the related institutions in countries with a long democratic tradition”. History of serious violation and abuse of human rights during communist totalitarian rule has strengthened their desire to promote and protect these rights. Moreover, they have been encouraged by some international and regional organisations and by the vibrant human rights movement all over the world. The excellent human
rights record of their West European cousins next door has also made them more conscious and aware of the significance and benefits of free societies that also served as a great motivating and driving force for the East and Central European countries. The term human rights has thus been the buzz word or slogan or symbol around which entire political process in these countries have revolved. Ivan Bizjack aptly points out that the “extraordinary advance in the concept of the ombudsman in this region (thus) should come as no surprise. Human rights were a guiding principle and a central issue of the democratic changes in this part of Europe.” He continues to say that “yet the people in these countries are now encountering many additional problems, inherited from the past and resulting from the extraordinary pace of change.” So, he concludes, “every serious thinking politician had to support the founding of institutions of this type which are inherited to resolve the problems of ordinary people on the one hand, and help the state to strengthen its democracy and the institutions underpinning the rule of law on the other.”

Generally speaking, more or less at same time in most parts of the developing world somewhat similar situation obtained. Tyrannical or despotic regimes military or non-military – crushed new democracies in the post-colonial period and seriously violated and abused human rights during “most of the three decades from early 1960s through the 1980s”. Later the process of “re-democratisation” began in the early 1990s in many countries. In these “revived” but “tentative” and “fragile” democracies human rights have become a major issue, and efforts have been made to strengthen and establish these rights in varying degrees. However, although “for the near term, democracy is likely to continue and to manifest itself as a global phenomenon,... democracy will remain insecure and embattled”. A “realistic assessment thus must be that despite the evidence of extensive re-democratisation... these less developed nations exhibit continuing persistent traits of political instability and imbalance”. But, at the same time, such changes, developments, uncertainties, and “moves toward greater democratisation” increasingly and continuously revive and keep alive the human rights issue.

As a result, in the developing world and in the post-communist Europe the human rights issue has assumed an independent status or identity. A good number of ombudsman offices have been given the responsibility of “a ‘national mechanism’ for the implementation of a state’s international human rights obligations”. As a result, in relatively recent times, “there is now a large and increasingly important category of ombudsmen, variously described as Human Rights Ombudsmen, Civil Rights Ombudsmen, or ‘hybrid’ offices—‘hybrid’ in the sense that they are ‘classical’ ombudsman
with an additional (or special) ‘human rights’ dimension added to their more conventional ‘maladministration’ mandate”. Such addition or development was considerably influenced, especially in Latin America, by the Spanish “Defensor del Pueblo”, established under the provisions of the Spanish Constitution of 1978. Human Rights and Civil Rights Ombudsmen focus exclusively on human/civil rights violations. In fact, the “human rights protected by these...ombudsmen are broad in scope and include rights in virtually all the senses in which the term is now used.” They, thus, cover the following three categories of human rights: “first generation’ human rights, that is civil liberties and political rights in the traditional western sense of human rights,” the “second generation” rights, namely “economic, social and cultural rights,” and finally a limited number of ombudsman offices also cover “third generation’ of collective (or special group) rights too: for example the rights of ethnic minorities,” “the right to a good environment”, the rights of the handicapped people, elderly people, juveniles/children, and the like. Many of the offices established in recent times in the countries in the post-communist East and Central Europe and Latin America, and some in Sub-Saharan Africa, Pacific and East Asia have been provided with this additional or sole responsibility. Hence, there are both “all purpose” ombudsmen with jurisdiction over human rights issues and also “special purpose” human rights ombudsmen. The impact of this development was also felt in developed, mature and old democracies in the continents like Europe, North America, and Australia. The salient features and modus operandi of most Human Rights and Civil Rights Ombudsmen are usually similar or identical to the classical/legislative model. However, as we will see below, there are some Human Rights Ombudsmen who are, in fact, Executive (not Legislative/Classical) Human Rights Ombudsman.

Here let us briefly look at the differences between the classical/legislative and executive ombudsman institutions. By the early 1980s the International Ombudsman Institute (IOI) clearly identified and differentiated between Legislative and Executive Ombudsman schemes in various parts of the world. While the former is directly or indirectly appointed by the legislature, the latter is appointed by the executive authority such as president/prime minister, governor, mayor, chief administrator of an institution/organisation/agency (e.g., Environmental Protection Agency/EPA in the USA, an university, etc.) and the like. Another key issue is whether the ombudsman is an independent authority or not. “The value reflected here is...that of independence from executive interference and hence of impartiality.” In sum, a Classical/Legislative Ombudsman, “once appointed, serves for a fixed term (and) ... (is) independent of the appointing agency (i.e., legislature),” the Executive Ombudsman does not have that
kind of independence from the appointing (i.e., executive) authority. Like general/all-purpose and special purpose Classical Ombudsmen, there are also two types of Human Rights Ombudsmen: (i) general/all purpose and (ii) special purpose ombudsmen.

HUMAN RIGHTS OMBUDSMAN FOR JUVENILES

The ombudsman for protecting or safeguarding the rights of juveniles or children, is a special purpose Human Rights Ombudsman, has had a relatively short history. In the post-World War II period some international and regional organisations expressed increasing concerns for the rights of children and played an important role in contributing to the emergence of the concept and office of ombudsman for juveniles at a relatively later time. These organisations held a number of conferences to debate pertinent issues and ultimately spelled out the role that such office could play in protecting and promoting these rights. The main impetus for this concern can be found in activities associated with the United Nations Year of the Child (IYC) observed in 1979. The IYC was organised to celebrate the 20th anniversary of the “United Nations Declaration of the Rights of the Child” in 1959. The main objective of the IYC was to sensitise the member countries to the rights, needs, and welfare of children. The ombudsman or ombudsman-like offices for juveniles have been created in various parts of the world subsequent to the IYC.

At the same time, the United Nations Commission on Human Rights began drafting an international treaty, called the Convention on the Rights of the Child. On November 20, 1989 the Convention was adopted by the United Nations General Assembly. With the exception of a limited number of offices of the ombudsman for juveniles (e.g., the Norwegian Commissioner for Children, 1981; the Child Advocate in Rhode Island, USA, 1980; and the Juvenile Division of Advocate Defender in Oklahoma County in 1980s), most other similar offices for juveniles were created since the Convention of the Rights of the Child was adopted in 1989. The primary objective of the Convention was to “put into legally binding language the rights enumerated in the 1959 Declaration”. Either through ratification or accession, more than 150 member countries of the UNO became “State Parties to the Convention” in less than four years, and thus agreed to be “legally bound by the Convention’s standards”. No other human rights document has been accepted by the world community in such a short period of time. Even when the Convention was being drafted, it had considerable impact on a number of national legislations and policies. It played a significant role in outlining and setting up the parameters for ombudsman programmes for juveniles. The long drafting process, the
Convention itself, and the immediate post-adoption period provided impetus for further discussions, conferences, and intellectual exercise. A number of books, articles, and reports on the rights of juveniles and the role of the ombudsman for juveniles were published during this time. During the period from 1987 to 1992 five major conferences were held to explore and protect the rights of juveniles. Let us briefly look at them:

In fact, the origin of the children’s ombudsman movement may also be traced to the International Congress on Ombudwork for Children held in Belgium and was sponsored by the University of Gent in December 1987. This conference viewed the work of the ombudsman for children as “a way for improving the position of children in society.” It emphasised that “the common ground of ombudwork is to try to improve the social position of children and young people in society, (and) thus promoting a more dignified exercise for them”. A UNICEF sponsored meeting on “Models for Monitoring the Protection of Children Rights” was held in 1990 at UNICEF’s International Child Development Center in Florence, Italy to examine these rights. The participants generally agreed that an independent children’s ombudsman office would be ideal for protecting children’s rights. In 1991 the “Interdisciplinary Symposium on the Ideologies of Children’s Rights was held in Israel leading to the introduction and publication of a new journal on children’s rights: International Journal of Children’s Rights. The first issue was published in 1993 by Martinum-Njihoff Publication in Leiden. In 1992 the Council of Europe sponsored a “Conference on Family Law” in Budapest devoting an entire session to the significance and usefulness of a special ombudsman in protecting the rights of children. It may be noted that it was the second “Conference on Family Law”. In fact, the first “Conference on Family Law” had been organised long ago in 1977 in Vienna. Two of the four topics of the First conference, that had direct relevance to children, were: (i) “Measures to Integrate Children into New Family” and (ii) “Duties of Parents Towards Their Children”. After the Belgium Conference in 1987 (as noted above), University of Amsterdam sponsored another International Conference on Children’s Ombudsman, held in Holland in January 1992. Late Dr. Cynthia Cohen, an internationally recognised authority on children’s rights and one of the key persons who drafted the “UN Convention on the Rights of the Child”, aptly pointed out that “change in the status of children’s rights during the previous five years (1987-1992) was evident in the (two) conference title(s): “While the Belgian Congress’ title (1987) had spoken of ombudwork as ‘a way of improving the position of children in society’, the Holland Conference’s title (1992) was ‘towards the Realisation of Human Rights of Children’.” She further added that “In other words, during the period between the two
conferences (in Belgian and Holland), children’s rights had moved from the realm of theoretical discussion into the realm of actualisation”.

Today a wide variety of functions are performed by ombudsmen for juveniles. Their responsibilities may broadly be divided under the following categories: “direct legal assistance”, “inter-family dispute resolution”, “explaining complaint procedure for children in state or foster care”, “investigation of institutional abuse”, and “influencing public policy for juveniles”. Ombudsmen also clarify communication and resolve disagreement between parents and state agencies regarding children who have become state wards, as well as problems of serious juvenile offenders who may be kept beyond his/her sentence. In addition, they investigate violations of state law by state child welfare agencies. Ombudsmen often use mediation to resolve a dispute between foster parents and state agencies. However, they may also use litigation, for example, to gain compliance by a state agency to monitor foster homes. Responsibilities of ombudsman for juveniles vary from one part of the country or world to another. In some countries or states they are required to undertake most of the above responsibilities, whereas in others they are responsible for some of them. THE OMBUDSMAN FOR CHILDREN AND FAMILY IN TENNESSEE, USA: AN EXAMPLE

In the early 1990s The Tennessee Commission on Children and Youth (TCCY) felt that the creation of an ombudsman’s office within its fold would improve and simplify its operation. In the fiscal year 1994-1995, TCCY “began the planning and development of an (executive) ombudsman program.” The financial support for this program was provided by the “Federal Juvenile Justice and Delinquency Prevention Challenge Grant Program.” The TCCY identified four major roles for an ombudsman: (i) “an advocate on behalf of a citizen”, (ii) “a mediator between a citizen and the bureaucracy”, (iii) “a communicator confirming that the custody department or Community Service Agencies (CSAs) have acted correctly”, and “a facilitator expending the delivery of services.” The primary responsibility of the TCCY’s ombudsman is “to serve the needs of children and families who are receiving state custodial services.” The ombudsman is primarily concerned with two categories of juveniles: (i) “the children in foster care” and (ii) “the children in state juvenile justice facilities”.

The ombudsman takes referrals from children in state care or custody, their families, and others (e.g., state workers, private agency staff, members of medical profession, stakeholders, service providers, and neighbours) who have knowledge of the circumstances, situations, or treatments of a juvenile. “Any individual who has knowledge of a child or family who may
be the recipient of state custody service may contact the ombudsman with his/her questions, concerns, grievances or complaints. The individual can do so, if he believes that “the health, safety, welfare, or rights of a juvenile in state custody or care have been adversely affected by the “action, inaction, or decision of a provider of an out-of-home care”.

At this time, “referrals have been received from representatives within the departments of children services (DCS), education, and mental health and mental retardation. The ombudsman has also received referrals from the governor’s regional offices, various legal services officers; private legal representatives; therapists, residential providers; foster parents, biological and adoptive parents, family members, and neighbours.

“The ombudsman helps to resolve problems by mediating the concerns of each person involved in the child’s or family’s case”. He is supposed to operate “as a neutral reviewer” of questions, concerns, or complaints. “As a neutral reviewer, the ombudsman is understood to be an advocate for the child, family, and service system when appropriate,” but is always supposed to work “for the child’s best interest.”

Mediation, a non-adversarial method of dispute resolution, is the primary tool of the program. However, unlike many other ombudsman systems in the United States and elsewhere, the TCCY ombudsman is not concerned with finding fault or placing blame. He is instead interested in helping a child’s case move in the direction of his or her best interest.

As noted above, the ombudsman does not “serve as an agent of law enforcement, find individual fault, act as an attorney, provide legal advice, or in any way participate in a case that is imminently bound for court... Although the ombudsman is an employee of the state, he is not supposed to represent the state authority or to act on its behalf. His primary responsibility is to look after the interests of juveniles in state custody or in other adverse circumstances. If there is a referral against or from any branch of the Department of Children’s Services (DCS), the ombudsman’s responsibility is to contact the appropriate individuals in the DCS and other interested parties. He must try to work out an amicable settlement through discussion, dialogue, and persuasion. The solution must be acceptable and satisfactory to the various parties concerned. Thus the ombudsman is expected to act as an impartial mediator and negotiator between the various parties involved (DCS, biological parents, foster parents, other complainants, private service providers, juvenile correction facilities, school system, TennCare/health care providers, various children advocacy groups, and the like).

The ombudsman does not have the authority to impose his decision or views and ideas. However, he has the authority to access records and interview children, families, and the members of the state and private
agencies/providers so that he can effectively mediate and help resolve problems pertaining to children’s rights, welfare and problems. Thus, the ombudsman office does not replace the DCS’s complaint system, procedures and agencies. “It (rather) supplements them” as a facilitator and negotiator.57

TWO CASE STUDIES

The following two case studies further illustrate and elucidate the above points, and indicate at least some aspects of the Ombudsman for Children and family in Tennessee, USA.

First Case Study: A referral was made by a case manager of the DCS. A school administration wanted to prevent a child in state custody from attending the last few weeks of the school year. The problem began when the case worker arranged a trial stay for the child in the home of the parent to determine if the reunification of the child and the parent would work. The prospect of separating this child from school peers and the foster family caused some minor behavioral problem. Based on these problems the school administration had threatened to expel the child from the school for the remainder of academic year. The school wanted to forbid the child from returning to school because the parent’s home, unlike the foster home, was not located in the same school district. The case worker failed to convince the school administrators to allow the child to complete the school year in the present school, and then to enter another school in the parent’s school district at the beginning of the next academic year. The school administration seemed more interested in getting rid of a “problem child” from their “overcrowded” school. As a result, the child was on the verge of losing an entire year of school work as well as delaying the previously agreed upon decision to allow the child to return to her home from foster family.

After having received the referral, the ombudsman verified the above facts and set up a mediation process to encourage and persuade all the parties to work together toward resolving their differences. He played a crucial role in mediating, negotiating, persuading, and bringing all parties together for this purpose. As an outsider without any direct involvement or vested interest in the matter, he was in an advantageous position to discuss issues more convincingly and impartially, and also to separate and address the emotional aspects of the crisis. The ombudsman was able to convince and assure the school authority that the child had not officially changed residences and was technically still living in the foster home. He was also successful in making the school administration realise that expulsion or transfer at that point in the academic year would jeopardise and negatively impact the fragile reunification process. Finally, the parties involved came to an agreement in the light of all the circumstances. The child agreed to
a strict behavioural conduct and was allowed to complete the school year in that school.58

Second Case Study: A referral was made by a Juvenile Court Judge. Serious differences and disagreement between the child’s parent (mother), the DSC case worker, and the service provider had erupted into a heated and acrimonious argument in the courtroom during a hearing to examine and consider the child’s return to home. The parent was very angry and agitated and could have continued to make comments that could create a situation where the judge would refuse to hear the case and take some legal action against the parent.

The Judge called the ombudsman and told him about the matter. They started discussing the highly complex and time pressed matter over telephone. It was a difficult situation for the ombudsman in view of the fact that the “work of days or weeks had to be done in one phone call. Trust in the TCCY ombudsman’s neutrality had to be achieved immediately, with the help of the juvenile court judge.” From the ombudsman the “phone (not a speaker phone) was transferred ... | to) the probation officer to the parent to the judge many times during an hour and a half.”

Each party wanted to place the child at home, but each had “concerns about the ability of the parent to articulate what could be done to preserve the home placement.” At the beginning the parent was antagonistic and hostile. Through the mediation the ombudsman convinced the parent of his neutral role, and explanation to her that each party was interested in the welfare of the child and in placing him in the parental home. The ombudsman reported to the judge the specifics of the mediation agreement with the parent and convinced him that the parent understood the implications and ramifications of the case, as well as her responsibility and required level of appropriate conduct in the matter. The parent apologised for her initial hostility, indicating that she was not adequately familiar with the nature of the court hearing and proceedings. The child was allowed to return to the parent home “for a trial stay with the understanding that it would become permanent if all went well.” Later, the parent reported back to the ombudsman and the DCS worker also followed up the case. It was a successful resolution of the matter.

In the second case study, the ombudsman’s effort can be summed up as follows: (i) “fostering an understanding that everyone can work together for the same goal”; (ii) “allowing each to share his or own opinions and suggestions freely”, and (iii) “encouraging a process that promotes trust and apprehension”.59
CONCLUSION

In sum, this article has briefly looked at the origin, development, significance, and modus operandi of the human rights ombudsman institution. Although, relatively speaking, it has a short history, it has emerged as an influential, effective and useful institution that usually plays a significant role in protecting and promoting various types of human rights in both developing and developed worlds. There is a general perception that this institution is needed especially in the developing world. To a certain extent it may be true. But, as we have noted above, in the developed world also there is a need for such an institution that can further contribute to the democratic process, and social justice. Especially the underprivileged or underdogs may find help, support and protection in this institution. Recent trend clearly indicates that with the passage of the time, with increasing political consciousness, and with democratisation and restoration of democracy in various parts of the world, this institution will be welcome and will gain further momentum and strength.

Footnotes

5. Om_Gov. Email-Listserve of the US Ombudsman Association (USOM), March 1, 2010.


35. Ibid.

36. Ibid., p. 30.


39. Flekkoy (1990), *op. cit.*


42. Ibid.

43. Ibid.


45. Ibid.


52. Ibid.
54. Ibid.
58. Ibid., pp. 3-4.
INFORMATION COMMUNICATION TECHNOLOGY BASED REFORMS IN OFFICE PROCEDURES WITH REFERENCE TO THE GRAM PANCHAYATS OF KERALA

ALEX. K. THOTTUNKEL AND SIBI VARGHESE KUPPATHANATH

The beneficial impact of computerisation is felt in all the tasks that contribute to the process of decision making in the panchayats. Computerisation is not only benefiting the administration and the citizens but is also improving the democratisation of the decision making process.

Panchayats, the grassroots democratic institutions, provide a range of services varying from public works to welfare and development programmes. In the operational perspective behind every service deliverable exists a process of decision making. For the analysis and synthesis of information suitable enough to make a valid decision, information has to flow through a sequence of steps for its verification, validation and authorisation.

THE ROUTINE administrative procedures in any panchayat include: (i) Handling the various types of communications in the panchayat; (ii) Recording of the communications in registers including the generation, upkeep and storage of generated files; (iii) Movement of file or any other communication from one official desk to another; (iv) Verification and queries about the issue that the communication/file deals with; (v) File noting or the observations made on a file by the official; and (vi) Rule-bound decision making based on notes, queries, verification, precedents and discussion.

The article tries to ascertain how the reforms based on Information Communication Technology or ICT are improving the tasks involved in procedural decision making.

Elements in Decision Making

The decision making process in any panchayat is made up mainly of two main categories of actions which are the primary core tasks that directly
contribute to decision making and the secondary enabling tasks that supports the primary tasks.

THE ENABLING TASKS FOR DECISION MAKING

Communications Received and Generated

Communication, the primary input for decision making, can be from an internal or external source, verbal or written. Communications received trigger the work flow that initiates the decision making process. Communications received are acknowledged, converted to the written form, numbered, registered and made into files. As the file passes through each section, the information contained in the file is entered in various registers. Once the file reaches the higher authority for decision, a draft of the reply with details of the issue, proceedings and decision is to be made for final dispatching. Drafting is a time-consuming process if corrections need to be made which increases the work load on the limited resources. In the manual work flow the communications are also liable to be missed, file processing incomplete and information lost if not numbered or registered properly.

Kerala Panchayats went for work flow automation to solve these problems. In the computerised work flow all incoming communications are automatically numbered and registered thus improving the search-ability and ensuring the certainty of the completion of the process. Drafts can easily be made and sent to and fro to the official concerned for corrections or templates of frequently sent communications can be used. As communication of any sort is mandated to be digitally recorded, a list of the day’s incoming communication can be seen by the higher official which helps in curbing delays due to corrupt practices or to find out the nature of frequently received communications.

Further with increased usage of mobile SMS and e-mails inter-as well as intra-office communications have improved considerably. Mobile numbers collected from the applicants are used for requesting additional information or informing the status of an application or is used to send information about welfare programmes.

Information Recording

Recording helps in storing, retrieving and in keeping track of the information received, sent, processed or generated. To retrieve the right record an indexing/classification system is used which points to the exact location in the main registers. The recording system traditionally followed generates innumerable paper files and maintains a number of book registers which is difficult to maintain. Even the records that are maintained have pages missing or have incorrect entries and searching for any information is time-consuming. As the paper-based record management of the panchayats
is very poor, it results in audit objections for want of information in files and records. The column entries in the book records can be altered and are also not sufficient enough to trace any misuse. The 138 or more books and registers are silos of information containing immense amount of non-sharable common information.

The work flow automation software automates the population of the registers and enables the faster retrieval of any file with its automated indexing or faster recall of data from any file by searching for any subject-related relevant word. The direct tax collection application, the decision support application, the civil registration application–all populate the digital versions of their concerned registers automatically whenever any transaction takes place. Data once collected can be shared across functions and departments thus reducing repeated data collection efforts, saves data entry time and avoids duplication.

In the computerised domain who did what is easily traceable and restrictions can be placed on each login to prevent any unauthorised alterations. Once an entry is made and the database of the records populated, making any correction in the database if allowed to happen only through a very strict proper authentication procedure by an authorised committee or so, fraudulent corrections that can be made by any one in a manual record is not that easy or possible in the computerised environment. Role-based individual authentication mechanisms with adequate appropriate permissions, automated creation of event logs and the ease in tracing unauthorised attempts to manipulate the system, automatically ensures better accountability and transparency in the system.

The E-forms project is an advancement in information recording as the applicants themselves could fill the relevant information from the
convenience of their home or a assisted common service centre before it is submitted to the Panchayat for processing.

BOX 2

IMPROVEMENT IN INFORMATION RECORDING WITH E-FILING

The application form for marriage registration can now be data-entered by the applicants themselves in (http://www.cr.lsgkerala.gov.in/Cmn_Application.php) the Local Self Government website. By creating an user name and password the form can be filled and filed along with the scanned copies of photographs and identification proofs. A printout of the finally edited e-form can then be submitted to the panchayat before marriage registration. The clerk verifies the data entered, checks the identity proof brought by the couple, then forwards the application to the secretary. Secretary then approves by clicking on the approval button. The marriage certificate printout will then be signed by the secretary and handed over to the couple. A newly wed couple have to spend only an hour to get a valid marriage certificate when compared with the previous wait period of couple of days or even weeks. Once the data are ported to the State data centre by the panchayat the valid copies of the certificate can also be downloaded from the local self government website. Substantial reduction in overall processing time, avoidance of clerical data entry error, reduction in delays caused by submitting wrong document proofs is noticeable.

Movement of Information

Information needs to be moved from one desk to another in the manual work flow for collecting and validating information, ensuring the accuracy of information through verification or for the obtainment of hierarchical approval. Each step in the hierarchical workflow results in unneeded delays as files could be withheld in each section due to lack of information, re-verification re-approvals or re-work. Loopholes in the manual system allows queue jumping and the opportunity for the collection of speed money. Delegation of authority is discouraged and multiple approvals are encouraged in the manual system to improve accountability which increases file movement.

Multiple points of approval which creates delays water down responsibility— are not needed and can be avoided with computerised audit trail of decisions. As information sufficient to take a decision is available at any point including the point of initiation such as the front office, services can be delivered within the stipulated time, as set forth in the citizen charter. The list of pending files with the exact location of the bottle neck in the work flow can also be known for effective correction. Queue jumping and favoritism is also totally avoidable with the work flow automation software used in the front office as well as the back office.
IMPROVEMENT IN DELEGATION RESULTING IN REDUCED FILE MOVEMENT

Previously in the manual work flow for even a simple certificate delivery process to be initiated, approval of the secretary was needed. This traditional practice followed from the colonial past was discontinued with the emergence of the single window front office system. Along with the subsequent automation of the work flow there is a noticeable improvement in the process of approval. With the availability of sufficient information at the front office itself, the front office staff now initiate the process for hierarchical approval.

THE CORE DECISION MAKING TASKS

Official Verification and/or Queries about the Information

Verification of the application is done at two levels in the manual or partially computerised work flow. When the application is received it is cross checked for the correctness, completeness, general confirmation to rules and conditions and the authenticity and sufficiency of the attached proofs. First level verification can prevent identity theft for obtaining benefits, ensures that no forged documents are submitted and makes sure sufficient evidence is there as per the rules and regulations. At the second level information is scrutinised, its micro details are checked to make sure that it is error free and not dubious. If needed physical field verification is also carried out which visually confirms and authenticates the claims made by the applicant. In the manual system enormous time is needed for verification and the lack of sufficient resources for verification creates delay even in the initiation of processing.

Summarising the Information with File Noting

File notes are observations made by each official as the file moves up the hierarchy. Notes may contain information about the verification carried out, whether the scrutiny has revealed some information which is against existing rules, rules related to the particular issue, pros and cons, history of the current case retrieved from past records, similar precedents, a chronological brief entry of communications received, answers to query or instructions of officers and suggestions whether the issue can be accepted/rejected/modified/postponed, etc. Notes are supposed to validate the information based on logical reasons supported by evidence and helps the final decision making authority to arrive at informed decisions.

Notes reveal the decision making process of a file, how a decision was made and what led to a particular decision. Unlike a private concern where
noting is very rare and the output of a decision is usually an immediate letter, a memo or an instruction to a subordinate, the government is answerable to the public, so each step and the reasons that led to a decision must be recorded (Gadkari SS 1998, p 35). As per the Kerala Manual of Office Procedures (MOP) a clerk or junior superintendent is not expected to make any opinion/instructions or recommendations and any note once made cannot be deleted by the superiors. Even then an issue that is commonly known is that the clerk who makes the first note on the file, sets the direction of decision making either by limiting the facts related to the previous precedents or writing an initial note which favours or disfavours based on the clerk's subjective decisions and intentions.

**BOX 5**

**IMPROVEMENT IN FILE NOTING**

Computerisation has helped in reducing the time required for noting as rules, precedents, records and similar cases can be referenced quickly. Notes made by officials are permanently stored and are easily retrievable hence it can be ascertained who set the direction for the decision thus ensuring accountability. Bulky paper based manual case files with additional pages for noting can now be totally discarded from the processes which are totally computerised.

**Arriving at the Final Decision**

Routine procedural decision making is mostly based on rules, verification's, notes, orders in existence and precedents. If a non-routine, out of the ordinary situation arises and querying previous set of precedents or standardised procedures won’t work, then the file is referred to other higher officials in the hierarchy or depending on the issue can even be sent to the panchayat committee. Decisions are often deferred by the official as the official can later be held responsible for any procedural lapses even in a situation where there are no personal gains involved. Once a decision is made it needs to be authenticated by an authorised signatory, normally the panchayat secretary.
IMPROVEMENT IN PROCEDURAL DECISION MAKING

The work flow application helps the authorised signatory to check whether verification is over and the approval from subordinates such as assistant secretary is there. The signatory can also go through the notes made by the subordinates before making the final decision. Thus informed decision making based on timely, detailed, accurate and precise information to arrive at a decision to give the final approval is now possible. Subjective decisions, personal preferences won’t influence any decision as standardised preset steps have to be followed. Decisions cannot be kept on hold as public verification of the processing, possible through the applications associated website or external kiosk ensures promptness as well as accountability and transparency. In an unalterable, secure and reliable computerised system it is easy to trace the logic and reason that made an honest official to take a particular decision thus freeing the official of any liabilities.

Other than the routine procedural decisions made by the officials decisions are also made by the periodic panchayat committees and gram sabhas. To arrive at decisions these bodies have to know what the issue is, what the possible courses of actions are and what all possible decisions can be made within the scope of the law. The input for the elected representative committee decisions come in the form of agenda notes prepared by the officials and the advice given by secretary based on statutory rules, procedures, laws. The computerised environment enables the availability and easy accessibility of accurate information to be submitted to the meetings. The usage of the decision support application package for the preparation of meeting registers and minutes book or for sending the copy of the minutes to all of the concerned people is now easy. Panchayats can even post the details of the meetings in their websites thus improving transparency and accountability.

Previously the numerous regulations and the complicated manual procedures kept the public and the elected representatives in the dark about the office procedures. The elected Panchayat President is supposed to give directions in all the decisions except those that relate to the statutory powers vested with the secretary or any other official. President can access official information provided request for receipt and return is given in writing. It is also mandatory that the communication sent from the panchayat should have the approval of the President. The representatives also have the right to view the records. Still in the manual mode the information access is limited with the systemic limitations and procedures involved. The officials thus had a hold on the manual system of decision making, as the control of the information was mostly under their realm.
Most of the orders, rules and acts are now available in local self-government website. In the digital workflow the complicated manual method of functioning is demystified and simplified enough for the public to monitor the functioning of their panchayat or even to track their application as it works its way through the process either through the external kiosk or work flow application website. In the computerised domain the role of the elected representative in the decision making process is improving manifold as the President can easily view all of the digital records. Necessary mails can now be routed in the electronic system for the approval of the President. The President and the elected representatives can also scrutinise the digital files or even check the details of pending files easily. The vast improvement in access, availability, awareness and usability of information for the elected representatives is widening the scope of the decision making process, which was earlier predominantly controlled by the official. Computerisation is thus bringing in a shift in the ownership of information thus democratising the decision making process.

At a time macro-level tracking of hundreds of the projects in each and every panchayat in the State or the ready availability of even panchayat-wise, block-wise, district-wise, State-wise aggregate current data for planning or monitoring, was not possible earlier in the manual mode of operation. The unreliable and inaccurate layered reporting system was the major reason for the difficulty.

For each panchayat with the project plan formulation monitoring application, the process of project plan formulation, submission for approval, revision, expenditure monitoring, report generation, publishing has become a less time and effort consuming event. In a totally integrated computerised environment it is possible to make highly informed decisions after calculating and considering the cost a development programme will incur on the exchequer, the revenue deficit the programme will create in its life cycle, etc. The social cost benefit analysis of the programmes can also be conducted with the help of a well-maintained data base. More accurate health and demographic statistical data is also available for the state level decision-makers now. With most of the hospitals connected to the State network, computerisation eases the generation and sending of the mandatory monthly birth and death registration reports by each panchayats to the District registrar and subsequently to the State chief registrar. The accurate timely demographic information thus compiled can be used to prepare State- or National-level realistic plans. Computerisation has also enabled a web-based system whereby instantaneous panchayat level information can be
viewed in real time by all the concerned geographically distant departmental and state level elected authorities to make accurate timely decisions.4

Example of Office Procedures Required for a Typical Generic Manual Approval Process

1. The front office assistant accepts the application (Communication), then checks the requisite attached proofs (First level verification). The application is then given a sequential current entry number and entry is made in the registration distribution register including the applicant's name, the type of application, section to which the application has to be sent, in which section register the application has to be registered, expected date of delivery of service, etc. thus registering it (Recording). An acknowledgment receipt with the current entry number, applicant's name, type of application, expected date of delivery of service, the section to which the application will be forwarded, will be handed over to the applicant. In the front office diary the applicant's name, the type of application, section to which the application has to be sent, expected date of delivery of service on the application is also noted (Recording). The copy of the acknowledgment receipt is attached to the application and then (Movement) manually sent to the relevant section in the main office.

2. The concerned section clerk makes a paper file consisting of the application, acknowledgment receipt, docket sheets for current, note entries, etc. In the personal register the current entry number, date of receipt, and a title of the file mentioning the subject matter of the application is entered (Recording). The clerk then enters the applicant's name/address, etc. in the particular subject register, verifies (Second Level Verification) the attached documents, compares its facts with existing records. Field verification is done if needed. Based on the evidence the clerk validates the information by making a note on the application (Noting). The clerk (Movement) manually sends the file to the junior superintendent/secretary for final decision after noting the date of sending in the personal register.

3. The junior superintendent/secretary counter verifies and makes a decision (Decision) to reject or accept and make a note of approval/rejection (Noting) on the file.

4. The file is again (Movement) manually sent to the section clerk who makes an approval/rejection draft order in duplicate. The date of receipt is noted in the personal register.
5. The file is again manually sent (Movement) back to get the signature of the Junior superintendent/secretary. The date of sending is noted in the personal register.

6. Once the signature in the approval/rejection order is received from the junior superintendent/secretary, the section clerk files the duplicate (Recording), updates the details in the subject register (Recording), and the fair copy (Movement) is then sent to the front office.

7. The front office assistant fills the column for the date of return (Recording) in the front office diary. The applicant is given the order after entering (Recording) the recipient’s name, signature and date of receipt in the front office diary.

**Office Procedures for Processing the same Application in the Computerised Mode**

An automated work flow where –

1. The front office assistant accepts the application (Communication) in the prescribed form, does the data entry and the application is made digital. The applicant is then given a computerised receipt mentioning the date on which the service will be provided and an inward number is generated by the workflow automation application. The digitised application is then forwarded (Automated movement) to the section clerk. The details of the application are automatically entered into a database (Recording).

2. The data entered can then be verified (Verification) against any authenticated data base connected to the work flow automation application by the section clerk. Physical verification will be done only if there is a mismatch or an addition and a subsequent update of the database is needed (Recording). If the verification is acceptable (Decision) then the application is sent (Automated movement) to the junior superintendent/Secretary for decision along with a note substantiating it (Noting).

3. Based on the notes the junior superintendent/Secretary makes the final decision (Decision) on the application. Once a decision is taken the applicant can be informed about the status by sending a message to the applicants mobile phone (Communication). Details of the application processing at any point in time or completion status (Citizen verification) can also be checked by the citizen through the panchayat website or the external kiosk. A print out of the digital copy of the final acceptance/rejection is then handed over to the citizen at the front desk. A digital copy of the same is saved (Recording) and the decision is automatically updated to the data base.
CONCLUSION

Information, Communication, and Technology are making radical changes in the way work is carried out in the panchayat office. Administrative efficiency in terms of effort and time is noticeable in those tasks which have benefited from computerisation be it in the core tasks or the supporting enabling tasks needed for decision making. Digitisation and automation are also helping in arriving at the right decisions with the ready availability of sufficient accurate information, thus improving the quality of decisions made in the panchayat office. Democratisation of the decision making process is also taking place as computerisation is enabling the democratically elected representatives and the citizen to have more say in the decision making process.

REFERENCES

1. Physically the panchayat office is now divided into the front office, the main office and is also supposed to have a records section.
2. The project delays caused by bureaucratic fear of decision making often leads to cost overruns in project implementation. Reports based on the data collected by the Ministry of Statistics on mega projects found that, the cost overruns are equal to the total budget of the education and rural development ministries put together (Yadav Y 2012, p 1).
3. With the Government Order no. 1838/2012/LSGD dated July 3, 2012, the President and the Vice President are to be officially provided with desktop systems in their office.
4. The Members of the State Legislative Assembly can view the plan development and implementation statics of all the 998 panchayats across the state using Sulekha the plan formulation and monitoring application.

A SELECT READING

G.O (MS) No. 1838/2012/LSGD Dated July 3, 2012 Complete Computerization of Panchayats-Increasing the Number of Computers that a Panchayat can Purchase. Available for download at Iskgerala.gov.in
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INTEGRATED CHILD DEVELOPMENT SERVICES (ICDS) PROGRAMME IN THE CONTEXT OF URBAN POOR AND SLUM DWELLERS IN INDIA: EXPLORING CHALLENGES AND OPPORTUNITIES

SANJEEV KUMAR AND SAINATH BANERJEE

The article examines the challenges and issues related to Integrated Child Development Services (ICDS) programme in urban settings with specific reference to urban poor and slum population in India. For example, Anganwadi Centres (AWCs) in slums or in urban areas are confronted with multiple issues ranging from infrastructural constraints (buildings, space, water and sanitation facilities); inadequate rental provision to run the AWC properly; unmapped and unrecognised slums and squatters; left out and drop out; increasing migrant and mobile population; difficulty in identifying and reaching out to migrant and working population; lack of convergence with health and allied departments and local bodies, and inadequate access and poor quality of services; lack of knowledge and capacity among service providers; absence of an effective primary health care system in urban areas; lack of awareness and community participation, issues of gender and self-identity, etc. Further, the article attempts to explore opportunities and next steps to be taken as suggestive recommendations for ICDS programme that may strengthen the actual implementation of ICDS programme in urban areas.

INTRODUCTION

INDIA CONTINUES to have the highest rate of malnutrition and the largest number of undernourished children in the world. This is true, in spite of various policies at national and state levels, and the constant efforts of several international and national voluntary organisations, including that of bilateral and donor agencies (Kumar, 2009). Almost 43 per cent of children under five years of age in India are underweight and 48 per cent are reported as stunted (National Family Health Survey (NFHS-3). The urban poor population (including the slums in urban areas) has a high
prevalence of under-nutrition as almost 47 per cent of urban poor children are reported to be underweight and 54 per cent as stunted with almost 60 per cent of urban poor children miss total immunisation before completing one year (NFHS-3). Further, the Infant Mortality Rate (IMR) of India, is still considered as high as 40 per 1,000 live births (Sample Registration System (SRS), 2013) while the Under-5 Mortality Rate (U5MR) is as high as 52 per 1,000 live births (SRS, 2012).

India is home to 121 crore people, out of which 37.71 crore people, who constitute 31.16 per cent of total population reside in urban areas. This is for the first time since Independence, that the absolute increase in population is more in urban areas than in rural areas. Urban growth has led to rapid increase in number of urban poor population, many of whom live in slums and other squatter settlements. India is home to the world’s largest child (0-6 years) population of 158.8 million of which 41.2 million reside in urban areas (Census 2011). The child population in urban areas increased by almost 3.9 million (10.32%) as compared to 2001 Census. The Planning Commission, poverty estimate for 2011-12 (based on the Tendulkar method) designates 13.7 per cent (52.8 million) urban population as ‘poor’, i.e. living below the official poverty line (Planning Commission, 2013).

The main purpose of this policy research article is to examine the challenges and issues related to Integrated Child Development Services (ICDS) Programme in urban settings with specific reference to urban poor and slum population in view of growing urbanisation trend in India. Further, this article also attempts to review the effectiveness of ICDS in addressing the challenges around prevalence of child malnutrition. At the same time, the article attempts to explore opportunities and next steps as suggestive recommendation or a way forward that may strengthen the actual implementation of ICDS programme in urban areas with specific reference to slum and urban poor population.

The nutritional status of children has become an important indicator of the development status of the country. Today, ensuring good nutrition is a matter of international law. This is being fully expressed in the Convention on Rights of Child (1989) which specifies that States must take appropriate measures to reduce infant and child mortality and to combat malnutrition through the provision of nutritious foods. The Constitution of India, in Article 47 shares similar concern as it says that “the state shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and in particular, the state shall endeavour to bring about prohibition of the consumption except for medicinal purposes of
intoxicating drinks and of drugs which are injurious to health.” In Article 39 (f) of Constitution there is an emphatic emphasis on children when it says that “children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment”. The commitment of India to the cause of nutrition can be seen from its ratifying the Convention on the Rights of Child and Signing the World Declaration on Nutrition, at the International Conference on Nutrition held in December 1992 at Rome. Many judicial pronouncements in this regard are noteworthy. The Supreme Court’s order dated November 28, 2003 in this regard is a glaring example. The court, through that order, had appointed a Commissioner to review government social security schemes.

Historical Perspective: An Overview of ICDS Scheme in India

India’s concern to address the needs of children is evident from the First Five-Year Plan itself when the Planning Commission of India adopted a planned approach by introducing child welfare programmes in the country. Since then, various child welfare programmes were introduced related to education, health, nutrition, welfare and recreation in subsequent Five-Year Plans. Special programmes to meet the needs of children with special needs, destitute and other groups of children were also undertaken. Some of these programmes were related to the growth and development of children, especially children belonging to the pre-school age group of below six years. However, such child care programmes with their inadequate coverage and very limited inputs could not make much dent in the problems of children. As comprehensive and integrated early childhood services were regarded as investment in the future economic and social progress of the country, it was felt that a model plan which would ensure the delivery of maximum benefit to the children in a lasting manner should be evolved. Accordingly, a scheme for integrated child care services named as ICDS was initiated for implementation in all states (Lok Sabha Secretariat report, 2011).

Launched on October 2, 1975, ICDS scheme continues to be one of the largest and unique schemes in the world underpinning holistic development of under-six years of children in the country. Being implemented nationwide under the aegis of the Union Ministry of Women and Child Development (MWCD), the scheme is a powerful driving force designed to break the vicious cycle of child malnutrition, morbidity, reduced learning capacity and mortality. The scheme adopts multi-sectoral approach by integrating health; nutrition; water and sanitation; hygiene; and education into one package of services that primarily targets children below six years;
women including expectant and nursing mothers; and adolescent girls. The
other key element of this scheme is that all the services under ICDS are provided
through Anganwadi Centres (AWCs) established at the community level.

While the scheme was launched nationwide, only 42 per cent out of
14 lakh habitations were covered under the scheme by the Ninth Five-Year Plan in the country. With a view to universalising the scheme, the
Supreme Court of India in its order of April 29, 2004, and reiterated in its
order dated December 13, 2006, has *inter-alia*, directed the Government
of India to sanction and operationalise a minimum of 14 lakh AWCs in a
phased and even manner. To comply with the directions of the Supreme
Court and to fulfil the commitment of the Government of India (GoI) to
universalise the ICDS Scheme, it has been expanded in three phases in
the years 2005-06, 2006-07 and 2008-09, so as to cover all habitations,
including Scheduled Caste (SC) / Scheduled Tribe (ST) and Minority, across
the country (Lok Sabha Secretariat report, 2011).

In pursuance to the order of Supreme Court, rapid universalisation of
ICDS has been made across the country. Today, there is near universalisation
of ICDS scheme in India, to the extent that the ICDS scheme covers
nearly 7067 ICDS projects (99.89%) out of approved 7075 and almost
13.60 lakhs AWCs (97.14%) out of 14 lakh across states of India (MWCD,
2014, Consolidated Report).

While it was essential to universalise ICDS, the rapid expansion
resulted into some programmatic, institutional and management gaps that
needed redressal. These gaps and shortcomings have been the subject
matter of intense discussions at various forums including the mid-term
review of the 11th Five-Year Plan. It was felt that the programme needs
restructuring and strengthening which was duly endorsed by the Prime
Minister's National Council on India's Nutrition Challenges which
decided to strengthen and restructure ICDS. Consequently, an Inter-
Ministerial Group (IMG) led by the Member, Planning Commission
(In-Charge of WCD), was constituted to suggest restructuring and
strengthening of ICDS.

The Inter-Ministerial Group (IMG) after holding consultations
with different stakeholders submitted the report on restructuring
ICDS in 2011 (Hameed, 2011). Accordingly, the proposal to strengthen
and restructure the ICDS scheme through a series of programmatic,
management and institutional reforms, changes in norms, including
putting ICDS in a Mission Mode was considered and approved by GoI
for continued implementation of ICDS Scheme in the 12th Five-Year
Plan (MWCD, 2012). In order to achieve the above objectives, ICDS has repackaged its services (relating to health; nutrition; water and sanitation; hygiene; and education) in an integrated manner with an aim to bring in larger impact on the beneficiaries. The new package of services has six major components; ten services and 52 core interventions (MWCD, ICDS Mission, 2012).

**Context and Challenges**

*The Global Context*

The global population reached seven billion in 2011 and will continue to grow, albeit at a decelerating rate, to reach a projected nine billion in 2050 (United Nations (UN), Department of Economic and Social Affairs, Population Division, 2011). “...For many countries, the current rate of expansion of urban agglomerations has brought about severe challenges for provision of basic services such as adequate housing, water and sanitation systems as well as provision of health clinics and schools. There are many factors specific to life in urban environments which impact household food and nutrition security” [Food and Agriculture Organisation (FAO), UN, 2010].

The United Nations Standing Committee on Nutrition (UNSCN) statement of 2012, which builds on the 2006 statement (*The double burden of malnutrition: a challenge for cities worldwide*) clearly reflects its view on nutrition security of urban population when it states that “Now more than half of the global population lives in cities which are therefore hosting more poor... growing urban populations increase vulnerability and the risk of humanitarian crises. All countries, high as well as low- and middle-income countries (LMIC), are experiencing the double burden of malnutrition which is rooted in poverty and inequality. Vulnerable households require social protection, adult education including nutrition education and legal protection to realise and protect optimal nutrition. A wide variety of local innovative initiatives is taking place, both in LMIC as in wealthy nations. But cities need to be empowered to do more, better and now. The UNSCN through this statement of 2012 calls for increased attention, awareness and research on urban nutrition as well as for an effective engagement and Inter-sectoral and Multi-stakeholder collaboration leading to an efficient use of urban resources. Rural-urban linkages need to be enhanced. Successful urban nutrition initiatives need to be better documented and more widely shared” (UNSCN Statement, 2012).
The National Context

As per the Census Report of 2011, India is home to 121 crore people, out of which, 37.71 crore people, which constitute 31.16 per cent of total population residing in urban areas. This is for the first time since independence, that the absolute increase in population is more in urban areas than in rural areas. The level of urbanisation has increased from 25.7 per cent in 1991 to 27.81 per cent in 2001 and 31.16 per cent in 2011. In fact, the proportion of rural population, declined from 72.19 per cent in 2001 to 68.84 in 2011 (Census of India, 2011). Within 25 years, another 30-40 crore people are expected to be added to Indian towns and cities (Planning Commission, 2010). The UN estimates that by 2030 about 583 million Indians will live in cities (United Nations, 2014). See Table 1.

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2011</th>
<th>Differences</th>
<th>% Total</th>
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<td>83.3</td>
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<td>28.6</td>
<td>37.7</td>
<td>9.1</td>
<td>31.16</td>
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</table>

Source: Rural Urban distribution of population, Provisional Population Tables, Census of India, 2011.

Urban growth has led to rapid increase in number of urban poor population, many of whom live in slums and other squatter settlements. As per Census 2011, approx. 6.5 crore people live in slums as compared to 2001 census when 5.24 crore people lived in slums. Out of 4,041 Statutory’ Towns in Census 2011, 2543 Towns (63%) were reported as Slums. The total Slum Enumeration Blocks (SEBs) in Census 2011 is about 1.08 lakh in the country and the largest number of SEBs are reported from the State of Maharashtra (21,359). Out of 789 lakh urban households, almost 137.49 lakh (17.4 % households) live in slums in India. Interestingly, out of these 52 lakh slums household (38.1%) reported to live in Millions Plus Cities, which are 46 in number, across India. The increase in urban poor population including people living in slums is putting greater strain on the urban infrastructure. (See Table 2).

Unlike in rural areas, urban poor economy is cash-based making an impoverished urban poor family more vulnerable to food insecurity. Poor environmental conditions in urban slums result in frequent episodes of morbidity, particularly diarrhoea, putting families especially children in a vicious cycle of malnutrition. As many of the urban poor live in
temporary settlements and slums not included in the official government lists they are often excluded from basic amenities/government services and they constantly struggle for housing, livelihood and health care. Further, due to long delays in updating official slum lists many often remain unlisted/unrecognised for years. Being unrecognised they are not even entitled to basic health and nutrition services (Agarwal, Taneja, 2005). Improving health outcomes for urban populations is a challenge, particularly for residents of slum areas. In addition to the general level of poverty, unique factors contribute to poor health in urban slums and make the provision of health services in those areas more difficult. These include lack of regular employment, lack of tenure and the threat of eviction, migration, poor access to water and sanitation, extreme crowding, and a host of social issues including discrimination (Kamla Gupta, Fred Arnold, and H. Lhungdim. 2009). See Table 3.

**An overview of State-wise ICDS Projects/Anganwadi Centres in Rural and Urban Areas of India**

Though, originally designed to reach rural communities, ICDS now has a substantial presence in urban areas, particularly in poor slum settlements. AWCs are increasingly playing a crucial role in providing health and nutrition services to children and women in the urban landscape. Today, there is near universalisation of ICDS in India, to the extent that the ICDS scheme covers nearly 7067 ICDS projects (99.89%) out of approved 7075 and almost 13.60 lakh AWCs (97.14%) out of 14 lakh across states of India.

However, of these, there are just 755 ICDS projects and 11, 7411 AWCs sanctioned for urban areas across the country. The analysis of data mentioned in table 3 clearly depicts that the national average of urban ICDS projects in India is just about 11 per cent, whereas the urban population in India has reached up to 31 per cent. In fact, more or less similar is the situation of states except NCT of Delhi, where percentage of urban population is almost 97.50.

<table>
<thead>
<tr>
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<td>7935</td>
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<td>Increase</td>
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**Source:** Rural Urban Distribution of Population, Provisional Population Tables, Census of India, 2011.
<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Country/State</th>
<th>Total No. of ICDS Projects</th>
<th>Rural/Tribal ICDS Projects</th>
<th>Rural/Tribal AWCs</th>
<th>Urban ICDS Projects</th>
<th>Urban AWCs</th>
<th>% of Urban ICDS Projects</th>
<th>% of Urban Population</th>
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<td>500</td>
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<td>710</td>
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<td>281</td>
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<td>0</td>
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<td>107</td>
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<td>Puducherry</td>
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<td>5</td>
<td>3</td>
<td>2</td>
<td>788</td>
<td>788</td>
<td>487</td>
</tr>
</tbody>
</table>

**Source:** State-wise number of sanctioned, operational ICDS projects and AWCs as on the September 30, 2014; MWCD, Gol; Rural urban distribution of population and proportion of rural and urban population India/States/Union Territories: Census 2011 (provisional)
Emerging Issues and Gaps (Problem of Health and Undernutrition in Urban Areas)

India is home to the world’s largest child (0-6 years) population of 158.8 million (Census 2011), of which 41.2 million reside in urban areas. The child population in urban areas increased by almost 3.9 million (10.32%) while the corresponding rural child population decreased by five million (7.04%) as compared to 2001 Census. Demographic trends indicate that urban areas will see exponential population increase over time. The Child Sex Ratio (0-6) in the country in Census 2011 has declined by 13 points from 927 in 2001. In Rural areas the fall is significant as it has declined by 15 points from 934 in 2001 to 919 in 2011 and in Urban areas the decline is limited to four points from 906 in 2001 to 902 in 2011. See Table 4.

| TABLE 4: POPULATION FOR 0-6 YEARS INDIA (IN Millions) |
|---------------------------------|--------|--------|
| Total population                | 163.84 | 158.8  |
| Total urban population          | 37.35  | 41.2   |
| Rural Sex Ratio                 | 919    | 934    |
| Urban Sex Ratio                 | 906    | 902    |


The urban poor suffer from poor health and nutrition status (NUHM, MoHFW, 2013). Almost 43 per cent of children under five years of age in India are underweight and 48 per cent are reported as stunted (NFHS-3). The urban poor population (including the slums in urban areas) has a high prevalence of under nutrition as almost 47 per cent of urban poor children are reported to be underweight and 54 per cent as stunted with almost 60 per cent of urban poor children miss total immunisation before completing one year (NUHM, MoHFW, 2013; NFHS-3, 2005-06). Further, the Infant Mortality Rate (IMR) of India, is still considered as high as 40 per 1,000 live births (Sample Registration System (SRS), 2013) while the Under-5 Mortality Rate (U5MR) is as high as 52 per 1,000 live births (SRS, 2012). See Table 5.

The Global Hunger Index (GHI) Report, released in October, 2014, has reported that underweight children in India fell by almost 13 percentage points between 2005-06 and 2013-14, this means underweight in children in India stands as 30.7 per cent. India now ranks 55th out of 76 countries,
before Bangladesh and Pakistan, but still trails behind neighbouring Nepal (rank 44) and Sri Lanka (rank 39). While no longer in the “alarming” category, India’s hunger status is still classified as “serious”, (GHI, 2014). Even if we go by this figure, this 30.7 per cent is still very high and much has to be done to contain malnutrition in India, without losing our focus from policy perspective. In fact, before arriving at any conclusion based on GHI report on reduction in malnutrition for India, one should also wait for National Family Health Survey-4 (NFHS-4) data to come out by Ministry of Health and Family Welfare (MoHFW) Government of India for clearer policy direction. See Table 6.

The perusal of above data that relate to urban poor for slums and non-slums from cities, namely, Bhubaneswar, Jaipur, and Pune reflects that on an average only 32 per cent of children weights were measured across slums in these cities. Further, more than 60 per cent mothers of these children who were weighed in these slums reported that they have not been counselled. In fact, the issues of mother receiving supplementary

<table>
<thead>
<tr>
<th></th>
<th>Urban Poor</th>
<th>Urban Non-Poor</th>
<th>Overall Urban</th>
<th>Overall Rural</th>
<th>All India</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children who are stunted (under 5 years)</td>
<td>54.2</td>
<td>33.2</td>
<td>39.6</td>
<td>50.7</td>
<td>48</td>
</tr>
<tr>
<td>Children Underweight (under 5 years)</td>
<td>47.1</td>
<td>26.2</td>
<td>32.7</td>
<td>45.6</td>
<td>42.5</td>
</tr>
<tr>
<td>Children Wasted (under 5 years)</td>
<td>-</td>
<td>-</td>
<td>19.1</td>
<td>24.1</td>
<td>22</td>
</tr>
<tr>
<td>Children with Anaemia (under 5 years)</td>
<td>71.4</td>
<td>59.0</td>
<td>63.0</td>
<td>71.5</td>
<td>69.5</td>
</tr>
<tr>
<td>Children completely immunised</td>
<td>39.9</td>
<td>65.4</td>
<td>57.6</td>
<td>38.6</td>
<td>43.5</td>
</tr>
<tr>
<td>Under 5 Mortality</td>
<td>72.7</td>
<td>41.8</td>
<td>51.9</td>
<td>81.9</td>
<td>74.3</td>
</tr>
<tr>
<td>Women age 15-49 with anaemia</td>
<td>58.8</td>
<td>48.5</td>
<td>50.9</td>
<td>57.4</td>
<td>55.3</td>
</tr>
<tr>
<td>Mothers who had at least 3 antenatal care visits</td>
<td>54.3</td>
<td>83.1</td>
<td>74.7</td>
<td>43.7</td>
<td>52</td>
</tr>
<tr>
<td>Mothers who consumed IFA for 90 days or more</td>
<td>18.5</td>
<td>41.8</td>
<td>34.8</td>
<td>18.8</td>
<td>23.1</td>
</tr>
<tr>
<td>Children under age 6 living in enumeration areas covered by an AWC</td>
<td>53.3</td>
<td>49.1</td>
<td>50.4</td>
<td>91.6</td>
<td>81.1</td>
</tr>
<tr>
<td>Women who had at least one contact with a health worker in the last 3 months</td>
<td>10.1</td>
<td>5.8</td>
<td>6.8</td>
<td>14.2</td>
<td>11.8</td>
</tr>
</tbody>
</table>

TABLE 6: UTILISATIONS OF RCH AND ICDS SERVICES AMONG CHILDREN UNDER THREE AND WOMEN AND HOUSEHOLD LEVEL WATER AND SANITATIONS SERVICES IN SLUM AND NON-SLUM IN THREE CITIES OF INDIA (IN PERCENTAGES)

<table>
<thead>
<tr>
<th>Service Description</th>
<th>Bhubaneswar</th>
<th>Jaipur</th>
<th>Pune</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Slum Non-Slum</td>
<td>Slum Non-Slum</td>
<td>Slum Non-Slum</td>
</tr>
<tr>
<td>Children under 3 whose weights were taken in last 12 months</td>
<td>39.3 64.4</td>
<td>23.6 35.3</td>
<td>32.3 21.9</td>
</tr>
<tr>
<td>Children under 3 who were weighed and whose mothers were counselled</td>
<td>63.6 43.8</td>
<td>46 17.4</td>
<td>20 17.5</td>
</tr>
<tr>
<td>Of children breastfed within an hour</td>
<td>93.8 72.7</td>
<td>37.5 28</td>
<td>76 62.7</td>
</tr>
<tr>
<td>Of children exclusively breastfed for six months</td>
<td>91.7 87.5</td>
<td>60.3 72.8</td>
<td>87.5 85.9</td>
</tr>
<tr>
<td>Of mothers who (in %) received any supplementary nutrition’s from AWCs</td>
<td>37 7.5</td>
<td>21 4.6</td>
<td>22 7</td>
</tr>
<tr>
<td>Of married women who consumed IFA for 90 days or more in (%)</td>
<td>65.2 79.5</td>
<td>41.9 60.7</td>
<td>79.2 88.2</td>
</tr>
<tr>
<td>Of children aged 12-23 months who were fully immunised</td>
<td>31.6 62.2</td>
<td>32 47</td>
<td>64 55</td>
</tr>
<tr>
<td>Of households with access to water in their own dwelling</td>
<td>2.7 22.4</td>
<td>5.3 25.2</td>
<td>0 20.5</td>
</tr>
<tr>
<td>Of households without toilet facilities and use open spaces for defecation</td>
<td>23.2 3.5</td>
<td>13.5 0.7</td>
<td>5.9 0.2</td>
</tr>
<tr>
<td>Of married women who had interacted with AWW/ANM at AWCs</td>
<td>8.3 18.8</td>
<td>45.5 69.9</td>
<td>70 69</td>
</tr>
</tbody>
</table>


Nutrition from AWCs is very low, on an average it is just 27 per cent across three cities except Bhubaneswar, where this percentage is 37. The data further reveals that only 42 per cent of children aged 12-23 months were fully immunised across slums in these cities. However, the data shows that on an average about 69 per cent of children were breastfed within an hour of birth of child except Jaipur where this percentage is just 37. Also, on an average more than 85 per cent of children were exclusively breastfed across these cities except Jaipur where the per cent is just 60. Further, almost 62 per cent of married women in these slums reported to have had consumed IFA for 90 days or more, except in Jaipur where this percentage is just 42. On the issue of community interaction with ICDS
and Health field functionaries, on an average, about 41 per cent of married women across slums in these cities reported that they had interacted with AWW and ANM at AWCs, as shown in Table 6.

The households in slum areas lack toilet facilities and use open spaces for defecation. For example, almost, 23 per cent of households in Bhubaneswar, 13 per cent in Jaipur and six per cent in Pune do not have toilet facilities and use open spaces for defecation. In fact, on an average only about three per cent of households in these slums across cities reported to have access to water in their own dwelling. However, in Bhubaneswar about 23 per cent, Jaipur, four per cent and Pune, 25 per cent of households in slums reported of getting drinking water from their own yards/plots. In fact, more than two thirds of the households source of drinking water is located elsewhere. Majority of slum households reported to storing of drinking water. (HUP, Baseline Report, 2011, IIPS, Mumbai).

The constraints of space, proper infrastructure, sanitation, town planning without giving adequate provision for childcare plague the functioning of urban ICDS. “The ICDS runs very poorly in urban slums areas, the urban Anganwadis are in terrible conditions... Whether winter or summer, they make the kids sit on a paper-thin durrie and even if they soil themselves they are made to sit like that for hours. All they get is a meal but no personal touch. Most women here who go out for work leave their children with private care providers... In urban slums, the problem of appallingly low rent allocations for hiring of spaces and non-availability of government buildings needs to be addressed urgently to fill the gap in universalising services for slum populations” (Saxena, 2012). Action Aid, a study done in 2010 on the homeless in Chennai and discovered that 66 per cent of children under five years were not availing of ICDS facilities. Many were opting for creches services of private players. The worst affected are those in the unorganised sectors-constructions workers, domestic helps, vendors and so on. They take their children along with them and make them work by pulling them away from schools (Saxena, 2012).

Despite the supposed proximity of the urban poor to urban health facilities their access to them is severely restricted. This is on account of their being “crowded out” because of the inadequacy of the urban public health delivery system. Ineffective outreach and weak referral system also limits the access of urban poor to health care services. Social exclusion and lack of information and assistance at the secondary and tertiary hospitals makes them unfamiliar to the modern environment of hospitals, thus restricting their access. The lack of economic resources inhibits/ restricts their access to the available private facilities. Further, the lack of standards and norms for the urban health delivery system when contrasted with the
rural network makes the urban poor more vulnerable and worse off than their rural counterparts (NUHM, MoHFW, 2013).

Poor environmental condition in the slums along with high population density makes them vulnerable to lung diseases like asthma, tuberculosis (TB) etc. Slums also have a high-incidence of vector-borne diseases (VBDs) and cases of malaria among the urban poor are twice as high as other urbanites ((NUHM, MoHFW, 2013). The multiplicity of providers, agencies, and programmes addressing similar developmental issues, often without synergy, is a complexity unique to urban areas, rendering some populations “over reached” and perhaps the most vulnerable populations, “under reached” (Urban Health Initiatives, India, 2012).

Overall urban health and well-being metrics is weak in terms of its ability to highlight inequities within urban areas. Practice of using simple tools to understand deprivations and of spatially mapping inequities and vulnerable pockets is yet to be adequately developed. Despite physical proximity of service delivery points, cities are the locus of inequitable access and reach of healthcare services. There is poor social cohesion and collective self-efficacy to seek essential services among the urban underserved. Coordinated efforts of multiple stakeholders in responding to urban inequities have been limited. While there is growing recognition of the magnitude, growth and significance of urban poverty in India, the response of governments, donors and other agencies in addressing urban health inequities has been lukewarm (Agarwal, Sethi, UHRC, 2012).

An order of Supreme Court dated October 7, 2004, with regards to urban slum and urban ICDS, stated that “Efforts must be made to ensure that all Scheduled Castes and Scheduled Tribes (SCs & STs) habitation in the country shall, as early as possible, have operational AWCs. Similar efforts shall also be made to ascertain that all urban slums have AWCs. Further, the order says: “All States and Union Territories shall make earnest efforts to ensure that slums are covered by the ICDS Programme” (Mander, 2012).

Mindful of all these growing problems and complex challenges in urban settings with specific reference to functioning of ICDS programme in urban areas, the MWCD, Gol, in July, 2012, organised a two-day workshop on ‘Strengthening Maternal and Child Care, Nutrition and Health Services in Urban Settings’ attended by senior representatives of the allied department of Gol, several state governments including that of the representatives of Municipal Corporations, NGOs, etc. Probably, these challenges were discussed for the first time at such a national forum comprising of galaxy of participants and experts from different corners of the country. The MWCD during deliberations recognised and acknowledged that urban ICDS is faced with a multitude of constraints and further noted that “in view of
multidimensional challenges of providing maternal and child care nutrition and health services in urban settings, there is pressing need for identifying the key issues and to arrive at workable solutions along with short and long term strategies for ICDS programme in urban areas” (Workshop Report, MWCD, NIPCCD, 2012).

However, the recent policy decisions by Central Government with regards to drastic reduction in budget on ICDS and what impact it would have on ongoing ICDS restructuring and strengthening process initiated and mandated under 12th Five-Year Plan period requires some discussion. The budgetary allocation for ICDS scheme this financial year (FY) 15-16, by GoI is reduced to almost 50 per cent as compared to last two financial year period. This financial year, the allocation is just Rs. 8335.7 crore as GoI share, whereas, the budgetary allocation amount for FY 13-14 & FY 14-15 for the ICDS scheme was Rs. 16,312 crore and Rs. 16,561 crore respectively (Press Information Bureau, MWCD reply to Rajya Sabha, March 19, 2015).

The recent decision leading to drastic reductions in ICDS budget may impact the ongoing strengthening and restructuring of ICDS scheme which had already started a series of programmatic, management and institutional reforms, including putting ICDS in Mission mode as envisioned and approved under 12th Five-Year Plan period. Under 12th Five-Year Plan period, the total approved budget allocation for ICDS by Government of India for implementation of restructured and strengthened ICDS scheme in Mission mode was Rs 1,23,580 crore as GoI shares. In addition, the provision of funding from other sources and convergence with other programme/schemes including the Mahatma Gandhi National Rural Employment Guarantee Act was agreed to be pursued (MWCD, 2012, letter no.1-8/2012-CD-1, October 22, 2012).

However, Government of India maintains that the reduction in the Budgetary allocations in Financial Year 2015-16 for all planned schemes, including ICDS, have been made against the backdrop of the 14th Finance Commission ‘recommendations of higher devolution of taxes to the tune of 42 per cent of the divisible pool to the states which in their view is much higher than the 32 per cent devolved to states in the previous five years. The GoI argues that this decision is made to give more flexibility to states in implementation of centrally sponsored schemes with higher share from the states (Expenditure Budget, Plan Outlay 2015-2016). But so far states have not come up with clearer response on that as whether they will really enhance their shares to these social schemes or in this case ICDS in line with objectives of restructured and strengthened ICDS and whether they will implement the programme in mission mode as envisioned. Further GoI,
should clarify that major activities under restructured and strengthened ICDS that was supposed to be undertaken at central level should be supported with required budgetary allocations to support the rolling out ICDS mission in effective manner.

Interestingly, the perusal of the draft concept note of widely discussed Smart City Scheme suggests that ICDS scheme is not incorporated in Smart City Strategy. Although, there is focus on health, sanitation and social infrastructure in draft proposal but without any reference of ICDS services or tackling of under-nutrition among urban poor and slum settlements (Draft Concept Note on Smart City Scheme, 3-12-14, MoUD, Gol).

Conclusion and Recommendations

The foregoing discussion and analysis clearly depicts the challenges that ICDS programme in urban areas is presently confronted with and augur the need to strengthen the ICDS programme in urban areas. The analysis clearly reflects services related to ICDS in urban areas are not without serious limitation and challenges especially in the wake of increase in urban population and slum settlements and inclusion of new areas under urban settings. The discussion also brings forth the gap between the policy intentions of ICDS and its actual implementation at field and raises serious concerns on functioning of ICDS programme in urban areas. For example, the AWCs in slum or in urban areas is confronted with issues ranging from infrastructural constraints for AWCs (buildings, space, water and sanitation facilities, inadequate rental provision to run the AWC properly; unmapped and unrecognised slums and squatters; left out and drop out; increasing migrant and mobile population; difficulty in identifying and reaching out to migrant and working population; lack of convergence with health and allied departments and local bodies, lack of knowledge and capacity among service provider; absence of an effective primary health care system in urban areas; lack of awareness and community participation, issues of gender, self-identity and inadequate access and poor quality of services, etc.

In the context of foregoing analysis and objectives of this article, it is important to highlight some recommendations for ICDS programme, in urban areas that have emerged from discussion. Over all, the trend emerging out of this discussion in the form of immediate and intermediate recommendations are summarised in following points: There is a need to think about AWCs cum-day-care centres/Creche in urban settings to facilitate working mothers; establishing mobile AWC; mapping and reallocation of left-out listed slums; use of temporary structures such as Porta Cabins or other temporary structures as AWCs; co-location of AWCs in schools wherever feasible, provision of wage loss to mothers and collective efforts for services like water and sanitation; AWC rent options to be linked
to different categories of cities/towns and the rent approved under ICDS restructuring and strengthening under 12th Five-Year Plan should be strictly adhered to; ensure quality of service delivery to urban poor settlements and pockets with focus on highly vulnerable settlements. Increased involvement of community in managing and organising AWC activities in urban settings; need for proper capacity building and skill development of ICDS staffs in the context of urban challenges; need for convergence and coordination and multi-sectoral partnership and need for co-micro planning with multi-sectoral agencies viz. MoHUPA to improve AWC infrastructure; with MoHFW to improve outreach points, mobile service teams, helplines and referral linkage; with community based organisations to improve household counselling and community mobilisation; with NGO partners to manage urban ICDS particularly delivery of supplementary nutrition and Early Child Education; with Urban Local Bodies (ULBs) to implement and monitor ICDS projects. Need for private sectors participation and leverage of CSR funds for strengthening of the ICDS in urban areas.

Further, there is need for the growth-monitoring activities at AWCs to be performed with greater regularity with an emphasis on using this process to help parents understand how to improve their children’s health and nutrition and at the same time the monitoring and evaluation activities need strengthening through the collection of timely, relevant, accessible, high-quality information to inform decision, improve performance, quality and increase accountability.

Addressing the health and nutrition of urban poor children is both a right and an equity issue. In terms of long-term planning, there is an opportunity for policy makers to identify and explore for various localised models and workable solution along with existing best practices keeping in view the strengths of their reliability, which can support urban ICDS programme in effective and meaningful ways. There is pressing need to design and initiate urban pilot interventions aimed at improving the availability, accessibility and quality of child development services to effectively address the nutritional and health concerns in urban setting of the urban poor population.

Notes

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Dr. Sanjay Pandey: Director, Programmes, Population Foundation of India (PFI), New Delhi.
As Per Census 2011

Slum: Slum is defined, as a residential area where dwellings are unfit for human habitation by reasons of dilapidation, overcrowding, faulty arrangements and design of such buildings, narrowness or faulty arrangement of street, lack of ventilation, light, or sanitation facilities or any combination of these factors which are detrimental to the safety and health. For the purpose of Census, slums have been categorised and defined as of the following three types: Notified Slums; Recognised Slums; Identified Slums.

Statutory Town: All places with a Municipality, Corporation, Cantonment board or Notified town area committee, etc. (known as Statutory Town); Census Town: Places other than the Statutory Town, which satisfied the following criteria (known as Census Town): A minimum population of 5,000; At least 75 per cent of the male main workers engaged in non-agricultural pursuits; and a density of population of at least 400 per sq. km.

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Sample Registration System (SRS) 2012, Office of Registrar General and Census Commissioner, Ministry of Home Affairs, Gol.


United Nations, 2011, Department of Economic and Social Affairs, Population Division, New York, USA.
The article critically analyses the role of women self-help groups (WSHGs) in alleviating poverty and empowering the tribal women in Kalahandi district of Odisha based on the field findings, ground realities and observations. It also documents the best practices of the NGOs and other self-help promoting institutions (SHPIs) in social mobilisation and poverty alleviation. The study shows that intensity of social capital (in the form of trust relating to credit and savings activities) is more among the SHGs which are homogeneous in nature (i.e. SHGs comprising of all Kondh/ST women members); whereas social capital is on the decline among the mixed and/or diverse groups in the sample villages (for example SHGs consisting of both ST and SC and male and female members). The empirical findings of the study show that the group savings of the various WSHGs promoted by the NGOs and SHPIs (namely, Parivartan, Gram Vikas, Antodaya and Sahabhagi Vikas Abhiyan, ICDS and Watershed Department, Government of Odisha) in Thumul Rampur block of Kalahandi have increased gradually; and also shows that after SHG intervention, dependency of the tribal villagers on the local money lenders for loan have declined significantly.

INTRODUCTION

WHILE MAKING his first visit to Odisha in 1921, Gandhiji described “Odisha as an epitome of India’s poverty”. He wrote on Odisha’s poverty in the Harijan in March 1921. What Gandhiji said regarding Odisha’s poverty in those days, is true today even after 65 years of India’s independence. Post-independence scenario of Odisha is a total disappointing one. Ironically, fact to state that Odisha is a rich state in natural resources but it is today the poorest state in the Indian federal system (Rout, 2007:210). The phrase
‘poverty amidst plenty’ sounds appropriate here. According to the *Odisha Human Development Report,* ‘poverty in Odisha is overwhelmingly a rural phenomenon (OHDR, 2004:21). There is wide regional, social and gender disparities which are the outcome of long-term neglect of depressed regions and ‘entitlement failures’ for the marginalised sections including Scheduled Tribes and Scheduled Castes (Odisha Annual Plan 2014-15:27). One of the primary objectives of the Government of Odisha is to “achieve all-round development, transforming Odisha into one of the most prosperous states along with complete development of women, children and under-developed classes” (Biju Janata Dal [BJD] Manifesto, 2009). The goal of inclusion is by no means peculiar to the state of Odisha (Soumya Kapoor, 2011:1).

Over the years, though there is political stability in terms of the regional party of *Biju Janata Dal* holding its base in the state, the state has been witnessing left wing extremist activities in different parts of the districts. Realising that the extremist problem in the state could be tackled both on security and development fronts, the state has initiated three-pronged strategy such as security measures in terms of deploying security force in the affected areas; accelerating the development process and improving the accessibility to the affected areas in order to bring them to the mainstream of development process.

Kalahandi district in Odisha has been considered as one of the most backward regions of the country. Kalahandi has witnessed a large number of droughts and other natural calamities over centuries (DHDR, Kalahandi 2012:4). The economic and social impacts of these droughts on the people of Kalahandi have been very severe. The Directorate of Economics and Statistics, Odisha has analysed the rainfall of South Western Kalahandi and has reported that on an average there is a drought year in every three to four years. In recent years flash floods due to heavy rainfall have become a common occurrence. The district has been severely affected due to severe floods during the last ten years. Thirteen floods occurred in different parts of the district from 2000-2001, 2004, 2006 and 2007(DHDR-Kalahandi, 2012:118-19). Kalahandi district has a very high incidence of poverty with 87.10 per cent living below the poverty line in 1999-2000 as per the 55th round of NSS estimations. As per the Ministry of Rural Development’s methodology for identification of BPL households, Kalahandi reported 62.71 per cent families below the poverty line in the 1997 BPL census. Even though it is richly endowed with natural resources, Kalahandi has in the recent past attracted adverse publicity for alleged starvation deaths, heavy incidence of poverty and poor development (*ibid*.16). As per the estimates of DHDR (2011) about 76.59 per cent households of Kalahandi have monthly incomes of less than Rs.500. About 32.47 per cent households
have monthly income of less than Rs.250. These income levels are grossly inadequate to meet essential consumption, production and other needs of most of these households.

It is recognised that large number of programmes for alleviating poverty in Odisha have had limited impact in transforming the lives of the poor. In view of the debates around impact of micro-credit on poverty, the study examined whether the SGSY/NRLM and NGO assisted Self Help Groups (SHGs) based micro-finance programmes really benefit the poor in the state. This study is based upon intensive field work in Thumul Rampur block of Kalahandi district in Odisha and the article is an outcome of the author's doctoral research at Jawaharlal Nehru University. The study examined the micro-credit requirements particularly of the disadvantaged groups like the STs, SCs and women. The article highlights the impact of SHGs on income, asset creation, education and health and the role SHGs play in ‘local polities’ in terms of influencing decision making at the Gram Panchayat level. Further, the study documented the best practices of the NGOs and other self-help promoting institutions (SHPIs) in social mobilisation and poverty alleviation in the district.

MICROFINANCE-BASED SHGs, SOCIAL CAPITAL AND POVERTY ALLEVIATION: CONCEPTUAL FRAMEWORK

Microfinance programmes were started more than 20 years ago in developing countries, ostensibly to overcome the lack of financial services for the poor. The term ‘microfinance’ refers to all the financial services including loans and/or savings provided by programmes, Non-Governmental Organizations (NGOs), or even banks to assist low income people who are economically active, yet have no access to commercial banks (Laura Foschi in Castiglione et al. 2008:470). A similar definition of micro-credit was proposed by the Microcredit Summit for which microcredit refers to programmes that provide credit for self-employment and other financial and business services including savings and technical assistance to very poor people (Daley-Haris 2004; Foschi, 2008:484). The 2005 Report of the Microcredit Summit Campaign emphasizes both reach of micro finance and its poverty alleviation goals.

SHGs are small, informal and homogeneous groups with a membership of 10 to 15 members drawn from Below Poverty Line (BPL) households in India. The initial entry point for the formation of SHGs is either thrift or credit or education and health. The government or non-government agencies play a major role in undertaking economic activities and establishing linkages with formal credit institutions and markets. The external agencies (government and NGOs) have been taking several measures for the capacity
building of SHGs and supporting them with necessary managerial and trade related skills (India SDR, 2006:12).

SHGs as a mechanism for mobilising social capital and bringing about changes in lives of the poor have been widely recognised. These local forms of association, based on trust, norms of reciprocity and networks are a strategy of social capital approach for mainstream developmental agencies and the World Bank (Putnam 1993: 167; Rankin, 2002: 2; Sooryamoorthy, 2005). There exists a dual relationship between social capital and microfinance programmes, where the former is a resource for the latter, which can improve credit access by the poor. On the other hand, the microfinance can favour the creation of new social capital. Microfinance and social capital are linked in this causal relationship (Fisher and Sriram 2003) and should be taken into consideration in the design, implementation and monitoring, or rather in all the phases of the microfinance ((Foschi, 2008:482). SHGs generate ‘social capital’, i.e. the glue, which holds the society together (Meenai, 2003:20).

The field experience in the realm of administering poverty alleviation programmes in India during the last decades shows that a group approach has an edge over an individual-oriented one. The poor women who are homogeneous in terms of common occupation or socio-economic background could organise themselves as a cohesive group (India SDR, 2006:12). The SHG model was introduced as a core strategy to achieve empowerment in the Ninth Plan (1997-2002) with the objective to "organize the women into Self-help groups and thus mark the beginning of a major process of empowering women" (Planning Commission, 1997). This strategy was continued in the 10th Plan (2002-07) with the government committed "to encouraging SHG model to act as the agents of social change, development and empowerment of women" (ibid: 239). SHG bank linkage programme though started in India in the early 1990s it got acceleration only after 2000 (NABARD 2005). The SGSY was launched as an integrated programme for self-employment of the rural poor with effect from April 1, 1999. Ministry of Rural Development (MoRD), Government of India has launched the ‘National Rural Livelihood Mission’ (NRLM) by restructuring the SGSY Scheme, effective from April 1, 2013 (MoRD e-book 2014-15: 24-28).

SHG Movements in Odisha

Empowerment of women is one of the key development initiatives identified by the Government of Odisha. Economic empowerment of women significantly contributes to their social empowerment. As such helping women to achieve economic independence by enabling them to have independent employment and income has been accorded the highest priority.
It has also been recognised that women will be better-placed to overcome the negative social pressures and gender biases operating against them and to unshackle themselves through group identity and activity. Promotion of Women’s Self-Help Groups (WSHGs) has, therefore been adopted as a key strategy for achieving women’s empowerment. A mission approach has been adopted for this purpose through launching ‘Mission Shakti’ aimed at promotion of Women’s Self-Help Groups, strengthening and capacity building of the already existing groups and provide technical support, market linkages and credit linkages (http://wcdodisha.gov.in). ‘Mission Shakti’ is one among the women welfare-oriented programme which was launched by Government of Odisha in March 2001 to organise women into SHGs and empower them through thrift and credit. To empower the women in the state. Government of Odisha has recently launched the ‘Shakti Varta’ Programme. It aims to find out local problems and their appropriate solution. The Programme specifically focuses on issues like malnutrition, health, safe drinking water and sanitation in the target areas. The pioneering Programme involves more than 10 lakh women in the State (Odisha Review 2013:5). Shakti Varta entails a high level of convergence on community process through collaboration between Mission Shakti, NRHM, the Departments of Health, Women & Child Development, Rural Development supported by DFID and TMST.

IMpact of women’s self-help groups on rural poverty in kalahandi: empirical results

This section critically analyses the role of WSHGs in poverty alleviation based on the field findings, ground realities and observations. The article highlights the impact of SHGs on income, asset creation, education and health and the role SHGs play in ‘local polities’ in terms of influencing decision making at the Gram Panchayat level. Further, the study documented the best practices of the NGOs and other self-help promoting institutions (SHPIs) in social mobilisation and poverty alleviation in the district.

Methodology

The study was conducted among the Kondhs (Parja/PTGs/STs) and other forest dwellers (Dombs/SCs) in Thuamul Rampur block in Kalahandi district. The FGDs were conducted with SHPA field staff, secretary of watershed department, social activist, local folklorist and nearly 50 key informants. The study employed a case study approach to observe successful and not-so-successful cases of SHGs in the sample villages. The study employed non-probability purposive sampling method
DYNAMICS OF RURAL POVERTY: ROLE OF WOMEN’S SELF-HELP GROUPS

GADADHARA MOHAPATRA

to select the sample SHGs. The study covers nine women self-help groups which have been formed by different self-help promoting institutions in six villages under three Gram panchayats of Thumul Rampur. The total sample size from all the sample villages is 63. A combination of methods has been applied in analysing the data that was collected during the field visits. The study has estimated the average annual income of the households and Monthly Per Capita Expenditure (MPCE) analysis is employed to calculate the monthly expenditure of the household and the per capita expenditure of the household. Further, the empowerment index is prepared to capture the impact of microcredit on the programme participants in the study area.

Table 1 provides the profile of the SHGs promoted by different SHPIs, federation of these groups at the block level, etc.

**Table 1: Study Sample: SHGs in Six Villages**

<table>
<thead>
<tr>
<th>Name of SHGs</th>
<th>Name of the Village/Gram Panchayat</th>
<th>SHPA/NGO</th>
<th>Total Members in the Groups</th>
<th>No. of SHG Members drop out from the group</th>
<th>Federation/Cluster association</th>
<th>No. of SHG Members Interviewed (Study Sample)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maa Bhagwati (MB)</td>
<td>Kachalekh - Kerpai</td>
<td>Sahabhagi Vikas Abhiyan</td>
<td>10</td>
<td>0</td>
<td>Banashree Mahila Sangh</td>
<td>9</td>
</tr>
<tr>
<td>Sarala (SA)</td>
<td>Kerpai</td>
<td>Sahabhagi Vikas Abhiyan</td>
<td>18</td>
<td>0</td>
<td></td>
<td>10</td>
</tr>
<tr>
<td>Budha Raja (BR)</td>
<td>Madangaguda - Gunpur</td>
<td>Gram Vikas</td>
<td>10</td>
<td>1</td>
<td>Banabasi Anchalika Mahila</td>
<td>8</td>
</tr>
<tr>
<td>Maa Dokri (MD)</td>
<td>Ranpur Gunpur</td>
<td>Parivartan</td>
<td>18</td>
<td>1</td>
<td>Samabaya</td>
<td>8</td>
</tr>
<tr>
<td>Khandual (KL), Dokri (DK), Thanigadi (TG)</td>
<td>Turibbhujiguda - Nakrundi</td>
<td>Antodaya</td>
<td>41</td>
<td>0</td>
<td>Banashree Mahila</td>
<td>10</td>
</tr>
<tr>
<td>Brundabati (BNB)</td>
<td>Kirkicha-Gunjpur</td>
<td>Antodaya, ICDS</td>
<td>18</td>
<td>0</td>
<td></td>
<td>18</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td></td>
<td>115</td>
<td>2</td>
<td></td>
<td>63</td>
</tr>
</tbody>
</table>

Source: Compiled from field data.

SOCIAL-ECONOMIC BACKGROUND OF THE SHG MEMBERS

The social composition of SHG members shows that the major part of respondents belonged to Kondh/STs (66.7%), followed by Domb/SCs
(31.7%) and 1.6 per cent belong to Gouda/OBC. The age composition of the members shows that majority of women SHG members (44.4%) are in the age group of 31 to 45 years. SHGs like Sarala (SA), Maa Dokri (MD) and Brundabati (BNB) Sindhu Suta (SS) have maximum women members those belong to the age group of 31 to 45. But in Budha Raja (BR) SHG majority of the members belong to the age group of 46 and above. Thus, the age-wise classification of the SHG members shows that SHGs have concentrated more on the younger age groups.

Educational level of the members of SHGs shows that 42.9 per cent of the study samples are illiterate. On the other hand, about 49.2 per cent of the study samples are those who can read and write and 7.9 per cent SHG members have passed primary school education. Thus, it is clear that all the SHGs are heterogeneous groups in respect of their education which has differential impact on income generation, loan disbursement among and others.

**QUANTITATIVE IMPACT OF SHG-BASED INTERVENTION**

Estimated average annual income of the household is Rs. 2412.54 and the per capita income is Rs. 533.99. As the livelihood of Kondh (STs) and Domb (SCs) is based upon subsistence agriculture; income from agriculture is very low, i.e. Rs. 448.62 per annum for all villages across various categories. Among the social groups, average annual income of STs from cultivation is Rs. 537.03 per household; among SCs it is Rs. 266.26 and Rs. 383.00 per annum among the OBC households. Thus, the annual income of STs from cultivation is higher than the other categories (See Table 2).

**TABLE 2: AVERAGE ANNUAL INCOME PER HOUSEHOLD BY SOCIAL GROUPS**

<table>
<thead>
<tr>
<th>Category</th>
<th>Cultivation</th>
<th>Wage Labour</th>
<th>Forest</th>
<th>Others</th>
<th>Average Annual Income (All Sources)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Per HH</td>
<td>Per capita</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OBC</td>
<td>383.00</td>
<td>2250.00</td>
<td>50.00</td>
<td>350.00</td>
<td>3033.00</td>
</tr>
<tr>
<td>SC</td>
<td>266.26</td>
<td>1517.25</td>
<td>64.05</td>
<td>877.40</td>
<td>2725.10</td>
</tr>
<tr>
<td>ST</td>
<td>537.03</td>
<td>1538.57</td>
<td>91.74</td>
<td>81.55</td>
<td>2248.93</td>
</tr>
<tr>
<td>All</td>
<td>448.62</td>
<td>1543.10</td>
<td>82.29</td>
<td>338.46</td>
<td>2412.54</td>
</tr>
</tbody>
</table>

As per the Monthly Per Capita Expenditure (MPCE) analysis, 54 per cent households are non-poor, whereas 19 per cent belong to the category of moderate poor, about 14 per cent belong to severe poor category and rest 13 per cent of the sample households belong to the medium poor. Thus, the
distribution of poverty level among the sample households shows that the percentage of non-poor households under the study sample are higher to all categories of poor. (See Table 3).

**TABLE 3: INCIDENCE OF POVERTY AMONG THE VARIOUS CATEGORIES OF POOR**

<table>
<thead>
<tr>
<th>Poverty level</th>
<th>Frequency</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severe Poor</td>
<td>9</td>
<td>14.28</td>
</tr>
<tr>
<td>Medium Poor</td>
<td>8</td>
<td>12.69</td>
</tr>
<tr>
<td>Moderate Poor</td>
<td>12</td>
<td>19.04</td>
</tr>
<tr>
<td>Non Poor</td>
<td>34</td>
<td>53.96</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>63</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**Period of Food Insecurity**

Food insecurity is directly linked to the unequal land holding structure and the *Gountia culture* in the region. Landlessness, marginal and small land holdings and lack of irrigation facility in the sample villages are the major cause of food insecurity. During the course of primary survey it was observed that the tribal households ensure food security for 4-12 months depending on the asset base. The food deficit is met with the targeted PDS, special schemes under food safety net and rural development schemes like SGRY, NREGS, and OTELP, etc.

**Food Security through Community Grain Bank in Thuamul Rampur: A Few Best Practice Cases**

Apart from saving and group lending activities, under the active guidance of NGOs like Antodaya, Gram Vikas, Parivartan and Sahabhiyi Vikas Abhiyan, SHG members have collectively established grain banks in their villages. Grain bank serves as a hedge against starvation deaths in most tribal villages of Thuamul Rampur block. Women self-help groups are managing this, members and the village women lend grain from the grain bank during the agricultural lean periods. Members, who borrow grain to meet food deficit, generally return grain during harvesting season with the interest rate charged by the SHG members. Under the NABARD’s innovative scheme in the 90's, three central godowns were established in Kerpai Gram Panchayat in 17 villages consisting of 310 tribal families. Earlier, bankers were not taking into account the grains as saving, but seeing the SHG savings in terms of grain deposits, the bank began to provide loan to them. Thus, through this project grain has been monetized, by calculating the total savings of the SHGs in terms of cash and grain, the bank provides loan to the groups. Through this innovative project, there is a major breakthrough of illegal money lending of the moneylenders (*Sahukars*) in the region. Three
Grain Banks were constructed in Silet, Sikerguda and Maltipadar. All the three are in active operation in 17 tribal villages of Kerpai and Nakarundi GPs of Thumul Rampur block of Kalahandi district. Three Grain Bank Committees were constituted with members from different SHGs. 29 SHGs were promoted by the NGO, Antodaya. SHGs started savings in cash and grain. Savings mobilised by the SHGs from members was Rs 1,59,025 and grain of 5,330 kg (approximately).

**Group Savings**

The highest group savings are observed to be among the Maa Dokri (MD) women self-help groups in Ranpur village as promoted by Parivartan NGO, whereas the second highest group savings is with the Budha Raja (BR) promoted by Gram Vikas NGO in Madangguda village. (See Table 4).

**TABLE 4: SHGs SAVINGS**

<table>
<thead>
<tr>
<th>Village</th>
<th>SHGs</th>
<th>SHG Group Saving (Rs.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kachalekha</td>
<td>MB</td>
<td>13,417</td>
</tr>
<tr>
<td>Kerpai</td>
<td>SA</td>
<td>8,300</td>
</tr>
<tr>
<td>Madang guda</td>
<td>BR</td>
<td>35,000</td>
</tr>
<tr>
<td>Ranapur</td>
<td>MD</td>
<td>50,085</td>
</tr>
<tr>
<td>Turivejiguda</td>
<td>KL, DK &amp; TG</td>
<td>19,000</td>
</tr>
<tr>
<td>Kirkicha</td>
<td>BNB &amp; SS</td>
<td>40,155</td>
</tr>
<tr>
<td><strong>Total (Rs.)</strong></td>
<td></td>
<td><strong>1,65,957</strong></td>
</tr>
</tbody>
</table>

**SOURCE:** Compiled from the Primary Data (SHG Registers).

**Microcredit requirements of the STs, SCs and Women**

Group lending activities among the SHGs shows that majority of respondents (79.4%) of the study sample have taken loan from various sources. However, 13 respondents (20.6%) of the study sample are non-borrowers. Out of the 50 loanee respondents, 17 respondents, (34.0%) have taken loan for purchasing livestock and poultry for income generating activities through livestock raising activities; 10 respondents, i.e., 20 per cent of the study sample have taken loan during the Tokmimara parab and Pausa parab and during marriage for consumption purpose; nine respondents (18.0%) each have taken loan for agricultural activity and for purchasing agricultural equipments and petty business respectively. Other four members (8.0%) have taken loan for medical treatment and hardly one member has taken loan for providing education to children (See Fig. 1). Thus, majority of the respondents have taken loan for productive purpose such as livestock raising, agricultural activity and petty business. Secondly, a number of households have taken consumption loans and for marriage.
Interest Rate Paid by Members to the Group

SHGs lend to members within their groups at an average rate of interest of around 24 per cent a year (2% a month). Fifty-four per cent of the sample lends at this rate, or less; sixteen per cent lend at 36 per cent (3% a month). Ten per cent of the sample lends at 12 per cent a year (1% a month). The pattern is to charge higher rates in the early stages of group formation, with an emphasis on growing the group fund; with rates sometimes reducing over time. In case of individual members lending from the Gramya bank is at an interest rate of 12 per cent in a year. Six per cent of the sample lends from the moneylender at 60 per cent a year. Thus, the study shows that after the SHG intervention, dependency of villagers on moneylenders has declined who not only charges about 60 per cent interest for providing loan to the villagers but also exploits them in various ways.

Activities Undertaken After Getting Loan

The Maa Bhagwati SHG members in Kachalekha under Kerpai GP have undergone training for making hill brooms, leaf plates, processing Kandul dal with the machine provided to them and sell them in the nearest market at Saisuruni and presently SHGs are also running PDS outlets. In Kerpai Gram Panchayat, the members from Sarala SHG have taken land on lease and undertaken various income generating activities such as vegetable and oilseed cultivation and purchased livestock and poultry farm.

Sahabhagi Vikas Abhiyan and the DRDA’s have provided training to the members of Sarala SHG in Kerpai for preparing hill brooms and sell
these in the local market, Machine is provided to the SHG members to process Kandul (pulse) which is supplied to the schools for mid-day meals. Utkal Gramya Bank has provided loans to purchase livestock and to build cattle sheds for keeping goats. Other SHG members have taken land in lease and engaged in vegetable and oil seed cultivation like cabbage and sunflower, etc.

Madangguda which is the model village and the chief minister of Odisha visited the village in 2002 and declared this village as a ‘habitat village’. Under the guidance of Gram Vikas NGO and through Rural Health & Environment Programme, various development activities have been initiated in this village. Villagers are provided with drinking water facility through tape water, proper drainage system, and internal road has been constructed for the villagers. Semi-pucca houses are constructed for the villagers through the cooperation of Gram Vikas NGO and supporting the villagers to avail housing loan from HDFC bank. Villagers are engaged in vegetable and paddy cultivation through stream water.

The members of Budharaja SHG have established a grain bank in this village and save grain collectively and lend among themselves during summer. The SHG members of Maa Dokri in Ranpur village are engaged in raising livestock, banana cultivation, making hill brooms, selling bangles, etc. for earning. SHG members of Khandwal, Dokri and Thangigadi in Turivejiguda have started some petty business in poultry and raising livestock, selling dry fish, chilli and minor forest products and hill brooms in the nearest market. In Kirkicha village members of two SHGs named as Brundabati and Sindhusuta have started petty business such as purchasing dry fish and selling it in the neighbouring villages; others sell the bangles, etc. after getting loan from Utkal Gramya Bank, Gunpur Branch. Other members are engaged in cultivation of crops and infrastructure for cultivation. Training and guidance is provided to these SHGs by Antodaya NGO for starting the income generating activities. The details of income generating activities undertaken by different WSHGs is shown in Table 5.

QUALITATIVE IMPACT OF THE SHG INTERVENTION

Self Help Groups and Women’s Empowerment

Taking the qualitative impact of the SHG-based intervention among the programme participants into account, the study depicts that 25 per cent SC women are highly empowered compared to STs where it is 19 per cent of the study sample. In the second category, 52.4 per cent ST women are medium empowered than the SC women (44%). In the third category, 30 per cent SC women are low empowered compared to ST women where it is about 29 per cent (See Table 6). The changes in the skills and abilities
in terms of speaking during public meetings, taking leadership positions in the SHG, performing the bank transactions, going to government office/police station protesting at the collectorate against the liquor vending in the villages and talking to government officials/police if it is required—are some of the instances of women empowerment. Thus, it is clear that though there is positive impact of SHGs on rural poverty, the process of empowerment is poor.

### Table 5: Activities Undertaken After Getting Loan

<table>
<thead>
<tr>
<th>Name of WSHGs</th>
<th>Cultivation</th>
<th>Micro-enterprise</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maa Bhagwati</td>
<td>--</td>
<td>Making hill brooms, leaf plates, processing Kandul dal, running PDS outlets</td>
</tr>
<tr>
<td>Sarala</td>
<td>Vegetable, oilseed and paddy cultivation</td>
<td>Poultry, raising livestock</td>
</tr>
<tr>
<td>Budha Raja</td>
<td>Paddy cultivation, infrastructure for cultivation</td>
<td>Raising livestock, petty shop</td>
</tr>
<tr>
<td>Maa Dokri</td>
<td>Paddy &amp; banana cultivation</td>
<td>Making hill brooms, selling bangles, raising livestock</td>
</tr>
<tr>
<td>Khandual, Dokri &amp; Thangigadi</td>
<td>Paddy cultivation, infrastructure for cultivation</td>
<td>Purchase &amp; sell of dry fish, chilli and minor forest products &amp; making hill brooms, poultry &amp; raising livestock</td>
</tr>
<tr>
<td>Brundabati, Sindhusata</td>
<td>Paddy cultivation, infrastructure for cultivation</td>
<td>Purchase &amp; sell of dry fish, petty shop</td>
</tr>
</tbody>
</table>

**Source:** Compiled from the Primary Data from the field.

### Table 6: Category-Wise Empowerment Index

<table>
<thead>
<tr>
<th>Category</th>
<th>Total</th>
<th>OBC</th>
<th>SC</th>
<th>ST</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Empowered</td>
<td>18</td>
<td>0</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>% within category</td>
<td>.0%</td>
<td>30.0%</td>
<td>28.6%</td>
<td>28.6%</td>
</tr>
<tr>
<td>Medium Empowered</td>
<td>32</td>
<td>1</td>
<td>9</td>
<td>22</td>
</tr>
<tr>
<td>% within category</td>
<td>100.0%</td>
<td>45.0%</td>
<td>52.4%</td>
<td>50.8%</td>
</tr>
<tr>
<td>Highly Empowered</td>
<td>13</td>
<td>0</td>
<td>5</td>
<td>8</td>
</tr>
<tr>
<td>% within category</td>
<td>.0%</td>
<td>25.0%</td>
<td>19.0%</td>
<td>20.6%</td>
</tr>
<tr>
<td>Total</td>
<td>63</td>
<td>1</td>
<td>20</td>
<td>42</td>
</tr>
<tr>
<td>100.0% within category</td>
<td>100.0%</td>
<td>100.0%</td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

**Source:** Index prepared from Primary Data.
Impact of SHGs in Local Politics

The participation of SHG members in the Gram Sabha meeting was very low before SHGs formation. But in recent years village women are going to attend Gram Sabha and are raising issues for the development of the village. The participation of WSHG members has increased after SHGs formation. Two women members from BR and Dokri WSHG were elected as Sarpanch from 1997 to 2005 in Gunpur and Nakrundi Gram panchayat and played a vital role in bringing the issues, challenges the village community to the front and with the Gram Panchayat and NGO intervention they have initiated various development activities in the respective gram panchayats. Similarly, the SHG members from these villages are engaged to run PDS outlets and have also been appointed as GRAM SATHI to oversee the status of implementation of the work under MGNREGA and for encouraging social audits in every village. Thus, the SHG intervention shows that by creating a conducive environment and by giving an opportunity, village women have the capability to emerge as true leaders of the village community to promote development. Here, Amartya Sen’s work on capabilities is applicable where he emphasizes on “what counts is not what poor people possess, but what it enables them to do”.

Status of Women in the Households

Status of women in the households both before and after SHGs formation shows that women members have control over the expenditure of their own income and they keep the expenditure of their husband’s income with themselves. SHG members now alone take decision to purchase jewelry out of their own income rather depending upon the family members. After joining the SHG, the women members play a major role in taking decision for health care of the family members. Women members expressed that they don’t need to take permission from their family members to go to market for petty business, shopping, etc. after the SHG intervention. However, marginal change or no change has been observed among the SHG members in taking decision about the number of children for the family, still they need to take permission to go to stay at their parental houses and to visit friends’ or relatives house. Women members in the family are found to be involved in domestic works including cooking and household chores, hence there is no change in this sphere. (See Table 7).

Role of SHGs in Resolving Social Issues and Community Problems

In the monthly SHG meeting, the SHG members discuss the major problems in their locality such as alcoholism, child labour, insufficient infrastructure facilities and scarcity of drinking water, etc. Though thrift collection and SHG activities is the core topic of discussion in every meeting,
73 per cent members viewed that they also discuss about the problems in their villages and their neighbouring villages. It was reported that all women members in their groups from Turivejiguda and nearest villages have collectively protested against alcoholism and the wine shop (mada bhati) and against child labour problems in their locality. There were three wine shops (mada bhati) nearby the road side at Kermanji, Gunpur, and Amthaguda which is the main source of all kinds of exploitation, tribal people spend the major portion of their income for consuming alcohol and very often they mortgage their assets to do so. With active support from the social workers from different NGOs working in the region and Sarpanch, the Women SHGs have protested against wine shops (mada bhati) at the collectorate, Bhawanipatna. After the public objection, the collector asked the shop owners to take away the shops to distant places. (See Table 8).

Child labour was a major issue before the SHG members. SHG members along with women members from neighbouring villages demanded to free the children who were working as domestic workers. NGOs like Antodaya and Parivartan are running child labour schools through National Child Labour project at Mohangiri village in Kaniguma and at Balisara. School children are provided with slates and books at free of cost. Apart from this, girls are imparted vocational training such as tailoring. Thus, it confirms to the existing studies that SHGs not only generate economic and social capital

### Table 7: Status of Women in the Households Both Before and After SHGs Formation

<table>
<thead>
<tr>
<th>S/No</th>
<th>Status of Women in the Households</th>
<th>Unit</th>
<th>Before (%)</th>
<th>After (%)</th>
<th>Change (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Decision to cook</td>
<td>% members</td>
<td>95</td>
<td>97</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>Decision in maintaining health care</td>
<td>% members</td>
<td>24</td>
<td>71</td>
<td>47</td>
</tr>
<tr>
<td>3</td>
<td>Taking decision about the number of children</td>
<td>% members</td>
<td>81</td>
<td>92</td>
<td>11</td>
</tr>
<tr>
<td>4</td>
<td>To purchase jewellery</td>
<td>% members</td>
<td>75</td>
<td>75</td>
<td>0</td>
</tr>
<tr>
<td>5</td>
<td>Permission required to go to stay in parental house</td>
<td>% members</td>
<td>91</td>
<td>3</td>
<td>88</td>
</tr>
<tr>
<td>6</td>
<td>Whether permission needed to go to market</td>
<td>% members</td>
<td>97</td>
<td>97</td>
<td>0</td>
</tr>
<tr>
<td>7</td>
<td>Whether permission needed to visit relatives/friends</td>
<td>% members</td>
<td>79</td>
<td>100</td>
<td>21</td>
</tr>
<tr>
<td>8</td>
<td>Whether the respondent keeps the expenditure of husbands income</td>
<td>% members</td>
<td>79</td>
<td>100</td>
<td>21</td>
</tr>
<tr>
<td>9</td>
<td>Whether the respondent is entrusted with the safe keeping of her own income</td>
<td>% members</td>
<td>78</td>
<td>100</td>
<td>22</td>
</tr>
</tbody>
</table>

...
but also contribute to collective consciousness against forms of oppression that prevails in rural societies (Rankin 2002).

IMPACT OF SHG BASED MICROFINANCE ON THE PROGRAMME PARTICIPANTS

Figure 2 shows that SHG based microfinance programmes have brought high change in the indicators like improvement in the interest of women and children towards education; increase in income and in terms of regular savings of SHG members. Level of participation in the group meetings and training programmes and health awareness aspects shows that these have brought moderate change among the programme participants. Though the level of income of the beneficiaries has increased, it has not led to asset creation to a significant level even after joining SHGs.

<table>
<thead>
<tr>
<th>Statement</th>
<th>Yes (%)</th>
<th>No (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scarcity of safe drinking water</td>
<td>51</td>
<td>49</td>
</tr>
<tr>
<td>Insufficient basic infrastructure facilities</td>
<td>65</td>
<td>35</td>
</tr>
<tr>
<td>Unequal wages</td>
<td>13</td>
<td>87</td>
</tr>
<tr>
<td>Drop outs from school</td>
<td>24</td>
<td>76</td>
</tr>
<tr>
<td>Atrocity against women</td>
<td>24</td>
<td>76</td>
</tr>
<tr>
<td>Eve teasing</td>
<td>11</td>
<td>89</td>
</tr>
<tr>
<td>Child abuse</td>
<td>6</td>
<td>94</td>
</tr>
<tr>
<td>Child labour</td>
<td>71</td>
<td>29</td>
</tr>
<tr>
<td>Alcoholism</td>
<td>92</td>
<td>8</td>
</tr>
<tr>
<td>Domestic violence</td>
<td>43</td>
<td>57</td>
</tr>
</tbody>
</table>

TABLE 8: ROLE OF WSHGs IN RESOLVING SOCIAL ISSUES AND COMMUNITY PROBLEMS
Sustainability of the Self-Help Groups

The long-run sustainability of the SHGs is primarily based upon the strength or quality and capacity building of the groups. The sustainability of the SHGs is ensured through regular meetings, maintaining the records, creation of common assets, collective mechanism to deal with the pattern of loan repayment and default borrowers, stabilise the defunct and broken groups and finally, NGO contribution and training and sustainability of promoting institutions.

CONCLUSION

It is, however, pertinent to mention here that self-help group-based microfinance is certainly a tool for alleviating poverty and empowering the rural and tribal women. Saving habit is generated among the rural poor and they are now considered bankable. However, the study reveals that microfinance activities in the district is only limited to credit. Micro-finance does not merely refer to credit, rather it includes a wide range of activities such as saving, credit, insurance, micro-enterprise and the emerging needs of the target groups. The study also finds that the hard core poor who are supposed to be given higher priority in the process of financial inclusion, find it harder to move out of poverty through SHGs. Those who have access to the market are getting the benefit out of such income generating activities. It is in this context, as Muhhamad Yunus of Grameen Bank of Bangladesh rightly pointed out, "if the poor and non-poor are combined within a single programme, the non-poor will always drive out of the poor". Women self-help group members, especially the scheduled caste women, are advanced in using the credit for petty business and they have better access to market as compared to the tribal (adivasi) women. It is also noted that personal variables such as marriage, and occupation, health aspects have an influence in their decision to make loans available for others. In most of the cases, the credit is used for consumption purpose for which the members of the SHG find it difficult to repay the loan. Alternative micro-credit institutions especially the NGOs plays a vital role in the process of linking the SHGs to bank and availing credit to the SHGs in the region. Several NGOs are operating in the district, working in the field of education, health, livelihood promotion and generating awareness among the tribal villagers. The NABARD-assisted NGO’s like Antodaya and Gram Vikas have worked towards providing marketing support for NTFPs like hill brooms, Kandul, oilseeds which is collected by the tribals in the region; earlier they were exploited by middlemen by selling the NTFPs at a distress sale. Credit provided by Utkal Gramya Bank, through the NGOs/SHGs is very satisfactory, and there is high recovery of the loans disbursed to SHGs.
The formation of SHGs is vital in a remote location like Thuamul Rampur; earlier villagers in the region had no access to institutional credit. They were under debt trap by the moneylender and they had to pay high interest rates at 60 per cent in a year. The SHG approach ensures 100 per cent recovery, fulfills the real credit need of the poor, ensures proper utilisation of loans, operational flexibility, and allows the maximum freedom to the groups and their members. For banks too, the SHG approach is a cost-effective credit delivery channel offering a high degree of safety, less risk, and prompt recovery. Finally, the study finds that effectiveness of SHGs would be considerably enhanced if there is a symbiosis between the SHGs and the PRIs. It suggests that there should be convergence of programmes by empowering the SHGs and PRIs to enhance the effectiveness of these programmes in the study area.

REFERENCES


CONCEPT OF RAJDHARMA IN ADI-KAVYA:
RAMAYANA AND MAHABHARATA

SHRI PRAKASH SINGH

Rajdharma as a concept constitutes the judicious duties of the King towards his subjects. The basic concern of the rajdharma is welfare of the people. The King and Kingship is associated with the concept and concern of the prajapalanah. In ancient Indian classics the spirit of rajdharma was to ensure peace, justice and prosperity to the people. Rajdharma is described as an essential element of state even in saptanga theory but it was expected from the King to perform his duties in such a righteous manner so that the state should be called as dharmarajya and King as the dharmrajah. Practice of Dharma and maintaining impartiality are the only means through which rajdharma may be practiced and dharmarajya or Ramrajya is achieved. The concept of rajdharma as enunciated in the past still holds value as orderly, peaceful and prosperous life for society and good ethical conduct in polity. Society has changed much even then the tenor or norms of political life require the basic principle of rajdharma for better governance of the society. Unethical, unprincipled politics is reality of the political life to regulate the affairs of the governance and justice. It is essential to observe the rajdharma.

STUDY OF political traditions and civilisational values reveal an unbroken continuity of Indian culture and civilisational practices. C. Rajgopalachari rightly philosophised in very lucid words: “There is no country which can be governed more easily than India. You have only to appeal to traditions. All the great old kings of the past, Janaka and Shri Rama are still alive and governing our hearts. I am not the Governor General, Shri Rama is”.1 Political tradition of India has been referred to as one of the most ancient and most extensive and varied one. The keynote of Indian political culture is its eternal values and Sanatana Dharma.

However, the beginning of India’s civilisation is traced so long back in time that often it appears to be lost in the twilight of history, yet retaining
much of its basic identity. Dr. Arnold Toynbee, after surveying the history of the entire mankind in his book; *A Study of History* observed, “it is already becoming clear that a chapter which has a western beginning will have to have an Indian ending if it is not the end in the self-destruction of the human race..... At this supremely dangerous moment in human history, the only way of salvation for mankind is the Indian way, emperor Ashoka’s and Mahatma Gandhi’s principle of non-violence and Sri Ramakrishna’s testimony to the harmony of religions. Here we have an attitude and spirit that can make it possible for the human race to grow together into a single family and, in the Atomic Age, this is the only alternative, to destroy ourselves.” Here Toynbee was actually echoing the idea placed before the mankind by India’s ancient *Rishis* – *Vasudhaiva Kutumbakam* - “The World is one Family.” This Indian way has come to us in unbroken continuity through *Vedas, Upanishadas, Puranas, Smrities, Dharma-Sutras, Dharma-Sastras, Niti-Sastras, Epics, Arthasastras, Rishies, Maharishies* and *Brahmarishies* from the ages. Moreover, India’s culture is primarily concerned with spiritual development and is of special significance in our age which is marked by the materialistic civilisation. In the words of Sri Aurobindo: “India of the ages is not dead, nor has she spoken her last creative word, She lives and has still something to do for herself and the human race”. There are a number of authoritative treatises on ancient Indian culture, civilisation and heritage. The literature is quite voluminous and is extensively used. However, the time has come to outline the foundations of classical Indian philosophical and political essence. The aim of this article is to explore the underlying essence of *rajdharma* in popular traditional treatise or often referred to as *Adi-Kavya: Ramayana* and *Mahabharata* with a view to set an inextricable linkage between the past and present.

The *Ramayana* and the *Mahabharata*, the two great epics are replete with sound political and economic theories. Today’s most resonating term 'good governance’ and its veracities had sufficient traces in these two texts in varied forms. Both the epics deal with the deeds of kings and heroes, descriptions of wars and practical philosophy. “The epics alone are a good answer to those tall-talkers, pseudo-intellectuals and pseudo-secularists who make some sweeping and negational statements that the Indian political theory has not so far been constructed even in rudimentary form”. In fact, both the great epics are of perennial interest for understanding, ancient Indian social and political life and thought”.

The *Ramayana*, which is the earlier of the two epics, contains references to principles of good governance, diplomacy, war and peace. It contains prescriptions regarding the manner in which the king should consult his ministers, learned men, and the chief officer of the army in formulating
the policies of the state on various issues and matters. The Ramayana of Maharishi Valmiki gives multi-sided picture of a perfect life. Valmiki’s main theme is inner perfection, virtuous actions, overcoming evils and transforming the evildoers. In this epic, stress is laid everywhere on the importance of moral values.

Notwithstanding the Ramayana, a sacred text teaching righteousness, is also regarded as Dharma-Shastra. Besides, it expounds the principles of eternal law and presents the ideals of good conduct, which is one of the bases of Dharma. The Ramayana of Valmiki is a text of ethics which deals with polity, administration, diplomacy, war and other statecraft related issues, which fall within the domain of politics, justice and governance. The Ramayana has perennial influence on the minds and attitudes of men and women in India down the centuries. Even today the teachings of Ramayana as moral values obedience, simple living, high thinking, sacrifices, devotion, dedication, commitment, charity and humanity, etc. are highly significant in changing modern societies. Being a society having religious bent, these texts bear great importance for its social as well as political life. Ramrajya/ Dharmanrajya, contrary to its meaning often misconstrued, is equivalent to present day's well-ordered political society, good governance, su-rajya and swarajya as its driving principles. However, this appears to be still a distinct dream. It is pertinent to argue that Ramrajya is not associated with any kind of worship method, but it advocates ethical governance with principles of morality, justice to all, peace, prosperity and Lok-kalyana (welfare). The benefits of good government and democracy are exemplified in the Rama-Rajya. According to Mahatma Gandhi, Ram-Rajya means a return of the ultimate Indian values of Dharma, upheld since time immemorial. The pictures drawn in the Ramayana, of happiness, harmony and understanding in domestic and social spheres are ideal. It provides detailed guidelines for rulers, for statesmen, for policy-makers and for the persons belonging to the four stages (Ashramas) of life.

During the Gupta period (320 A.D.—413 A.D.), Rama was considered as a great king of the past also as God. Harivansa, a Sanskrit classic of 2nd and 3rd A.D., held the reign of Rama as the most righteous time on earth. Vayupurana, 5th century A.D., says that there was all-round prosperity, peace and dharma at the time of Rama and Ramayana. In Ramayanamanjari, Kashmiri Poet Kshemendra described that during Rama’s time the whole earth became like heaven and all the people performed well their proper duties, following strictly the path of Dharma. Ramcharitamansa written in 16th Century by Tulsidas has been extremely popular and it comprises some of the most poetic verses, deeply embedded in the cultural realm of the Indian society.
There is no language in India in which the *Ramayana* is not translated. Kamban *Ramayana* in Tamil 9th and 10th Century A.D., Ranganath *Ramayana*, 12th Century A.D., Telugu, Madhya Kandali’s *Ramayana* in Assamia 14th Century A.D., Jagmohan *Ramayana*, Bala Ramadasa *Ramayana* in Oriya in 15th Century A.D. are the forms of *Ramayana* in different languages. All these texts have profound impact on the minds of men and women in India. Not only in India, the *Ramayana* has left undying influence in the countries abroad. In Java the entire story of *Ramayana* was carved on stone. Such deep influence is also found in Cambodia, South Annam and Malaya. The Rama tradition is very much alive in these countries.

The *Ramayana* believes in the divine origin of the King, but does not concede that a king can do whatever he likes; he has to follow the dictates of *dharma*. His powers are limited. He can be deposed, disobeyed or killed if he does not follow the *dharma*. In *Ramayana*, “Rajnam manusam prahardevatat samato bhanf” it is clearly narrated that blemishes kill a king who does not protect his people. In *Balkanda* of Valmiki *Ramayana* we learn from the epic that a king who went astray from the path of *Dharma* could be openly accused, scolded, imprisoned, banished or even killed. In *Uttarakanda* “Ramasya Dushkartam” the Brahmana! whose son died young, accused Rama openly of having done some unrighteous deed.

The sages of *Dandakarnya* spoke to Rama of not being provided protection even after extracting 1/6 part of earning of the subjects in the form of Bali (Tax). In *Ayodhyakanda* the younger brother of King Rama, Shatrughana proclaimed that a King who took the unrighteous path should be imprisoned after considering his case on merit. The king in the epic has been addressed as Nardeva, Dharmapala, Lokpala. The *Ramayana* allots a very high place to personal righteousness and conduct of the king and his men. The State is regarded in the epic *Ramayana* as an essentially beneficial institution for the efficient protection of human life and for the better realisation of the higher ideals. The duties of the people described in *Ramayana* are to obey the king who rightly performs his *dharma*. According to *Ramayana* the king first took upon himself the duty to provide complete protection to all the people from all sorts of fear (*bhaya*) and that the people agreed to pay him one sixth of their earnings and share with him the merit of their good deeds allowing one fourth of it for the King. Though the king was the fountain-head of all the activities of the state, the *Ramayana* does not conceive of him as an autocrat.

The epic *Ramayana* tells us very little about the life and personality of Valmiki, but he has been referred in the *Dronaparva* and in the *Shantiparva* of *Mahabharata*. There can be no doubt that the *Mahabharata* is acquainted with the Valmiki of the *Ramayana*. The *Adi-Kavya Ramayana* of Valmiki essentially differs from the *Mahabharata* of Vyasa in many respects. The
Ramayana of Valmiki (24000 slokas) is much shorter than the Mahabharata of one lakh slokas.

Like the Ramayana, the Mahabharata also has been the source of spiritual strength to the people of India. The authorship of the Mahabharata is attributed to Vedvyasa. According to Vedvyasa (200 B.C. -200 A.D.) the epic is intended to be a treatise on life itself, including Dharma and ethics, polity and government, philosophy and the pursuit of salvations. In the Mahabharata among all the parva, Shantiparva is more relevant to our present study because this parva deals with the duties of the king and the obligations of the subject, which is known as Raj dharma. It provides a theory of state which is remarkable for the age as it deals with such fundamental questions as the importance of the state and science of politics, the origin of state, the functions of the government, welfare state, obligation, etc. This section of the Mahabharata contains the most profound body of political ideas in our ancient literature. For example, we can refer these texts (slokas) from Shantiparva:\n
Sarve Dharma rajadharmpradhanah, sarve varnah palyamana bhavanti \ Sarvastayago rajdharmeshu rajasyatayagdhrmechaaurgr ayapuranam || 63.27

The king is vested with the authority and power of governance, the true sovereignty belongs to dharma, not to King. The Mahabharata states it again and again that in all the acts of the governance, the goal of the king, or the state is the protection of the people. Protection supports the world, protected people prosper, prospering they endow the king in turn. The text (sloka) says:

Dharmo Yat raja rakshati prajah
Bhutanam hiyatha dharmo rakshanamparma daya||

In other words, protecting of all living beings with kindness towards them is the highest Dharma. In Shantiparva, Bhishma said to Yudhishtira, “He is the best of kings in whose dominations men live fearlessly like sons in the house of their sire”. If the king did not exercise the duty of protection, the strong would forcibly appropriate the possessions of the weak, and if the latter refused to surrender them with ease, their very lives would be taken. Wives, sons, food and other kinds of property would not then exist. The text (sloka) says:

Putra eevpitugrahe vishyeyasya manvah
Nirbhaya vicharishyanti sa raja rajasattam\n
In Shantiparva like other Indian classics danda is also described as a means rajdharma because the fear of punishment is the basis of governance; and the purpose of governance is to secure the people’s freedom from fear. The text (sloka) says:
Dandah shasti prajah, sarva danda evami rakshati
Dandah sapteshu jagarti dandam dharm vidurydha 15

According to Yudhisthir, rajadharmas are the refuse of all creatures; and not only the threefold end of life, but salvation itself depends upon them. 16

The Mahabharata contrary to the Arthasastra postulations, categorically declares the fulfillment of righteousness to be bounden duty of the king. 17

Dharma is the fundamental principle of human conduct. The King upholding dharma is the very epitome of ethical conduct. The creatures are grounded in the King. The King who rightly upholds dharma is indeed a King. The text (sloka) says:

Dharme tishthanti bhutani dharmo raajani tishthanti 
Tarn raja sadhuyah shasti sa raja prithvipatiah 18

It is clearly stated in Shantiparva “Dharme vardhanti vardhanti sarvbhutani sarvadavat”. 19

In reference to it we can say that the royal power should obtain power through dharma because it nourishes and enhances. The prosperity that comes through dharma neither decreases nor dies; all living beings have dharma as the foundation of their existence, and dharma exists over and above the King. Only he remains the King, who lives and governs in accordance with dharma. When dharma prospers, all living beings prosper. Scores of references can be cited from the Ramayana and the Mahabharata to establish the practices of rajdharma at the time of Rama and Krishna.

Rajdharma as explained above suggests that it contains some universal principles of governance. It means a body of principles such as providing security and safety to the its subjects displacing the law of jungle (matsyanyaya) by equitable law and justice in society. Rajdharma is not limited to the safety and security alone rather it is extended to secure material prosperity and peace to the people as text (sloka) says that praja kite hetang rajyah, praja sukhe sukhah rajyah. In other words, happiness of the king lies in the happiness his people and their welfare lies in his welfare. This reflects the ideals of rajdharma.

Both the texts, the Ramayana and the Mahabharata, provide a theory of the state which is remarkable for this age. It deals with every fundamental question as the importance of dharma, importance of governance and art of politics. Both the texts are focused on welfare of the people and clearly define the obligations of the king towards his subjects. It is important to recognise a new conception of rajdharma which is required for present day politics where moral crisis is writ on every facet of our social and political life. In this context an honest evaluation of Indian classics such as the Ramayana and the Mahabharata can be more meaningful.
REFERENCES

11. *Ibid.*, Ayodhyakanda 72.4
12. The *Mahabharata*, Shanti Parva 63.27.
15. *Ibid.* 15.2
17. *Ibid.* 90, 3-5
Sociologists have long debated whether nature or nurture is the key to what people are and how they act. Administrative culture, in its broadest sense is understood as the modal pattern of values, beliefs, attitudes, and predispositions that characterise and identify any given administrative system. The administrative culture of any part of the globe reflects the distinctiveness and complexity of various regional, national, and local realities; their unique historical experiences, their forms of insertion. Such cultures are historical products, where past experiences, myths, and traditions have shaped modal psychological orientations. Any administrative culture is also conditioned by existing structural and conjunctional circumstances and challenges. Decision making is one of the most important aspects of administration and is greatly influenced by the prevailing politico-administrative culture of the organisation. The interdisciplinary framework of decision-making is one of the important aspects for any administrator for arriving at a decision. Though efforts are made to nurture the personnel system to form a homogeneous group, still the internalised behaviour pattern and the nature do continue. Besides these, the psychological factors also play a great role on the individual behaviour which affects the decision making process. The article examines the decision making process as a factor of politico-administrative culture.

THE ANTHROPOLOGICAL concept of culture, covers all facets of humans in society: knowledge, behaviour, beliefs, art, morals, law, customs, etc. (Singer, 1968). Despite some differences of emphasis, anthropologists agree that a culture is the way of life of a given society. Sociologists have long debated whether nature (our biological inheritance) or nurture (our social inheritance) is the key to what people are and how they act. Most sociologists hold that both are vital in determining individual personality.
and behaviour. Taylor (1913) defined culture as “that complex whole which includes knowledge, belief, art, morals, laws, customs, and many other capabilities and habits acquired by man as a member of society”. Thus, Taylor’s definition contains three critical components: (i) that complex whole; (ii) acquired by man; and (iii) as a member of society. Thus, the inter-connectedness of characteristics that, together, form a culture. Political culture is defined by the International Encyclopedia of the Social Sciences as “the set of attitudes, beliefs and sentiments that give order and meaning to a political process and which provide the underlying assumptions and rules that govern behaviour in the political system”. It encompasses both the political ideals and operating norms of a polity. Political culture is thus the manifestation in aggregate form of the psychological and subjective dimensions of politics. A political culture is the product of both the collective history of a political system and the life histories of the members of the system and thus it is rooted equally in public events and private experience”.

Administrative culture, in its broadest sense is understood as the modal pattern of values, beliefs, attitudes, and predispositions that characterise and identify any given administrative system. In this inclusive definition both the private and public spheres of the managerial ethos are covered, for societies in general possess certain specific ways of “getting things done”, which transcend the official sphere. The construction of an administrative mind-set presents significant difficulties. Yet, it is possible to configure clusters of cultural matrices that have important heuristic value in understanding the relationship among contexts, structures, behaviours, and effects (Dwivedi and Nef, 1998).

Two main perspectives may assist us in understanding the politico-administrative culture of an organisation. First, the government administration in all nations happens to be larger and more complex than any single organisation, being composed of many departments, agencies, and corporation and so on. Second, policies and administrative decisions get implemented through the state apparatus, state financial and other resources are distributed, and the entire society is affected in many ways by attending administrative culture. The behaviour of the state apparatus depends on the kind of political and administrative culture prevailing in a country. No administrative culture is monolithic; instead it is part of wider culture of a society including its constituent parts such as political, economic, social, religious, corporate, and civil society cultures. Nevertheless, it is the political culture that influences the administrative culture most because it brings its political values to modulate the behaviour of state employees. A composite administrative culture reflects the values of all constituent parts.
The administrative culture, like all cultures, is not uniform but does differ (Dwivedi and Nef, 1998). The administrative culture of any part of the globe reflects the distinctiveness and complexity of various regional, national, and local realities; their unique historical experiences, their forms of insertion. Such cultures are historical products, where past experiences, myths, and traditions have shaped modal psychological orientations. Any administrative culture is also conditioned by existing structural and conjunctural circumstances and challenges. The administrative culture is a part of a larger attitudinal matrix, containing values, practices, and orientations toward the physical environment, the economy, the social system, the polity, and cultures itself. Administrative cultures, like all cultures, are dynamic and subject to change. Syncretism, continuities, and discontinuities are part and parcel of their fabric and texture. An administrative culture is the result of a process of immersion, acculturation and socialisation, whose structural drivers are implicit as well as induced and explicit. Administrative cultures are influenced by global and regional trends. In the lesser-developed regions of the world, they are particularly derivative, reflecting a center-piphery mode of international political economy.

Riggs (1961) has drawn upon the structural-functional approach that has gained considerable currency in political science in recent times. According to this approach all societies perform an array of functions such as administrative functions, religious functions, and economic functions and so on. Societies usually have a variety of structures that perform the different functions. In traditional societies, one encounters a few structures, as a family or a leader that would be performing a whole host of functions like rule making, rule adjudication, economic allocation even medical and health administration. As society grows and develops, more and more specialised structures appear, each one of which becomes engaged in specific functions. So, differentiation of structures may be looked at as the essence of development. Using an analogy, Riggs pictures the process of differentiation as sunlight passing through a thunderstorm and appearing as a rainbow. Most traditional societies are like sunlight in its natural condition. The mixed state of structures is like pure white light-fused, according to the science of optics. These structures in the traditional societies must be torn apart to make room for more and more specialised functions in the wake of modernisation. To extend the original analogy, the thunderstorm acts as a prism to change the pure white light into a multi-coloured rainbow. As Riggs put it, traditional agricultural and folk societies, (Agraria), approximate the fused model and modern industrial societies (Industria) approach the refracted model. The former is functionally diffused, the latter functionally specific. Intermediate between these polar extremes is the prismatic model so called because of the prism through which fused light passes to become refracted.
There are numerous definitions of “culture” taken from different academic disciplines. These definitions show large similarities between them. Creating a new public administration system, reforming the remnants of the colonial civil service, and defining a new public policy agenda can be an overwhelming task for any independent country. While, in India, the colonial civil service (ICS) was externally imposed (by the former colonial power), the newly created national civil service (IAS) has to be the expression of domestic conditions, societal cultures, and national expectations. The local milieu, also, is an important factor for public policy formulation and execution. The relationship between the professional civil service and elected politicians is crucial for the definition of the political regime and the efficiency of the civil service. Although there are claims that some civil service systems are, by definition, apolitical, the politicisation of the Public Administration is difficult to avoid.

Culture and Politico-Administrative Models

Despite the perception of the civil service as a monolith structure, its characteristics, texture and operating principles and procedures may vary significantly from one country to another. The nature of the politician-civil servant relationship may change due to changes in the dominant political ideology of the time or major changes in the political leadership.

A brief cross-country comparison shows that two adverse processes are at work. In some countries, there is increasing political control over public administration to ensure that the bureaucracy adopts the new political signals; while in others, there appears to be a relaxation of political control in order to enable the public administration to adapt to external changes by virtue of its organisational capacities. There is also a trend of the increasing influence of civil society on the overall political system in a country.

Models of the Civil Service

Theoretically the civil service systems can be classified into five groups (Peters, 1984; 1988). In the first model, the clear separation between politicians and administration exists, in which the civil servants are ready to unquestioningly follow the orders of the political appointees. The second model (called “village life”) assumes that civil servants and politicians are both part of a unified state elite and that they should not be in conflict over power within the government structure itself. The third model (called “functional village life”) assumes some degree of integration in civil service and political careers. The fourth model (named “adverse model”) assumes a significant separation between the two groups (politicians and bureaucrats), but also there is no clear resolution in their struggle for power. The fifth model assumes the clear separation between policy-makers and administration, where, however, civil servants are the dominant force (see
Wilson, 1975). All these models are rather theoretical, and practice by itself shows different patterns of interaction between politicians and civil service. Models, however, represent a stylized illustration of interactive behaviour (see Giddens, 1971). Every particular civil service system is primarily “nationally coloured” (Sevic, 1997), and the “ethos-generated” characteristics cannot be neglected or avoided.

The relationship between politicians and the civil servants is regulated by law, although in countries with long traditions of an independent civil service, informal rules play an important role. In recent years, political culture and attitudes have been given importance when analysing the politico-administrative relationship.

Heady (1996) developed a model which in many ways complements the already mentioned Peters’ model. He studies the relationship of the civil service with the political regime, finding that the civil service can be ruler responsive, single party responsive, majority party responsive and military responsive. The socio-economic context, also, influences the relationship. The civil service can operate in traditional, pluralist, competitive, mixed, corporatist and centrally planned socio-economic environments.

Focusing on personnel management, he concluded that different civil service systems can apply the following models: chief executive, independent agency, divided and ministry-by-ministry. Determining the quality of the entrance requirements, the civil service system can promote any of the following: patrimony, party loyalty, party patronage, professional performance, and bureaucratic determination. Being a social organisation the civil service must have a sense of mission which is shared within the service and can be: compliance, cooperation, policy responsiveness, constitutional responsiveness and guidance. Using the model and taking into account all policy variables enable us to determine the nature of the politico-administrative relationship in different civil service systems.

Morgan developed another model, classifying the states into three categories: integral, patrimonial, and custodial. In an integral state, the civil service is supposed to behave as a secular, rational policy instrument in the delivery of ‘development’ through government agencies or state owned enterprises (Morgan, 1996: 230). The patrimonial state is, in fact, a less effective integral state caught in the trap of a ‘clientele effect’ (clan, ethnic, religious, territorial and other segregation and/or favouritism). In the custodial state, the civil service has been seen as a protector of the very idea of state as a social institution and provides eternal stability in fairly unstable political conditions. Morgan also analysed the level of institutionalisation of nation-state, assuming that the civil service can be anti-state, pro-state, institutional- state and inchoate- state. Analysing the
degree of professionalism, he related value of process and value of outcomes with professionalism and political responsiveness. Combining all these, one gets four quadrants which should cover all the existing civil service systems. According to Morgan, the first quadrant is the pragmatic field, the second is the patrimonial field, while the third is the positivist field and finally, the fourth is the absolutist field.

With this theoretical input the author examines the impact of decision-making as a factor in the existing politico-administrative culture in India. The 21st Century has witnessed tremendous changes in India, as in the world in general. There have been regular attempts at administrative reforms and innovation, both at the Centre and in the states, including starting of new institutions and systems in India since 1947. Further, besides persistence of problems of administration with increasing severity, we have also witnessed in succeeding decades acceleration in the process of degeneration in our socio-economic, political and administrative scenario. There are many other burning issues also, such as lack of propriety in the exercise of administrative discretion; paralysis of political will and capacity for decision making; mounting administrative corruption and political venality, leading to erosion in the credibility and effectiveness of democratic institutions.

Decision making is one of the most important aspects of administration and is greatly influenced by the prevailing politico-administrative culture of the organisation. There are various factors which influence the process of decision making. The interdisciplinary framework of decision making is one of the important aspects for any administrator for arriving at a decision.

The decisions affect and are affected by political, economic, social and the cultural factors prevailing in the environment. Therefore, the decision making must be suited to the environment. A continuing situation of necessary interaction between an organisation and its environment introduces an element of environmental control into the organisation. Therefore, it is useful to consult the people interested in the decisions such as interest groups and pressure groups. As problems and issues become more complex, tools for analysis and decision making will have even greater impact. Experience tells us that higher the state of economic development, the greater is the need for managers equipped with tools and techniques useful in decision making. Rising income will permit expanded consumption and this will lead to higher standard of living. We will become more organised society and will depend more upon complex organisations to accomplish our goals. The social idea of democratic participation, the rise of individualism and individual freedom and increasing self actualisation will become a more central part of our lives, both as consumers and as an organised society. Organisations will make increasing use of formal techniques modelling in an
attempt to describe their environments and develop intelligent rules to cope with environmental problems. There can be three decision environments, together with a scale of decision difficulty. Certainty is the condition where the outcome is specified; risk is the condition where the possible outcomes can be specified by a probability distribution; uncertainty indicates no knowledge of the likelihood of the various outcomes. Decision makers have to function in three types of environments. In each of these environments, knowledge of the state of affairs differs.

Decision making under conditions of certainty: In this environment, only one state of nature exists, that is, there is complete certainty about the future. Although this environment sometimes exists, it is usually associated with very routine decisions involving fairly inconsequential issues; even here it is impossible to guarantee complete certainty about the future. The techniques of Cost Benefit Analysis, Marginal Analysis, and Network analysis are useful in decision making process.

Decision making under the conditions of uncertainty: Here more than one state of nature exists, but the decision maker has no knowledge about the various states, not even sufficient knowledge to permit the assignment of probabilities to the state of nature. The Utility theory, Preference theory, Decision trees, etc. are useful in decision making process.

Decision making under the conditions of risk: In this situation, more than one state of nature exists, but the decision maker has information which will support the assignment of probability values to each of the possible states. The techniques of O.R. are useful in decision making process.

Having explained the concept of culture, and the process of decision-making, it is now important to study about the personnel who are involved in the decision making process.

Personnel System— The Environmental Context

Environment is one of the most important aspects in any study of social situations. When we consider administration, “environment” is not this physical environment but it comprises the numerous non-physical relationships which man has created for himself. Therefore, the term “environment” has a different connotation and distinctive characteristics. In nature, environment is an integral part and is unchangeable; in the context of administration, environment is man’s own creation. Even the man made environment may be unchangeable for many purposes. In certain circumstances, it may acquire some of the characteristics of the natural environment itself.

Personnel System is the instrument of public administration of the State. This system comes in contact with the individual citizen through individuals who are members of the system itself. It is here the “environment” and the
“institutionalised form of the State” interacts and influences each other. For understanding the nature of the interaction, it will be necessary to trace the succession of linkages from “individual” to “environment“ on the one hand and from the” individual” to the “system” on the other. This is a circular chain which may be roughly represented as follows:

“Individual” ---- “environmental context”--- “organised state”---- “personnel system”---- “individual”

Any change at any point will influence the entire chain, the intensity at any point depending on the strength of the change element.

The first concrete manifestation of the environmental context is the “time spirit” prevailing in the society which represents the sum total of the social phenomenon or the prevailing ethos in the community assimilating within itself the social, cultural and religious heritage. “Time spirit” is the first stage in approaching the personnel system from the environment end. If we proceed further, we reach the socio-economic situation in the second stage; thereafter there is the political system and finally, the administrative system. Thus we have the successive linkages as in the following sequence:

Environment --- time spirit--- socio-economic situation---political system--- personnel

The scope of socio-economic situation is narrower. The political system can be said to be part of the socio-economic situation, but the two, in some respects and to some extent, are independent as well. Political system, to a large extent, depends on the socio-economic matrix of community but the political system, in turn, influences the socio-economic situation itself. Similar mutual relationship can also be seen between the political system and administrative system. In this chain of elements, when change takes place at any point, it manifests itself in all other elements depending on the strength of casual links.

Personnel System

Let us now proceed in other direction to trace the stages from the “personnel” system end to the “individual” with reference to whom all processes have to be finally interpreted. We find two elements, viz. (i) personnel structure and (ii) human element. These two elements are further connected by another element “personnel technique”. The characteristics of human element are determined by the group of individuals who man the personnel system. When we study the personnel system in the context of environment, we are really studying the interaction of this sub group with the larger society of which it is a sub group. The above three elements in the
personnel system and individual chain are mutually related and influence each other. Personnel techniques are devised with reference to the personnel structure. Similarly, the personnel techniques themselves, in their turn, influence the personnel structure (Sharma, 1976).

Let us further consider the inter-relationship between the human element and personnel techniques. The method of recruitment and the qualifications prescribed are two important factors of personnel techniques. Minimum qualifications determine the sub group from which the human element can be drawn. Let us now understand the process of interaction between the environments and the personnel system. We have noted that the personnel system itself is determined by the administrative system. In fact, personnel structure is a function of administrative system. On the other hand, the administrative system itself will be influenced by the personnel structure. The administrative system, in a way, is midpoint between the environment and the human element. Perhaps, the administrative system goes to determine environmental conditions for the personnel system. Thus, we find a continuing relationship starting from the environmental context through the personnel system to the human element. From the environmental context end, we first come to the time spirit, then we reach socio-economic matrix, political system, administrative system, personnel structure, personnel techniques and finally the human element (Fig.1). In the final analysis we want to study the interaction between this sub group comprising the human element and the environment or the prevailing ethos in the society. In fact we arrive at different groups of individuals and our problem is reduced to the study of relationship between a smaller group as defined by personnel system and the larger community within which it operates.

**FIG. 1: SCHEMATIC REPRESENTATION OF ‘ENVIRONMENT PERSONNEL’ INTERACTION CHAIN (SHARMA, 1976)**
Internalised Behaviour Pattern—Its Significance

It is the time spirit that determines the value system of an individual and, therefore, influences his internalised behaviour pattern without any reference to the role imposed by the membership of an organisation. Another important determinant of the quality of interaction between the environment and the personnel system is the role perspective of the individual himself. Sometimes, normative behaviour patterns for members of different groups are also informally defined. However, unlike the internalised value system, the roles are externally determined and superimposed on the individual. Sometimes, we may find clash between one’s value system and the prescribed role. In real world situations, every individual member, subject to some constrains, become a central figure in the interaction game. Man’s relationship with man, his value system, role perception of each individual, prescribed formal roles, etc. are important elements which determine the quality of interaction.

To understand the character of the composition of personnel system we will have to consider two aspects, viz. initial recruitment and turnover which are important in relation to the interaction between the personnel system and the community. Internalised value system, which determines the quality of interaction, depends to a large extent on the initial constitution of the service and its turnover. Initial recruitment defines the cross-section of the community from which the group is drawn. Extent of uniformity and continuity in a civil servant's career determines his capacity of objective perception to different life situations. If the turnover in civil service is small, the continuing influence on individual members as the part of the larger social system is minimal. If the turnover is fast, service traditions will tend to be weak. Individual members of the group and, therefore the group itself, continue to renew their contact with the larger society. The internalised value system of each member is continuously affected by what is happening outside. In India, where there is little turnover, we find the element of renewing contact with the society, which is an advantage of quicker turnover, is sought to be built into it brought other devices (Sharma, 1976). Personnel system or bureaucracy is a group which a collection of persons perceived to form a coherent unit to some degree. Groups influence their members in many ways, but such effects are often produced through roles, status, norms and cohesiveness.

Psychologically, the decision making process depends on the: (i) personality, (ii) motivation, (iii) attitude and (iv) environment. The decision making capacity of an individual is greatly influenced by his level of achievement (achievement oriented), level of affiliation (affiliation oriented), his need to seek power (power oriented) and his need to stay in group...
(gregarious oriented). Those who are high in level of achievement or power are Type A personality whereas others are Type B personality.

The next important aspect is the level of motivation of an individual. An individual takes a decision depending on his level of motivation and type of motivation. Motivation is the process by which activities are started, directed and sustained so that physical and psychological needs are fulfilled. Extrinsic type of motivation is in which a person performs an action because it leads to an outcome that is separate from or external to the person. Motivation depends on his external motivation (rewards/perks) or internal motivation (satisfaction). (Fig. 2)

Personality is the unique way by virtue of which individuals think, feel and act. It is different from character and temperament but includes those aspects. The four perspectives of personality are the psychoanalytic, behaviouristic (including social cognitive theory) humanistic and trait perspectives.

Attitudes are evaluations of any aspect of the social world. The attitude can be positive, negative or ambivalent. Attitudes are often acquired from other persons through social learning. Such learning can involve classical conditioning, instrumental conditioning or observational learning. Attitudes are also formed on the basis of social comparison – our tendency to compare ourselves with others to determine whether our view of social reality is or is not correct. Studies conducted with identical twins suggest that attitudes may also be influenced by genetic factor, although the magnitude of such effects varies greatly for different attitudes.

Social influence is the efforts by one or more persons to change the attitudes or behaviour of one or more other – is also a common part of life. Most people behave in accordance with social norms most of the time; in other words they show strong tendencies of conformity. Many factors determine whether and to what extent, conformity occurs. These include cohesiveness- the degree of attraction felt by an individual towards some
group—group size and type of social norm operating in that situation—
descriptive or injunctive. We are most likely to behave in ways consistent
with norms when they are relevant to us. Although pressure towards
conformity is strong, many persons resist them, at least part of the time.
This resistance seems to stem from two strong motives; the desire to retain
one’s individuality, and then to desire to exert control over one’s own life.
The last is the environment which can be either harmonious or stressful. All
these, have direct impact in the decision making ability of the individuals
who constitute the personnel system.

Stratification within the Personnel System

The personnel system or the civil service is not a single homogeneous
entity. The system is divided both by vertical as well as horizontal lines and
there are numerous groups within it. The composition of different sub groups
within the same personnel system in terms of their social background may
be entirely different. Each group will have its own value systems, its own
aspirations and, therefore, would have qualitatively an entirely different
response to any situation. Each group would, therefore, require different
consideration. We can identify broadly three types:

Type-A: The entire civil service is drawn from a wide social spectrum.
The area of informal contact is universal and co-extensive with the
system itself. The civil services in the urban, particularly metropolitan
areas approximate to this type. (Fig. 3)

INNER COMPOSITION OF PERSONNEL SUB-SYSTEM IN DIFFERENT REGIONS

TYPE -A

FIG. 3: METROPOLITAN REGIONS
Type-B: A part of the civil service (or higher sub group) is drawn from higher strata in the society. It has a limited turnover. Other subgroups are drawn from a wider cross section and the turnover is large. In this case the area of informal contact of the civil service system with the society is larger than A. (Fig 4)

Type-C: The whole civil service is drawn from a limited cross section of society and there is limited turnover after initial recruitment. Or, the initial recruitment may be from a wider spectrum but afterwards there is purposive insulation. There is practically no area of informal contact between the personnel system and the society. (Fig 5)

If we move from this highly urbanised environment to the general environmental context, i.e. to small towns, etc. (Type B) we find the personnel structure up to particular level may have a representative cross section of the community except for the lowest sub groups.

In the extreme backward area (Type C) the personnel structure is largely alien to the local community and in a way may be a replica of the old colonial and feudal system. Even the lowest member of the personnel system may consider himself superior to the highest in the local community and take pride in not belonging to it.
Thus we see that neither the environments nor the personnel system is homogeneous. The personnel system which is drawn for the country as a whole comprises of diverse culture, religion, caste, tribes and social background. Though efforts are made to bring some sort of homogeneity depending on minimum educational qualifications and training which Riggs refers to improvement, it seems that the social, regional, religious background have still a great say in their “nurturing”, attitude and behaviour which greatly influences the decision making capability in various ethnic groups. Having explained the interaction/relationship between the personnel system and the citizen/community and the problems there to, in the decision making process, it is necessary to consider some other barriers to decision making process.

Social Stratification and its Implications

In India, as in many other third world countries, the environment is also not uniform. We have advanced regions, where the prevailing ethos may be equalitarian and democratic. On the other extreme, there may be some regions where the old feudalistic or colonial traditions may be holding ground. This difference may persist notwithstanding the prevalence of a uniform political and administrative system throughout. We have already noted that the personnel system itself is heterogeneous in terms of the social background of its numerous sub groups. Thus the interaction between the personnel system which has been devised for the country as a whole and the environment which differs from place to place is not the same (Basu, 1985).
In urban metropolitan centres the civil service sub group is not placed at the
top of the socio-economic system and is almost indistinguishable from the
general population. It is the political, industrial or commercial groups which
occupy the top position. If we move from this highly urbanised environment
to the general environmental context, i.e. to small towns, etc. (Type B) we
find the personnel structure up to particular level may have a representative
cross-section of the community except for the lowest sub groups.

Other barriers to decision making process:

(i) *Perceptual Blocks*: This exists when one is unable to clearly perceive
a problem or the information needed to solve it effectively. They include:
(a) seeing only what one expects to see; (b) Stereotyping; (c) Not recognising
problems; (d) Not seeing the problem in perspective; and (e) Mistaking
cause and effect.

(ii) *Emotional Blocks*: Emotional blocks exist when one perceive a
threat to one’s emotional needs. These include: (a) Fear of making mistakes;
(b) Impatience; (c) Avoiding anxiety; (d) Fear of taking risks; (e) Need for
order; and (f) lack of challenge.

(iii) *Intellectual Blocks*: Intellectual blocks exist when one does not
have necessary thinking skills to find successful solutions or is unable to use
them effectively. They include: (a) lack of knowledge or skill in the problem
solving process; (b) lack of creative thinking; (c) inflexible thinking; (d) not
being methodical; (e) lack of knowledge or skill in using the “language” of
the problem; and (f) using inadequate information.

(iv) *Expressive Blocks*: Expressive blocks arise when one is unable to
communicate in the way required to produce an effective solution. They
include: (a) using the wrong language; (b) unfamiliarity with a particular
application of a language; (c) a passive management style; and (d) a
dominant management style.

(v) *Environmental Blocks*: Environmental blocks are caused by external
obstacles in the social or psychological environment, which prevents one
from solving a problem effectively. Environmental blocks, which exist when
the social or physical environment hinders our problem solving, include:
(i) management style; (ii) distractions; (iii) physical discomfort; (iv) lack
of support; (v) stress; (vi) lack of communication; (vii) monotonous work;
and (viii) Expectations of others.

(vi) *Cultural Blocks*: Cultural blocks result from our conditioning to
accept what is expected or normal in a given situation. Cultural blocks
exist when our problem solving is hindered by accepting that some things
are good or right and are done, while others are bad or wrong and are not
done. So that we become bound by custom. They include: (i) unquestioning
acceptance of the status quo; (ii) dislike of change; (iii) Fantasy and humour
are not productive; (iv) Feelings, intuition and subjective judgements are unreliable; (v) over-emphasis on competition or cooperation; and (vi) taboos.

Decision making, however, is not a matter of mere formal system. It is also a matter of attitude of people who work in the system. If they are motivated by will to achieve, desire to deliver the goods, to show results, if they have a sense of urgency, a sense of function and commitment, then they will look at everything positively and try to make decisions rather than delay them. If on the other hand, they are lazy, sluggish and indolent, if they only wish to play safe, to shirk responsibility and pass on the buck to others, then they will make references which are not needed which results in delay and loss of public interest (Dubhashi-1976).

In the workforce today, organisations are now structured in a way that almost everyone has some level of decision making ability. Whether the decisions are big or small, they have a direct impact on how successful, efficient and effective individuals are on the job. As a result, it is becoming more and more important for employees to focus on and improve their decision making abilities. (Fig. 6).

This may seem as simple as learning from our mistakes, but it really starts at a much deeper level. Making better decisions starts with understanding one’s own Emotional Quotient (EQ). While it is often misunderstood as Intelligence Quotient (IQ), Emotional Quotient is different because instead of measuring one’s general intelligence, it measures one’s emotional intelligence. Emotional Quotient is the ability to sense, understand and effectively apply the power and acumen of emotions to facilitate high levels of collaboration and productivity.
Social Intelligence Quotient (SQ)

The social intelligence quotient or SQ is a statistical abstraction similar to the ‘standard score’ approach used in IQ tests with a mean of 100. Unlike the standard IQ test, it is not a fixed model. It leans more to Jean Piaget’s theory that intelligence is not a fixed attribute but a complex hierarchy of information-processing skills underlying an adaptive equilibrium between the individual and the environment. Therefore, an individual can change their SQ by altering their attitudes and behaviour in response to their complex social environment. (Fig. 7).

FIG. 7: DECISION MAKING PROCESS: COGNITIVE AND AFFECTIVE STATE AT THE TIME OF DECISION MAKING

Differences from Intelligence

Professor Nicholas Humphrey points to a difference between intelligence and social intelligence. Some autistic children are extremely intelligent because they are very good at observing and memorising information, but they have low social intelligence. Similarly, chimpanzees are very adept at observation and memorisation, sometimes better than humans, but are
inept at handling interpersonal relationships. What they lack is a theory of other people’s minds. Both Nicholas Humphrey and Ross Honeywell believe that it is social intelligence, or the richness of our qualitative life, rather than our quantitative intelligence, that makes humans what they are; for example what it is like to be a human being living at the centre of the conscious present, surrounded by smells and tastes and feels and the sense of being an extraordinary metaphysical entity with properties which hardly seem to belong to the physical world. This is social intelligence.

Let us now examine how the processes of training, human resource development or capacity building or improvements are made to overcome these shortcomings discussed above. The main aim of training is to develop skills, i.e. professional skills, behavioural skills and conceptual skills. Training helps the entrants by inculcating occupational skill and knowledge, making him familiar with the objective of the department to which he belongs. The process of training adjusts the employee to his new environment. Training makes up for any deficiency of the recruits. It helps the employees to keep themselves aware of the latest development. (Fig. 8).

The influence of training in overcoming the impediment caused by the social, economic and cultural background of the officers is of great relevance. For this purpose the elite group of officers in Himachal Pradesh has been taken as a sample, interviewed and efforts have been made to analyse their behaviour and decision making skills in different administrative and social environment.

There are a total of 103 officers out of whom 88 (85%) are males and 15(15%) are females. There are three(2.9%) Muslim (male) officers. The number of Scheduled Caste Officers is nine and the number of ST Officers is 11, respectively. Out of the 103 officers there are 12 Ph.Ds, five M.Tech.s, three L.L.M.s, 11 M.B.A.s, 34 M.A.s, eight M.Sc.s, one M.Com,
one M.B.B.S, 18 B.E.s, 20 L.L.B.s, and rest are graduates. It revealed that at present the officers of IAS have to undergo five phases of compulsory training. After undergoing training at the Academy at Mussoorie, they are sent for District Training at the state of allotment during the 1st phase of training. Thereafter they go back to the academy for the second phase of training. After completion of nine years of service they again undergo third phase of training at the Academy. The fourth phase of training is after the completion of 15 years of service and the 5th phase is after 25 years of service. However, besides these, the officers are sent for various trainings both within and outside the country.

During the study it was revealed that most of the officers (85%) were of the view that training is necessary and it keeps them aware of the latest thinking and techniques of administration. They were of the view that it improves their thinking and professional skills as well. However, the majority (72%) were of the view that it had not been possible to use the various techniques in their day-to-day decision making process. The reason for the same were many and varied as the general set up was not conducive for application of the managerial decision making process. However, an interesting view was provided by one very senior officer who expressed his doubt about the efficacy of training in the decision making process. He was of the view that though in the Academy and during service career the officers are exposed to various training courses, the subsequent use of these techniques are largely individual based depending on their qualifications, background, attitudes, etc. Another important fact revealed was that the relatively junior officers were more interested in training compared to their senior colleagues. However, there was a majority (65%) feeling that the existing training is more oriented towards professional skill development and conceptual development as compared to the behavioural development aspect. There is no conscious effort to make the personnel system more homogeneous. It was reported that it is automatically developed by becoming a member of the common service, same cadre, and postings in different areas and by common training, etc. There are not many exposures to the cultures, norms, mores values and to the exposures to the background of other religious/ethnic groups. It is well to bear in mind that the ultimate success of training rests upon a wise recruitment policy, for training cannot rectify the original error. Nor can training endow its recipient with the flair for administration, which is something inborn. This flair may be stipulated, but it cannot be artificially acquired.

Relationship between Civil Servants and Politicians

The study conducted by Kothari and Roy (1969), though dated, is relevant even now and furnishes some penetrating insights into the existing relationships between politicians and the administrators at the district level.
Even though the administrators would like to use their better judgements to meet the demand of the local situations, they have a propensity to give precedence to the bureaucratic rules, regulation and procedures. They try to preserve the bureaucratic autonomy and hierarchy from the pressures of the political leaders. They do seek support of the political leaders and try to establish good relations with them but their effort in this direction is much less than that of political leaders. Administrators do not perceive it as their role to modify the policy decisions on the advice of the political leaders, nor do they allow the different socio-economic interests to influence bureaucratic decisions. The adverse evaluation of each other by the political leaders and the administrators appears to arise from the insufficient understanding and appreciation of each other's role.

We have discussed the various psychological and sociological factors/barriers that influence the attitudes, behaviour and other aspects of the personnel system. Similarly, the knowledge, skill, political and socio-economic system of the prevailing environment also have a great impact on the decision making process. The politico-administrative culture has a great role in influencing the decision making process. The administrative environment in this country is not uniform. The society is also heterogeneous consisting of various linguistic, religious and ethnic groups each having their own ethos, norms, mores and values which influences the public values in their own way. The diverse political parties have their own agenda and aspirations and influence the decision-making process to suit their own goals. The personnel sub groups drawn from the society also bring with them their traditions, attitudes and aspirations. Though efforts are made to nurture them to form a homogeneous group, still the internalised behaviour pattern and the nature do continue. Besides these the psychological factors also play a great role on the individual behaviour which affects the decision making process. The public values, citizen administration relationships, administrator - political relationship influences the decision making process. Though there are various models for improving the services and the decision making process, the existing culture, aspirations of the public, public values, internalised behaviour pattern of the bureaucracy, politico-administrative relationship are of prime importance in the decision making process. The more efficient and effective use of the existing personnel system, wise recruitment policy, clearing up of relationship between the political appointees and the professional civil servants and improving their capacity building is of crucial importance.

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DELIVERING HEALTH SERVICES UNDER NEW PUBLIC MANAGEMENT: IS IT A GOOD MODEL FOR EMERGING ECONOMIES?

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This article examines evidence-based practice of New Public Management (NPM) in healthcare organisations. This review is drawn on the basis of NPM practice in different countries, especially in emerging economies. This article examines broad public policy arrangements, origin and theoretical basis of NPM, including public sector reform, key actors and promoters of NPM in health sector, key elements and characteristics of NPM and its relevance to health care services.

INTRODUCTION

DURING THE 1980s it was realised that the main thrust of the reforms is driven by economic crisis (Russel, et al. 1999), global oil crisis, and financial crisis which reflected in the form of pay for service (cost sharing). International agencies like the World Bank, World Health Organization (WHO), International Monetary Fund (IMF), and Commonwealth Secretariat and management consultancy groups encouraged lower-income countries including African and Asian nations for NPM options with conditionality. The New Public Management (NPM) emerged during 1980s in the UK (including Europe), New Zealand, Australia, and America. It also spread to many other OECD countries during the 1990s and later to the African and Asian countries. International donor agencies promoted this reform process across the globe. NPM had different characteristics such as contracting out, budget cut, performance budgeting and creation of autonomous or semi-governmental organisations. In healthcare services the notable changes have included contracting out of services to private and non-governmental organisations and creation of autonomous organisations.

Traditional public management was criticised as monopolistic, overcentralised, hierarchical, and unresponsive to the taxpayers (Bossert et al., 1998. Mills, 1995). This is one of the reasons to reform the public sector and later this reform was termed as NPM or New Public Policy
or New Public Systems Management or Management reform, which is directly reflected in the global health policy. Pollit and Bouckaert (2000) remark, “Deliberate changes to the structures and process of public sector organisations with the objectives of getting them (in some sense) to run better”. This new change in the public sector focuses on main core elements, namely, accountability, equity, equality, economy, efficiency, and effectiveness that emphasise on management performance (Lynn, 1997). NPM defines clear responsibilities (Blackman, 2001). Reform in the public sector can be observed in three main categories: (i) reform within the government departments—departmental changes such as performance appraisal, etc.; (ii) the larger sphere of governance—efforts initiated by civil society, such as NGOs and national and multinational donor agencies; and (iii) as collaborative ventures—across the globe and with different stakeholders.

**Welfare Services and New Public Management**

There were many changes that took place in the public health system during the 1990s which are termed as innovations in the public system. These innovations have led to New Public Administration (Kaul, 1997). Ghuman (2001) highlights that the conventional model of public administration is theoretically rooted in Wilsonian dichotomy of politics and administration, while Weberian theories of bureaucracy and Taylorian norms of work have been passing through turbulent period. Government began to apply a programme of market-oriented change to the welfare state (Grand, 1991). Barzley (2001) clarifies that NPM is either a blue print approach to policy design or an Anglo-American approach to public management policy”. It is also sometimes considered as a trend or a wave of reform (Jones, 2003). A variety of administrative innovations have become an integral part of administrative system of most of the developed as well as emerging economies. Hood (1991) calls administrative reforms as “New Public Management”.

NPM doctrines include opening to professional management in public sector, significance to explicit standards and measures of performance, greater emphasis on output controls rather than on procedures, shift to de-segregation of units in public sector, shift to greater competition in public sector, stress on private sector styles of management practice, and stress on greater disciplinary and parsimony in resource use. According to Bennnet and Muralidaran (2000), NPM includes greater responsiveness to consumers; developing organisational structure which encourages innovation and competition; strengthening incentives for performance; and creating more output-oriented systems. Reforms in the government and delivery of services result in the reduction of public social expenditure
as part of Structural Adjustment Programmes (SAP).

In the field of public administration, the talk throughout the world is of change, about the transformations of government: new forms of governance, new relationships between citizens and their governments between the public, private, and non-governmental sectors, new process of policy making, (Lynn, 1996).

During the mid-70s and early 80's, there was a greater change in the public system across the globe, which reflected in the form of downsizing in the social sector, especially health and education. This is also called as ‘Evolutionary Innovations’ within the Public Systems, (Hood, 1991). NPM emphasizes bureaucratic mechanisms to market mechanisms that focuses not simply on providing public services, but also on catalysing all sectors—public, private, and voluntary - into action to solve community problems (Osborne and Gaebler,1992).

**NPM Strategies and Medical Services**

Many of the industrialised nations have been implementing NPM principles into the public systems at different levels of development (McPake, 2000). It was suggested among international agencies and modern management thinkers, improving the system meeting the needs of the taxpayers (Wescott: 2000). Within the last 20 years, NPM has emerged as a major reform strategy and is briefly applied in varying degrees to public sector agencies in a growing number of developed and less developed countries (Taroni, 2003). It has become one of the dominant paradigms for public management across the world (Yamamoto, 2003). As NPM reforms forge ahead in countries like the United Kingdom, New Zealand, United States of America, etc., governments worldwide have been eager to experiment with similar policies. It introduced fee-paying market mechanisms in its health system (Nitayarumphong and S. Pannarunothai, 2003).

NPM has done a lot to shake-up sleepy and self-serving public organisations, often by using ideas from the private sector. It provides many options for trying to achieve cost-effective delivery of public goods, like separate organisations for policy and implementation, performance contracts, internal markets, sub-contracting, and much more (Walsh, 1995). Both developing and developed country’s governments cut social welfare expenditure as a means of dealing with the fiscal crisis (Baru, 1999), some of the other studies witnessed industrialised countries are also the part of innovative structure for health systems. (McPake, 1995, 2000) It has been described as the process of improving the performance of existing
system and of assuring efficient and equitable responses to further changes (Koivusalo, 2001). According to Vining (1999), ‘internal market’ healthcare contracting is common in a number of developed nations. Especially, in United States the reforms are popularly called as ‘Managerialist’ or “Reinventing Government” (Frant, 1996), with the notions taken up in United Kingdom, Finland, The Netherlands, New Zealand, Sweden and Canada. For example, in 1993, the largest hospital in Canada (the Toronto Hospital) began contracting out a broad range of services including, nutrition services, housekeeping, plant operations, maintenance, transportation (both patients and goods), materials management and logistics and laboratory services (Vining, 1999). In United States hospitals, food preparation, laundry, housekeeping, equipment maintenance, clinical and emergency care as well, were contracted out. Following departments were contracted out in the European nations: food services, emergency care, housekeeping, laundry, clinical diagnosis and equipment maintenance, pharmacy, plant operation, rehabilitation/physiotherapy, financial management, psychiatry, sub acute care, security, radiology, gift shops, managed care, substance abuse, materials management, surgery and anesthesia (Moore, 1996:61, cited by Vining and Globerman, 1999).

Several Latin American countries like Argentina, Brazil, Chile, Colombia, Costa Rica, and Mexico, are trying to reform the way of their financing and organising delivery of healthcare services to the poor (Abrantes, 1999). Focusing on desegregation, and at the same time introducing financial targets in the public sector, quasi-markets, creeping privatisation, and public-private partnerships and the outsourcing (Shaoul, 2003). The contracting has emerged as management tool, which has some relevance to all types of Public System. People expected the modernisation and innovation, (Borins, 2001) in the public system, as a result several countries introduced different changes, for example, Malaysia’s experiments with Total Quality Management (TQM), result-oriented management initiative in Uganda and NPM agenda such as privatisation and downsizing in many African countries (Polidano, 1999). In Bangladesh, the government used competitive bidding to identify providers of PHC services that would be less costly than government, which was contracted out (Loevinsohn, 1999).

India has a legacy of private providers and high levels of out-of-pocket expenditure for health (Narayana, 2003). African countries before and after independence, they implemented a wide range of reforms, aimed at overhauling the public service for greater effectiveness, responsiveness and performance (Olowu, 2002). Quality improvement activities in healthcare system focus on patient care in hospitals, disease prevention,
health promotion, and care deployment at population level. Some African
countries notably Ghana, Kenya, Uganda, Zambia, South Africa,
Malawi, and Zimbabwe are in the process of corporatising their health
systems (Bhatia and Mills, 1997).

Several countries have given greater autonomy to hospitals (e.g.
through the establishment of ‘hospital trusts’ in the United Kingdom,
‘hospital boards’ in Ghana and Zambia, and ‘crown health enterprises’
in New Zealand). Autonomy refers to the quality or state of being self-
governed; it implies that the organisation in question has a degree of
power over its own actions. A variety of motivations for establishing these
autonomous bodies were given including flexibility and autonomy in service
delivery.

NPM encourages the introduction of private sector values into the
public sector for promoting high performance and growth. The following
questions needs to be answered with the help of secondary sources; Public
sector entities behave more like private ones, which raise question of what is
the priority of state in provision of health services to the poor? Most of the
case studies reveal only the reasons to introduce NPM and its components
but not its implications. Under the mentioned reform, does the service
reach the needy or does it improve the existing provision?

Polidaro (1999), argues whether NPM is inappropriate to emerging
economies with problems such as corruption and low management
capacity. Can the reforms brought out by NPM sustain in the emerging
economies especially in their healthcare provisioning? Is the NPM an
appropriate reform model for emerging economies? In India, those below
the poverty line (BPL) continue to rely heavily on the public sector (93%
of immunisation, 74% of antenatal care, 66% of inpatient bed days and
63% of delivery related inpatient bed days, Mahal: 2001), and access to
healthcare is increasingly becoming difficult especially for the poor, due
to the concept of value for money, in the public system? One can also raise
the question of equity and sustainability. The principle of equity and social
responsibility within the health sector is replaced by a policy that regards
health as a market commodity, (Nayar, 2004). It is easy to measure output
and results in the social sector especially in healthcare. The private sector
can complement public health provision and provide some type of services
better; it cannot lead the health sector in a direction likely to maximise
its services to the health of the population. Koivusalo (2001) questions
whether the main intention of the reforms had always been to provide
greater opportunities for the private sector rather than improve the services.
High cost of management has tended to increase the overall unit costs;
this increased cost is collected from the patients.
A study conducted in Mumbai depicts that the quality of services become poor after they have been contracted out despite introduction of user charges (WHO, 2001). What kind of reforms has taken place in healthcare organisations? Is it a necessary step to strengthen the system in the form of putting complete burden on the poor? Is this programme need-based? If it is not, what are the other alternatives to restructure the existing system?

Public spending in healthcare is dramatically reduced since from the First Five-Year Plan, during the 1990s it was one per cent but now it is 0.9 per cent. This particular change in the sector signifies the initiative of the reform in the form of budget cuts, as a result many clinical and non-clinical services are contracted out to the private or NGOs. Consequently there resulted corruption as well as unaccountability and an-increase in out of pocket expenditure.

Public sector reforms are reflected in many ways in medical services delivery. One of the agendas of NPM is the creation of independent agencies/autonomous agencies in the form of outsourcing the clinical and non-clinical services, introducing user charges and Public-Private Partnership (PPP) in health. Bennet and Muraleedharan (2000) conducted a study during 1997, in order to explore the development of NPM techniques used in the health sector in Tamil Nadu and to describe the extent to which new organisational arrangement for the provision of health services have been adopted; to assess the performance of these new service arrangement, to identify factors affecting the capacity of government. According to them, one of the principal reasons given for the establishment of autonomous organisations in Tamil Nadu was to offer freedom from bureaucratic obstacles, particularly government financial regulations. Autonomous organisations in Tamil Nadu have tended to centralise decision-making powers with the secretary of health as its chairperson or director of all the three autonomous organisations established 1995. In some of the findings traditional lines of accountability is maintained (DOH officials involvement), whereas there is no direct accountability among the community. Tamil Nadu Medical Services Corporation Limited primarily depends on the government finance or international grant.

With Tamil Nadu also being part of NPM, a number of changes was brought out regarding the role of government, including contracting out clinical and non-clinical services, establishment of autonomous organisation and strengthening of regulatory mechanisms. The poor are forced to turn to the private sector to fulfill their healthcare needs; some of the striking issues are as why do we need NPM in the public system. Is it due to lack of funds, or lack of accountability, or poor performance, etc.?
There are evidences from countries across the globe that user fee from the poor is not an option for generation of resources. Promoting competition among agencies responsible for public health functions does not improve efficiency. However, there is a greater need for sufficient government capacity/mechanisms to monitor the programmes effectively, thus NPM ideas have been reflected in the international health sector reform agenda.

The following are the major suggestions:

(i) The clarity of roles, responsibility and accountability is very important in implementing management reforms in the public system;

(ii) The structural innovations are necessary to focus quality management;

(iii) Focus should be laid on the performance measurement of the public sector employees;

(iv) There is a need to strengthen regular monitoring and evaluative mechanisms within the public system;

(v) There is also need to focus on the alternative system for service delivery;

(vi) Inclusive growth efforts to be revisited with more financial inclusion to the socially and economically deprived sections; and

(vii) We need evidence-based empirical research on the implementation of NPM and health systems organisations.

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This article contextualises and locates social sciences in the wider debate of research methodology. It goes on to narrow down its focus to the discipline of Public Administration by tracing its evolution and reaches the conclusion that a Kuhnian historiography of a scientific discipline has characterised the growth of theory in this discipline since its inception.

INTRODUCTION

THE METHODOLOGY behind social science research work invariably depends on the philosophical orientation one subscribes to. There are two philosophical schools of thought dealt with here, the scientific school that is geared towards “generalisability beyond spatio-temporal context” (Mukherji 2000:14) and the Hermeneutics approach which involves empathic interpretation of reality, both have their relative strengths and weaknesses.

Scientific Method

The scientific school of thought gained from the contributions of Karl Popper, Thomas Kuhn and Imre Lakatos. Following are the summarised versions of the philosophies and what each thought of others work.

Popper’s Falsification

The central aspect of Popper’s theory is that he sees science as a set of distinct unconnected theories (DiCicco and Levy 1999) that may be overturned at anytime. This he terms as “fallibilism”. (Walker 2010:438) The strength of a theory lies in its resilience to withstand falsification rather than in verifiability (Mukherji 2000). His concern was not with paradigm shift as in Kuhn but on identifying anomalies so as to falsify existing theory. Hence refutation is the mark of progress, wherein, dominant and competing theories are pitted against each other leading to the development of science. The two vital principals of enquiry are thus “avoiding narrow specialisation” and maintaining a “highly critical approach.” (Wallce 2010:439).
To summarise, Popper criticises Kuhn calling dominant paradigms and incommensurability as myths (Walker 2010) and established an open society characterised by multiplicity of methodologies and theories, which ultimately are conjectures that need to be critically examined and then tested. The results may allow for falsification which will either set aside theories that are inaccurate or elevate those that can be empirically tested.

The limitations of this theory are pointed out by Kuhn, who criticises falsification stating that, if any and every failure were to fit the grounds for the rejection of a theory then all theories would be rejected. (Kuhn 1970)

**Kuhn’s Revolutionary Theories of Scientific Development**

Kuhn refutes the assumption that development of science is a cumulative process and states instead that science develops by successive revolutions from one paradigm to another. (Kuhn 1970). The interim periods are characterised by what Kuhn calls as ‘Normal Science’ during which time all research and all scientists are guided by a dominant paradigm, that leads to narrow and directed research (Kuhn 1970; Walker 2010).

Paradigms may be “understood in terms of its life-cycle” (Walker 2010:435) marked by phases. The pre-paradigm phase is characterised by debate on legitimacy of methods, problems and standards of solutions, this actually helps define the paradigm. Once the paradigm is assimilated, the phase of normal science appears and all decent disappears. Problems that do not conform to the paradigm, that is anomalies, are usually ignored. The concerns of legitimacy, etc., once more come to the forefront just before the scientific revolution (Kuhn 1970), when the dominant paradigm is first challenged. This phase is called as the period of crisis at which time anomalies mount and an awareness of the same is brought about. There shall be extensive studies into the anomalies that lead to discoveries (Wade 1977) and an alternative paradigm is proposed that ultimately brings on the revolution.

The scientific revolution is therefore a “destructive-constructive paradigm change” (Kuhn 1970:66) that leads to the development of science. The alternative paradigm, however faces a consequent struggle for acceptance among the defenders of the old paradigm. This stand off is ultimately solved by “non-rational factors” (Wade 1977:144) like persuasion.

The idea of “incommensurability” (Wade 1977:144) between competing paradigms that Kuhn emphasises at this point is central to his theory, as a new paradigm does not build on an older paradigm, it only supplants it.

**Lakatos’s Methodology of Scientific Research Programmes (MSRP)**

Lakatos’s MSRP closely resembles Kuhn’s theory of paradigms even though he criticised him. To quote Lakatos, “Where Kuhn sees paradigms;
I also see rational research programmes”. (Walker 2010:436). Lakatos’s theoretical framework describes the development of science in terms of progressive development or degeneration (Walker 2010; DiCicco and Levy 1999). According to Lakatos, a science comprises a number of distinct and competing series of research programmes (DiCicco and Levy 1999). Within these research programmes he identifies certain core entities; they are as follows (DiCicco and Levy 1999):

(i) **Hard core assumptions**: They are assumptions that are ‘irrefutable’ and not subject to empirical testing. Researchers utilise the same to formulate auxiliary hypothesis;

(ii) **Auxiliary Hypothesis**: This is a protective belt around the hard core assumptions, drawn from it and are subject to empirical testing;

(iii) **Positive Heuristic**: Research in the programme is guided by positive heuristic, which is “a partially articulated set of suggestions or hints” (DiCicco and Levy 1999: 686).

(iv) **Negative Heuristic**: Are those that “delineate the types of variables and/or models that ought to be shunned by researchers within a research programme because they deviate from the assumptions of the hard core” (DiCicco and Levy 1999:686).

Lakatos, unlike Kuhn, focuses on the evaluation of the progressive nature of science. (Walker 2010). His criterion for scientific development is seen in the light of ‘problems shifts’. Those that are consistent with hard core assumptions are termed as intraprogram’ problems shifts and those that violate the hard core assumptions are termed as ‘interprogram’ problems shifts and generally initiate new research (DiCicco and Levy 1999). Hence scientific progression has three criteria:

(i) The alternate theory must include all “unrefuted” facts of the previous theory— “Theory of Subsumption” (Walker 2010:438)

(ii) It must predict a novel fact;

(iii) The theory should have additional corroborative evidence over the previous theory.

Degenerating or ad hoc research programmes fail to fulfil the above criteria. Hence like Kuhn, Lakatos also looks at the efficient growth of scientific knowledge. (Walker 2010). However, a limitation demonstrated by DiCicco and Levy is that MSRP fails to elaborate on the progressive or degenerating nature of individual projects in a research programme. (DiCicco and Levy 1999).

**Relevance of Kuhn, Lakatos and Popper to Social Sciences**

In discussing research methodologies social sciences often look to Kuhn, Lakatos and Popper for meta-theoretical guides. Kuhn and Lakatos
themselves have, however, been very critical of this application of their work. Nevertheless, Kuhn’s “paradigm mentality based on normal science and incommensurability has been widely employed, if not internalised, by political scientists.” (Walker 2010:436).

Lakatos is referred to by DiCicco and Levy as the, “...the metatheorist of choice” (DiCicco and Levy 1999:676; Walker 2010). Scholars in many fields, from international relations to economics have used MSRP. Unlike Kuhn and Lakatos, Popper applied his ideas directly to social sciences. (Walker 2010) and his theory of falsification has been seen as being equally pertinent to social and as it is to natural sciences.

**Hermeneutics**

The hermeneutics approach has widely been applied to social science studies. Wilhelm Dilthey and Hans-Georg Gadamar are two profound thinkers within this school of thoughts.

*Dilthey’s Hermeneutics as the Foundation of Geisteswissenschaften*

Dilthey was of the opinion that hermeneutics is the foundation of any discipline that interprets expressions of man’s life or in other words Geisteswissenschaften (humanities). He objected to the adopting of natural sciences methods to the study of man and instead wished to establish the epistemology of Hermeneutics or a method to study man and understand him (Palmer 1969).

Understanding is re-experiencing the thoughts of the author. The bases of his theory of understanding are the concepts of utility of life, expression, and historicality.

- Life is the complex fusion of feeling and will that is experienced and needs to be understood in terms of the context of the past or history”. Life must be understood in the experience of life itself (Palmer 1969:102).
- An expression is the expression of the inner life of man by way of art, language, etc., “in which the spirit of man has been objectified” (Palmer 1969:112).
- Historicality or history can tell man what his nature is today, though this nature is not fixed.

This gives rise to the hermeneutic circle in which understanding is grasped from the reciprocal relation or dialogue between the whole (context) and its parts (text), with regard to the lived experience of the interpreter or his historicality. Or in other words, the interpretation depends on the situation in which the interpreter himself stands and hence changes with time.

*Gadamar’s Philosophical Hermeneutics*

Hermeneutics to Gadamar is a philosophical process wherein understanding is ontological or a process in man in a culture and history
and is marked by both universality and historicity. This understanding is not reached methodologically as in Dilthey, but through a dialectic process between tradition and one’s own self-understanding or prejudgements (Palmer 1969).

Therefore, understanding functions through a relation of past, present and future. Interpretations are based on not only what one experiences at present, but on the tradition of interpretation that existed in the past and the possibility it opens for the future. Language is the medium through which history speaks. Hermeneutics then is human understanding that is historical, linguistic and dialectical. Understanding is not “an act of man but an event in man” (Palmer 1969:216).

A Case for a Kuhunian Approach to Public Administration

The publication of Kuhn’s *The Structure of Scientific Revolutions* in 1962 provides a “definite hallmark for identifying paradigm shifts or revolutions” (Paine 2002) in fields of study. It enables us to gain a whole new outlook to the development of a subject and tempts one to adopt the same to social sciences as well. However, this application has its challenges; Kuhn himself points to the gap between natural science and social science (Kuhn, 1970). He “characterises the social sciences by their fundamental ‘disagreement’ over the ‘nature of legitimate scientific problems and methods” (Walker 2010:433). Nevertheless, the author believes that such an application is not only possible but also advantageous as it allows for the identification of the definite revolutionary ideas that have given new life to a discipline over the ages. To illustrate, the author has chosen one branch of social science–Public Administration.

Public administration has developed through a “constellation of facts, theories and methods” (Kuhn 1970:1) that have been brought about by a “piecemeal process” (Kuhn 1970:1). Be it the contributions of Woodrow Wilson, Herbert Simon or Dwight Waldo, each has led the discipline in different directions.

Kuhn’s idea is explained by paradigms that are dominated by a theory. These paradigms lead to the establishment of normal science; which is a period wherein the dominant theory acts as the basis of research for the rest of the scientific community (Kuhn 1970). In public administration, Woodrow Wilson’s concept of dichotomy set the tone for the early studies in the field (Henry 2004) and characterised the Paradigm of Political/Administrative Dichotomy (Henry 2004)1887-1926 (Avasthi and Maheshwari 2005), Henry Fayol’s Industrial and General Management underpinned the development that occurred during The Principles of Administration Paradigm 1927-1937 (Henry 2004), Elton Mayo’s Hawthorne Experiment influenced the Human Relations (Bhattacharya 2004) Paradigm 1920’s-1930’s, Herbert Simon’s
Administrative Behaviour defined the Behavioural (Bhattacharya 2004) Paradigm 1938-1947 (Avasthi and Maheshwari 2005), and so on.

When a paradigm is established it attracts most of the next generation researchers, who set out to further articulate it. These works based on the paradigm do not overtly disagree with the fundamentals established by the dominant theory (Kuhn 1970), as can been seen in the first paradigm of Public Administration. All works, from Frank Goodnow’s Politics and Administration 1900 right up to Leonard D. White’s Introductions to the Study of Public Administration 1926, held true to Woodrow Wilson’s concept of dichotomy (Henry 2004). This phase of ‘normal science’ Kuhn states also allows for detailed and in-depth study, often developing models and principles that facilitate the paradigm (Kuhn 1970) as was done by Luther H. Gulick and Lyndall Urwick in the Papers on the Science of Administration, Mooney and Reiley in Principles of Organisation and W.F. Willoughby in Principles of Public Administration (Avasthi and Maheshwari 2005) in the Paradigm of Principles of Administration. They determined its significant facts, matched the facts to theory and applied the same to the problems of the time, which are the characteristics that mark Kuhn’s literature of normal science (Kuhn 1970).

Ultimately though, the aim of normal science is puzzle solving (Kuhn 1970) or in other words, researches set out to solve the problems that confront the paradigm. As was done by the thinkers within the Paradigm of Principles of Administration, who set out to use the “network of concepts, methodologies, (and) theories” (Kuhn 1970:42) of the paradigm to solve the problem of effectiveness and efficiency that plague the times (Avasthi and Maheshwari 2005).

But normal science does not stay the same. It has an in-built mechanism to bring about change, for as it expands the number of novelties or anomalies tend to increase (Kuhn 1970). Initially anomalies are ignored; as Mary Parker Follett’s Creative Experience 1924 was during the dominance of the Paradigm of Principles. (It was only with the coming of the next paradigm, the Human Relations approach, that her work was recognised.) But, when the current paradigm persistently fails to explain all puzzles the anomalies can no longer be ignored.

These anomalies are results that “violate the paradigm-induced expectations” (Kuhn 1970:52-53) and it brings in a period of crisis, where in extensive studies into the anomalies occurs. This ultimately leads to the scientific revolution. Elton Mayo’s Hawthorne experiments are a notable example of the same. The experiments began as an attempt to prove the efficacy of the principles that marked the Paradigm of Principles but the results demonstrated the influence of the social and psychological factors
instead, shaking the foundation of the principles school of thought (Bhattacharya 2004). Such cases are termed as discoveries by Kuhn and lead to revolutions. The Hawthorn studies led to the establishment of the human relations approach which ultimately became the next paradigm. Hence, initially only what is expected is observed, gradually an awareness of an anomaly occurs; this awareness opens up a period of adjustment till that time that the anomaly becomes the basis of the next paradigm and is anticipated within it. It is then that the discovery is complete (Kuhn 1970).

After the discovery of a new paradigm and its assimilation, the previous paradigm is discarded. But “The decision to reject one paradigm is always simultaneously the decision to accept another” (Kuhn 1970:77) i.e., a previous paradigm is declared as invalid only if an alternative paradigm is available to take its place. Hence there is no competition of theories but a replacement of the old by an “incompatible” (Kuhn 1970:95) new paradigm. This was illustrated in the development of public administration, when the discipline was redefined by Herbert Simon (Bhattacharya 2004) during the behavioural paradigm. His principle thesis was that there are no such things as principles of administration (Avasthi and Maheshwari 2005) and he called the principles as “no more than proverbs” (Bhattacharya 2004: 13). He provided an alternative positivistic approach in dealing with administrative challenges, the substantial focus shifting towards ‘decision making’ (Bhattacharya 2004). These changes are the revolutions that characterise the development of the field. In Kuhn’s view one sees this development as a cumulative process only when a person “writes history backwards” (Kuhn 1970:138). Hence, advancement in a field of study is a succession of paradigm bound periods, punctuated by revolutionary breaks (Kuhn 1970).

CONCLUSION

Therefore, as illustrated above, Kuhn’s scientific revolutions can quite successfully be applied to social science. Social scientists in the past have looked to Kuhn for methodological guides to develop the discipline (Walker 2010) and will continue to do so in the future. As David Truman in his presidential address to the American Political Science Association (APSA) stated, the application of Kuhn’s concepts of paradigm is a very helpful means to regenerate the discipline (Walker 20,0:433). Although predominantly philosophical in its emphasis paradigm does not totally negate sociological and psychological aspects in science, especially so for it concerns the numbers of the community of scientists. Hence it does not leave a small window open for humaneneutics.
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Panchayat Raj Institutions (PRIs) in India have been given the Constitutional status under the 73rd amendment to the Constitution in 1992. Since then better functioning of this institution is one of the most important consequences for this mechanism of democratic devolution of the powers which this institution was made for. Under this imperative, the Government of India has established number of specialised committees to submit recommendations for proper functioning of PRIs in the country. One of such efforts is the formation of the Mani Shankar Aiyar Committee. This article reviews the recommendations made by the Committee for better functioning of the PRIs in India. Since the article has been written with special reference to the committee, it does not carry much wider survey of the literature. The Committee has done an intensive study containing four volumes, about various aspects of the PRIs. This article, however, analyses only one aspect, i.e., the section on devolution of powers in PRIs.

INTRODUCTION

THE EXPERIENCE of Panchayat Raj Institutions even twenty years after having constitutional status through 73rd amendment suggests that they have not emerged as genuine institutions for decentralised local self-governance. The Government of India is trying to find out its drawbacks through a number of committees, workshops and seminars, etc., to ensure better functioning by adequate funds, proper power devolution mechanism and increased participation of the people, etc. One of such efforts, was the constitution of an expert committee under the chairmanship of Shri Mani Shankar Aiyar in the Ministry of Panchayat Raj on August 27, 2012, which has submitted its report on April 24, 2013 entitled Towards Holistic
Panchayat Raj. The day was the eve of the 20th anniversary year of the constitutional provision of Part IX of the Panchayat Raj and its notification in the Gazette of India on April 24, 1993. Although the Expert Committee was notified in the Gazette of India on August 27, 2012, it took the Chairman a few weeks, as a Member of Parliament, to secure from the Joint Committee on Offices of Profit, the required clearance to take up his duties as Chairman. The basic objective of the committee was to examine how the PRIs might be leveraged to secure more efficient delivery of public goods and services. In its four-volume report, the Committee has reviewed the status of Panchayat Raj, its present state, devolution of power to PRIs by the Central and state governments and collateral measures. Further, it has examined the provisions of decentralised planning through PRIs and District Planning Committees, Training, Competency Building and Capacity Development. Moreover, the committee has also taken the issues of women, weaker sections and backward regions in PRIs in poverty alleviation and livelihood programmes, productive sectors of the rural economy, rural infrastructure, education, skill development, culture and sports, health and family welfare, nutrition and food security schemes etc., for the weaker sections and backward regions.

The report entitled Towards Holistic Panchayat Raj discusses collateral measures to be acted on simultaneously to enforce all dimensions of local self-governance. This will ensure the devolution of powers, authority and responsibility for economic development and social justice as intended by the Constitution, rather than becoming the vehicle for the devolution of corruption (Aiyar, et al. 2013: xv-14).

The Committee begins with the issues related to the actual empowerment of the PRIs. It says that although 99 per cent of the mandatory provisions of Panchayat Raj have been implemented by the state governments, but the actual empowerment of these institutions has not been taken place. Therefore, it focuses on the mechanisms for effective allocation of resources to deliver the goods and services of the Centre. Moreover, the Central Government releases Centrally Sponsored Schemes (CSSs) for the development plan of the villages. This includes two-thirds to three-quarters of all the funds and programmes that go to the villages. However, these village development plans are not implemented by Panchayats, but by the government officials who are accountable to their superiors, not to beneficiaries, that is, people of the villages. That not only breeds corruption but also siphons off the funds (Tehelka Magazine, 2013. Vol.10, Issues 20, May 18, 2013).

The CSSs tend to bypass PRIs by setting up committees that not only impaired the functioning of village Panchayats but also provided
overlapping membership of several committees that isolate them from accountability to the local communities. The Committee stresses that only local institutions of self-government can be held statutorily responsible to Gram/Ward Sabhas. Accordingly, a fundamental principle of grassroots governance must be there for all schemes falling within the domain of the Eleventh Schedule, any committee (by whatever name) must be either embedded in the PRI system or established with an organic link to PRIs, particularly the Village Panchayat, which, in turn, will be responsible and accountable to the community as a whole in the Gram Sabha/Ward. In this light, the Committee recommended that PRIs, particularly Village Panchayats, be empowered through CSS guidelines to network (Aiyar, et al. 2013: 58).

The functionaries of the PRIs need training and capacity building measures for its representatives, bureaucrats and technocracy to re-orient their attitude towards political governance. This will overcome the excuses for not devolving functions and funds to PRIs because of the lack of administrative skill and restoring the parallel bodies which are not accountable to PRIs or Gram Sabhas. And they owe their loyalty and responsiveness to the line departments who have created them. Moreover, orientation programmes will make the officials conscious that they are servants, not masters, of the elected grassroots institutions. Above all, it should be made obligatory for line department officials to hold frequent and regular interactive sessions with elected PRI representatives at each level of the Panchayat Raj system to intensively brief them about the line department work (Ibid: 70). This would be the most practical and sustained way of capacity-building for PRIs and training for PRI representatives. Because, without civil service support under their overall political direction, Central and State Ministers would be quite lost as PRI representatives tend to be.

*Rotation of Reserved Seats*

As the Constitution provides reservation of seats for women, SCs and STs, however, it does not require rotation of reserved seats to take place at every successive round of elections. This could be constitutionally extended to three terms or more, even as rotation of reserved seats in the Central and State legislatures, but this has been taking place only once in three decades or so, thereby giving SC/ST representatives tremendous opportunity for “learning on the job.” Longer tenures for women, especially SC and ST women, and SCs/STs in general will ensure both efficient performance and effective empowerment of them. It will also reduce the practice of ‘sarpanch patis’ especially under 50 per cent reservation for women.
Institutional Recommendations

The Expert Committee strongly recommends the constitution of a single Ministry of Panchayats and Nagarpalikas, however named, to jointly promote the elaboration and implementation of the 73rd and 74th amendments together. This will adhere to the constitutional ideal of local self-government into a single constitutional amendment, so that the artificial distinction between urban and rural local self-government that prevent looking at the district as an integrated unit for interlocking rural-urban economic progress is removed (ibid:96). Ministry for Local Self-government at the Centre would encourage the establishment of similar departments in the states.

The institution like District Planning Committee (under Article 243 ZD) could undertake the function of buckling the urban centres of each district to their respective rural hinterland. It will be possible only if state governments voluntarily bring the DPC under the District Panchayat, as the Ministry of Rural Development stated to integrate the District Rural Development Administration (DRDA) with the District Panchayats. This institutional amelioration will ensure rural development, especially in those villages which are in transition from Panchayat to Municipality status are, often, the worst affected by reclassification.

Further, the Committee proposes the establishment of a statutory National Commission on Panchayat Raj (with state level Commissions wherever state governments agree to setting up such Commissions) on the pattern of the National Commissions for Scheduled Castes, Scheduled Tribes, Minorities, etc. for the implementation of the provisions of Part IX (and Part IXA) of the Constitution. These Constitutional provisions need to be continuously overseen by a National Commission on Panchayat Raj, and its state branches. Such a statutory National Commission would ensure rights-based entitlements to PRIs and individual citizens, as has been so successfully demonstrated with regard to Rights-based Information and Rights-based Women and Child Rights. The ambit of Public Interest Litigation and the Right to Information Act might be taken into account by the proposed National Commission on Panchayat Raj in addressing citizen and civil society grievances of PRIs (and against PRIs) in the light of the relevant mandatory and recommendatory constitutional provisions read with the provisions of the relevant State legislation, as also relevant government orders.

Collateral Measures at State Level/ Devolution of Power at State Level

Besides, the Committee has broadly outlined the measures for the devolution of power at the state level for better functioning of PRIs as it is
enlisted in the State subject of Part VII of the Constitution. Accordingly, the states should also devolve by law the powers and responsibilities to the Panchayats to let them function as units of “local self-government” (Aslam, 2011:7). Devolution to local government essentially has three components: devolution of appropriate functions with authority to make related expenditure decisions, fiscal devolution for availability of funds to perform devolved functions, and administrative devolution of putting in place functionaries. There could be several reasons for such a failure of which the important ones are: Lack of political will to devolve power to lower level elected governments, lack of administrative will to bestow authority by the bureaucracy, state’s inability to create required posts in Panchayats and reluctance by State employees to work under the Panchayats, departmental opposition to part with their budgetary allocation in favour of the Panchayats which have been devolved to the Panchayats, which is partly due to the compulsion of bearing the share of Centrally Sponsored Scheme out of their own budget. Local governments are still considered subordinate entities to States largely entrusted with agency functions, predominantly funded by tied revenue transfers from above, and critically dependent upon deputed State government staff with little accountability to the Panchayats for implementation of their schemes (Aiyar, et al., 2013:79). Moreover, Panchayats are subordinated or bypassed by other State institutions, in which the bulk of local governance responsibilities are entrusted. Such faulty design of devolution, practised so far in most States, is the main reason for the weakness in the present Panchayat system. Without correcting these systemic defects, the Panchayats cannot be leveraged to improve delivery of local goods and services, comparable to a local government. In view of the above factors, the Aiyar Committee has analysed the means to strengthen the local self-government by the state governments. Keeping in mind the existing framework of functioning of the Panchayats, its deficiencies and inconsistencies, the Commmitte suggests corrective measures to overcome these and make the Panchayat Raj system a vibrant local government. The following are the main points:

**Devolution of Functions**

The better functioning of PRIs is based on the assignment of clearly defined roles to efficient delivery of services as also for people to hold them accountable for their performance. Because the ordinary people have little understanding of the delivery system and view themselves as beneficiaries to receive benefits rather than as right-bearers who can demand service. In such a situation, Panchayats need to function effectively.
Activity mapping should be done by all States, as a prior exercise for devolution for the major areas of service delivery, such as health, education, nutrition, water supply, sanitation, various other civic services, employment generation, poverty alleviation and local economic development, livelihoods, agriculture and allied sectors, social security and disaster management, etc. Activity mapping should also clearly state where the function is a devolved core function, where the Panchayats function as agencies, and where they have a mediating role. Besides the constitutional provisions, the Ministry of Panchayati Raj (MoPR) should come out with incentives for the States to take up the process and facilitate the same by organising professional support (Ibid: 98). Activity mapping should be linked to budget envelopes with a separate statement of funds allocated to PRIs in an annexure to the budget.

Mediating Role for Delivery of Goods and Services

Panchayats are also ideally positioned to improve delivery of goods and services by higher tiers of the government, public utilities and even private providers by mediating with the providers of goods and services at higher level on behalf of local residents as being a representative body. Any Panchayat could take cognisance of failure of such delivery of its own without any public resentment/complaint and can mediate with appropriate government/public authority for rectifying such failures.

Fiscal Decentralisation

The Constitution has made adequate provisions for financial availability of PRIs that includes Central and State grants to the Panchayat as well as their own sources of revenues. Under Central grants, the Committee has recommended two separate incentivisation grants, first a grant to incentivise States to devolve more powers and authorities to the PRIs and second a grant to incentivise PRIs to be more transparent and accountable in their economic affairs (Ibid:90). Panchayat transactions should be more transparent and to be more alert in demanding accountability from the elected representatives and officialdom in the Gram Sabha.

Further, in raising their own resources it stresses for independence of action, transparency of transactions and accountability towards community. Having full right for appropriation of taxation and revenues will enable them to explain their respective communities that taxes are raised to meet the specific needs of the communities. This will help PRIs to acquire the political strength and political will to act as fiscal authorities for both raising and spending community revenues. Moreover, technological support for availability of data regarding taxable properties will help to generate more taxes and will be more up-to-date in maintaining records over several years and in having their accounts duly audited.
Under its constitutional responsibilities the Central Government gives as “The Backward Region Grant Fund (BRGF)” whose appropriation is a subject of scrutiny and supervision of Gram Sabha under integrated planning. Accordingly, the CSS should provide necessary guidelines for the vast sum of money that is being sent for rural development and poverty alleviation. Another CSS scheme known as Direct Benefit Transfer (DBT), a provision of cash to beneficiaries, such as pensions and scholarships, etc., cannot be a substitute for Panchayat Raj. It also suggests that Gram Panchayats should be appointed as business correspondents for banks (in addition to individuals) and provided with mini-ATMs for the dispersal of cash benefits, including MNREGA wages, to beneficiaries, preferably in the presence of Gram Sabhas, especially where PRIs are not located conveniently near a bank branch.

Own revenue of the PRIs are elaborated in the Constitution; accordingly local government has to collect these. However, these are very limited and most of these taxes are less elastic and not capable of generating significant quantum of own revenue. Further, the full potential for taxation remains untapped due to outdated tax estimation systems, discretionary power with tax estimation and lack of collection agencies, or disregarding existing norms, low ceiling limits on taxes that can be collected, or legislative abolition of local taxes, non-revision of taxes at regular intervals according to the law, poor coverage of taxable properties, inability to take action against big defaulters, lack of well-trained staff, etc.

Provisions which raise the tax revenues of Panchayats include: assignment of tax and non-tax revenue and its collection powers to Panchayats, capacity building of Panchayat in tax administration, incentive for collection, data collection and analysis, etc. Further, in order to facilitate the funding of PRIs from higher levels of governments, in the long run, should only be provided as topping up grants, on the presumption that local revenue are deemed to have been collected. These must be untied, as only then will local planning and prioritizations have any real meaning.

To strengthen the Accounting and Auditing of PRIs accounting classification may be adopted forthwith by all the states. Besides, a separate classification in the budget books of both the state and the Central government will need to be adopted for devolved funds. Such heads of account may be describe as “devolved” Heads of Account and further classified into “revenue” or “capital” heads. The revenue head would have a separate subhead to deal with transfer of funds to meet the salary requirement of deputed staff.

Devolution of Functionaries

Strong administrative set-up of Panchayats includes having adequate number of qualified employees with relevant expertise, clear
accountability of the elected body, laying well-defined administrative rules and regulations and putting in place a system for monitoring their performance and enforcing compliance to rules and regulations in their functioning. In most States, there is neither adequate number of employees having due capacity to perform their tasks, nor is there clear accountability of those employees to the Panchayats. In addition to that, the rules and regulations are not always clearly defined; there is poor oversight function to check if the existing rules are being violated. Administrative experience and education level of the elected functionaries in Panchayats, particularly in the GPs, are not always adequate to comprehend the bureaucratic processes and they rather look forward to the employees for guidance (Ibid: 106).

To ensure the proper devolution of functionaries the committee has made the recommendation for creation of Panchayat cadres of employees at the block, district, and State level, surplus number of staff in one department, procedure for convergence and cross-departmental movement particularly of Group D and Group C levels, who are non-technical in nature, such as assistants, superintendents and office staff, etc. A Panchayat Service Commission may be established in each State for recruitment of various cadres of Panchayat employees, unless the State Public Service Commission is entrusted with that responsibility. There must be an emphasis on recruitment of women to the posts of Secretaries of Gram Panchayats. Government of India should provide support for creation of posts and other related issues for the permanent employees of the Panchayat, where the State should have such freedom to create posts at Gram and Intermediate Panchayats depending on their population coverage for proper utilisation of those personnel. Physical infrastructures of Panchayats are also necessary.

**Free and Fair Election**

State Election Commissions (SECs) should be authorised to decide the date of elections, the number of phases required, security law and order, financial independence, and control over election staff, as is the case with the Central Election Commission, as also authorised to undertake delimitation and operationalisation of the Task Force, etc. Further, preparation of a common voters list for Parliament, Assembly and Panchayat elections, innovations such as e-voting, use of mobiles for real time transmission of information relating to disruption of free and fair elections, etc., should be under the domain of SECs.

Moreover, after anyone is elected to an office, s/he should be allowed to continue in office without disqualifying the person on flimsy grounds. The power to disqualify any elected representative should, therefore,
not remain with anyone who is a part of the State government and ideally should rest with the SECs. Also, once any member is disqualified and the seat falls vacant, the legal process of disposal of the charges against the member must be completed fast enough so that, if the member is acquitted from the charge leading to his/her disposal, he/she gets the opportunity to contest again in the election to be held for filling the post. The process of removal and resignation of different elected officials should be well-defined and safeguarded that there is no arbitrariness or scope for manipulation or coercion.

The State Election Commission should be empowered to conduct Panchayat elections as these are fought at very grassroots level where issues of social stratification such as class and caste are very intense; there is higher voter turnout there and ruling party influence is very likely. Longer cycle of delimitation will be appropriate for free and fair election as well as healthy governance at Panchayat rather than having delimitation in every five years. Several funding streams for Panchayats now prescribe the constitution of elected Panchayats at all three levels as a pre-condition for the release of funds.

**Deepening Decentralisation and Participation**

Regular meeting of Gram Sabha is necessary because the body of voters are living in the village and are supposed to review all development programmes of the village, selection of beneficiaries for different programmes are transferred to the PRIs and preparing plans for local development, including minimum needs, welfare and production-oriented programmes. Meeting of Gram Sabha could be inclusive and participative if the date, time and location for the Gram Sabha meetings should be convenient for all to participate. There should be enough publicity for Gram Sabha meetings through the local media and local communication methods. In meetings, freedom of expression should be encouraged so that no single group dominates the proceedings. NGOs may be encouraged to promote awareness and people’s participation and common interest groups, such as Self-Help Groups (SHGs), etc. should also be incorporated. To sustain interest in Gram Sabha meetings, agendas must be circulated in advance and full disclosures of budgets and resources available for planning and implementation should be provided. Video recording of the proceedings of the Gram Sabha will be helpful. Large-size Panchayats may have meeting of the voters constituency-wise or at the neighbourhood level. That helps in better participation of the people and those bodies become quite important in providing inputs for village-specific development plans for being included in the GP plans. In large States, Village/habitation level committees will be helpful to deal with the specific issues of the people.
Effective social audit of Gram Panchayat, may require voluntary council of experts and eminent citizens ideally constituted by the Gram Sabhas. The practice of various community-based organisations such as Watershed Development Committees, Village Water Supply and Sanitation Committees, Village Education Committees, Joint Forest Management Committees, etc., should submit their reports before the Gram Sabha and this must be promoted. This will also greatly aid in their eventual integration into the Panchayats. Selection of beneficiaries such as below poverty line people, (BPL), etc., requires surveys data with names and faces that can be conducted through multipurpose household survey under the supervision of the GP.

Collegiate Functioning of the PRIs

Besides, vertical decentralisation, it is necessary to have horizontal decentralisation of responsibilities among the different elected members of each body. This can be done by formation of subject-specific Standing Committees (SC). However, detailed guidelines are required for the functioning of these committees. There must be arrangements for preserving all resolutions, budget documents and published literature in any designated public library and giving soft copies of the same to the Common Service Centres. Each tier of Panchayat will have one public library earmarked for that purpose.

Panchayats, NGOs and CBOs

Functioning of NGOs and CBOs at village level should be collaborative to PRIs rather than undermining the Constitutional authority of PRIs. NGOs can play many roles like building voter awareness, use of Right to Information Act, capacity building of Panchayats through training, exchange programmes, visits to successful Panchayats, building networks and lobby bodies and information sharing, etc. NGOs can assist District Planning Committees to take up evaluation studies on Panchayat performance and educate people periodically so that they can better hold their Panchayats account, etc. They can also take up difficulties faced by Panchayats because of various constraints beyond their control with higher tiers of government and drawing attention of the civil society at large for removing the constraints faced by the PRIs.

Other Collateral Measures

The appellate authorities for the Panchayat are mainly two: the Intermediate Panchayat and Zila Parishad (ZP), and finally the District Magistrate and the state. While setting up an appellate tribunal system, like Kerala, would be adequate to hear appeals from the exercise of regulatory
powers by the Panchayats. And an Ombudsman system to investigate against law breakers and mal-administration in the field of administrative activity will be appropriate. This will take care of the citizen’s grievances relating to due process being disregarded in rendering a service or deciding on a claim. This will provide a strong system of checks and balances required to make the system work with greater efficiency that will be different from Lokayukta which is much focused on corruption and punishment.

The body could be headed by a judicial officer of the rank of a High Court Judge and other Ombudsmen could be selected from a panel of judicial officers of the rank of District Judges and administrative officers of the rank of Secretary to the State government. The Ombudsman can act on complaints from elected members or citizens or on reference by audit authorities of government or initiate proceedings **suo motu** (Ibid:132).

**Accountability Mechanism**

Like GP at village level, there is a need of such authorities at intermediate and District levels. These bodies at district and the intermediate Panchayat levels may be called Zilla Sansad and the Block Sansad, respectively. Apart from elected bodies who are members of the ZP, all chairpersons of intermediate Panchayats along with vice-chairpersons/ chairpersons of intermediate Panchayat may be made members of the Zilla Sansad. Officials from the State level may remain present as invitees. Important officials of district and block levels may also be invitees to attend the meetings without having any voting right. The Block Sansad may consist of all members of the intermediate Panchayats, the ZP members from within the block area, the Pradhans and members of all the SCs at the GP level. Important officials at block and GP level may also attend as invited members. Such Sansads should be held at least twice a year and there should be certain norms and rules of functioning.

**Examination of Accounts related to devolved fund to be arranged at the district level**

Panchayats should provide a simple Utilisation Certificate (UC) that fund has been received and utilised, following all norms. A District Public Accounts Committee (DPAC) should be constituted at each Zila Parishad (ZP). The DPAC may be constituted under the chairmanship of the Leader of the Opposition of the ZP, with proportionate representation from all political parties represented in the ZP. It may be given the authority for checking compliance to rules in respect of all expenditure made by any Panchayat within the district. An Accountant General should prepare a status report on Panchayat Accounts, which should be laid before the
Legislative Assembly which will also examine all expenditure being made by the Panchayats of the district, irrespective of whether fund available is out of own resources or devolved fund or any fund transferred to execute any specific work (ibid:134).

Forum for Discussion on Devolution

Establishment of a common forum on which the State and the Panchayats can participate is desirable which would cover important matters such as the inter-governmental fiscal and administrative architecture and a mechanism to resolve disputes that may arise between levels of government. Some States have provided for a State Development Council or a Panchayat Council as such a forum. Ministry of Panchayati Raj (MoPR) may take necessary advocacy and facilitation. The Panchayat Directorate, district Panchayat office and the block level Panchayat Unit (Panchayat Development Officer, Audit Officer, etc.), are to be strengthened appropriately for functioning of the Panchayats and provide necessary support to the Panchayats when needed. The State Government should prepare a format for self-assessment by Panchayats and prescribe that they will give their self-appraisals within a given time every year to analyse the strength and weaknesses of the Panchayats for appropriate correction and facilitation. This will help each tier for improving their performances (ibid:135). The State government must disclose the analysis on various aspects of functioning of the Panchayats in the public domain for information of the Panchayats as well as for people for their better understanding about the Panchayats. It should also encourage every Panchayat to assess and improve their performance. The Panchayat Directorate should measure and monitor institutional aspects of functioning of Panchayats on a regular basis, possibly once in a quarter at block and district level. There should be legal professionals available at district Panchayat office for assisting all Panchayats on legal issues in the course of their functionings.

To fulfill the pre-requisites of good political leadership for smooth functioning of Panchayats the committee suggests forming a Panchayat Cell within political parties to supervise activities of their members as functionaries of Panchayats and ensure accountability towards Panchayat, rather than their political higher-ups. The cell may have at least 10 per cent or more share of the total elected posts.

Constitutional Amendment for Strengthening Devolution

The Committee has made several suggestions for Constitutional amendments. However, the Part IX of the Constitution is an elaborate one, but it should be implemented in letter and spirit. The Committee believes
that in fullness of term and time and when political conditions permit, an amendment can be done in Article 243-1 to strengthen the Fiscal Devolution Framework, to ensure smooth functioning of the State Finance Commissions in terms of acceptance of its recommendation, to remove inordinate delays in placing action taken reports before the State legislature for the smooth flow of Central revenue shares to Panchayats.

In view of increasing urbanisation, a District Council may be formed by constitutional provision but not as an alternative to the Zila Parishad (District Panchayat). The Council will comprise constituencies from both urban and rural areas and will thus have jurisdiction over both areas of the district. A unified local government at the district level, will take care of all district sector activities of department (e.g., education, health, drinking water supply, etc.) irrespective of rural or urban areas, and provide better rural-urban convergence and ensure similar standards of living for both rural and urban population (Ibid:138). Implementation of the above mentioned provisions will deliberately speed up the fulfilment of the aims and objects of the constitutional provisions of democratic decentralisation. This would also propel such significant leveraging of PRIs as to ensure exponential improvement in efficiency in the delivery of public goods and services, thus bringing social equity in line with the growth of the economy for “Faster, Sustainable and Inclusive Growth” the overarching goal of the 12th Five-Year Plan (2102-07) (Ibid:75).

CONCLUSION

While submitting its report, the Committee expressed its hope that Government will find it possible to place this report before a follow-up Conference of Chief Ministers. The Committee recommended, that as, the National Development Council (NDC) is the most important forum that brings the Prime Minister and Chief Ministers together on a common platform, the Planning Commission be required to inscribe Panchayat Raj as a permanent item on the NDC agenda, so that progress is kept under continuous review for the national priority of “Inclusive Growth” to be promoted through “Inclusive Governance.” The report is neither yet approved by the Government nor has it been placed before the Chief Ministers' Conference or a NDC meeting as suggested by the Committee. Therefore, strong and firm political commitments are required to implement it and to realise the Gandhian notion of Gram Swaraj by devolving the powers to the Panchayats.
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BOOK REVIEWS

Rural Development in India: Strategies and Processes
G. Sreedhar and D. Rajasekar, New Delhi, Concept, 2014, pp-XXIV + 496, Rs. 300.

The theme of rural development in India today draws public attention and involves public expenditure in a big way after the five most important ministries (e.g. defence, foreign affairs, finance, home affairs, and HRD) of the Central Government. There is a plethora of research work and publications on rural development and its related fields. The book under review is important both in its approach and contents. It comprises 48 chapters presented in 11 thematic parts. Unlike many books on this theme, it offers a blend of theoretical and practical aspects of rural development. The two authors, belonging to two separate disciplines, have made a sincere endeavour to provide an interdisciplinary perspective to various aspects of rural development. The subtitle of the book points out its main focus on strategies and processes of rural development. They have made a critical study of several approaches and strategies adopted in the field of rural development in India and, in addition, made impact assessment of the methods and processes followed in the management of rural development initiatives.

In the multidimensional field of rural development there are, broadly speaking, four different kinds of actors, namely, government (central, state, and local), NGOs, corporate sector, and the people concerned. The basic purpose of rural development is to improve the living standards of the people in rural areas. The World Bank defines rural development as a strategy designed to improve the economic and social life of the rural poor. This definition is based on an operational approach which focuses on increasing the capacity of rural people to control their physical and social environment on a self-sustaining basis intending to distribute the benefits of development among different sections of rural population. Thus, rural development is simultaneously a process and an ideology, and it includes strategies, policies and programmes. The authors have given a beautiful summary of various pioneering efforts in rural reconstruction in India, and of the approaches to rural development during the period of planned development under various Five-Year Plans, namely, broad-front approach, sectoral approach, target group approach, and integrated (holistic) approach. India has experimented with these approaches, one
after another, which produce the lesson that rural development cannot be managed by the government alone. In order to achieve any meaningful success, the other actors like NGOs/CBOs, corporate sector, and the people at large must be involved in this Herculean task of rural development.

The 73rd Amendment of India’s Constitution (1992) has given constitutional recognition to local self-government and provided for some elaborate institutional innovations, but its inadequacies have already come to light. Panchayati Raj received a much-needed administrative machinery through this legislation but its limitations have already been palpable because of political skulduggery and influence of the prevailing socio-economic structure.

The authors have very correctly identified the problems of rural development in India, viz. rural poverty, rural unemployment, rural housing, and low level of human resource development. These problems have been brilliantly analysed in detail.

Next, the focus has shifted to analysing the economic structure, especially land reforms, Green Revolution and impact of globalisation on Indian agriculture. This insightful discussion has been followed by an in-depth analysis of social change and the role of rural elites. To facilitate a better understanding of rural development scenario, the major development programmes launched so far by the government have been critically evaluated and some relevant policy suggestions have been given.

Discussion on participatory research methods for rural development is quite instructive. Both students and research scholars would be benefited. The same conclusion is valid in respect of the analysis of theories and techniques of planning for rural development, especially the discussion on planning methodology and planning machinery. So far as the understanding of development projects is concerned, the different approaches have been lucidly explained. Decentralised planning, particularly district planning was advocated during the Fourth Plan period, but this effort did not receive sufficient political honesty during the next couple of plan periods.

In the literature of rural development planning, ‘project’ means an investment of resources on a package of interrelated, time-bound activities, requiring the commitment of varied skills as well as human and other resources. Projects are the first concrete portion of a larger planned development programme. Details of project planning and different technical approaches to project formulation, project implementation and project appraisal have been competently explained with clarity. This has been inevitably followed by explaining the methods of mobilising finance for rural development. The studies of management tools like PERT and CPM process monitoring and impact assessment system bear signs of professional scholarly inputs.
At the end, two chapters separately discuss the role of NGOs and Self-help groups in managing development have enriched this volume on rural development. Almost all important dimensions of the study of rural development are put together. Students as well as practitioners of rural development would be immensely benefited by using this volume which has been rightly described in the blurb as a “useful compendium” having both scholarship and clarity. Such a useful textbook is not easily found in the market; hence this volume deserves a precious place in academic libraries.

— Asok Kumar Mukhopadhyay

Ethics for Governance: Reinventing Public Services
B.P. Mathur, Routledge, 2014, India

It is a neat inspiring work by a committed scholar administrator. The author’s concern for values and ethics in governance pervades every single seven chapter and necessitates a serious reading. However, given the limitations of a review, there has to be a limited, even selective coverage. But this in no way minimises other areas because the present work has to be considered in its entirety, as a composite essay outlining the author’s urge for ‘reinventing public services.’

Let us start with the inspiring chapters on: Ancient Indian Polity (6), The Mahabharata (7) and Kautilya (8). All these are well researched and even merit a separate monograph to help a serious reader for a deeper probe in the wider domain of Ethics in Governance. The author has with reverence created a spiritual beading of universal values (p.46).

The author has with his deep understanding of the country’s budgeting and financial structure and process, devoted nearly 20 pages to the issue of corruption. The effort to explain corruption as part of an ethical issue is commendable. The references to Kautilya et. al reflect a moral quest for a value system management as part of a corruption free society. But this extended coverage conveys a heavy India-centric problem which is now universal and not true that Western countries have very low levels of corruption (p.329). A European Union Anti-Corruption Survey released in February 2004 has 28 county chapters pinpointing the alarming dimensions of the corruption in the most developing countries of Europe. The Report concludes: corruption cost the European Economy (28 member states of EU) around 120 billion Euros per year. The Survey shows that 76 per cent of Europeans think that corruption is widespread and over 56 per cent think that corruption level in their country has increased over the last three years. In several countries successful prosecutions are rare
and ‘corruption crime statistics are missing in most member states.’ The Survey stresses that political accounting and financing of political parties is weak and public procurement as an area most vulnerable to corruption.

Like the present work, the European Union report too ‘calls for stronger integrity standards’.

Gunnar Myrdal’s extra critical remark made over four decades back (p.329) that people (read in underdeveloped countries) have a weak sense of loyalty to organised society has long been trashed by even Indian sociologists as ‘racist’ while our society, e.g. Kautilya’s elaborations has indeed often suffered due to its strong sense of loyalty. Fukuyama, author of the famous tract, *The End of History* has argued that no culture was inherently superior or inferior and economists were responsible for the excessive new emphasis on cultural values.

While examining the senior civil services, the author has a few frank words to say but they are true and have to be accepted and introspected upon, e.g. the IAS dominance and the practice of generalism (as also noted by David Potter), the politicisation of services leading to illogical frequent transfers. A reference has been made to change of political leadership as a major cause. However, lately a new flavour directed by regime change is becoming evident. Some five years back, the then PM established a nucleus, Performance Monitoring and Evolution System for government departments in the Cabinet Secretariat. A young Indian economist with outstanding credentials was persuaded to join leaving his international commitments in a University and the United Nations. A series of Monographs came out widely appreciated with even requests for a similar path-breaking exercise by some SAARC countries. But the other day we read a bold press announcement that the unit has been disbanded. It sounded a bit strange as the setup was very low on manpower and office requirements. Who ordered and why is not important but the action sends wrong messages even about senior functional units dissolved as if they were backyard store houses.

The critical references of Fareed Zakaria cited by the author calling India a ‘bandit democracy’ along with other long distance abrasive comments, e.g. on Indian elections are offensive. Zakaria needs to urgently read about our elections—a latest book by the last Chief Election Commissioner Qureshi. *An Unrecorded Wonder—the Great Indian Elections*, 2014. In fact the terms “Bandit” has a connotation to violence and thieving. The works by leading scholars C. Dasgupta and others establish that India is the only country since its Independence which has been attacked but never been an aggressor itself. By the way,
India is today a net donor country in the International economy roster. Again tired of the banditry of World Bank and IMF, managed and manipulated by the US and the developed West, it has successfully spearheaded the establishment of the Five-Nation BRIC’s Bank.

The reference to legacy of British Administration (Chapter 10) covering ten pages of nearly two hundred years of oppressive colonial rule deserves a truthful recall. The author’s assertion that it must be admitted that the cultural impact of British rule is its most formidable legacy (p. 122) and the English rulers and members of ICS were by largely incorruptible men of great integrity, will invoke a historical recall in any ethical context. Ananda Coomaraswamy, a renowned scholar of Indian history and culture noted, “One of the most remarkable features of British rule in India is that the greatest injuries inflicted upon the Indian people have the outward appearances of blessings.” Again, Nehru’s writings—excluding Tagore and Gandhi—on The Record of British Rule (Autobiography p. 439) noted how the British led by the ICS displayed a competent knowledge of clerkship and diplomatic art of keeping office. Nehru goes on:

“The outstanding feature of British rule was their concentration on everything that went to strengthen their political and economic hold on the country. Everything else was incidental.... If abilities and efficiency are to be measured from the point of view of strengthening the British Empire in India and helping it to exploit the country, the ICS may certainly claim to have done well (Autobiography, p. 441 ).

Let us retract to Plassey (1757) masterminded by the treachery and thuggery of Clive. It turned Bengal into a robber state.... There is no instance known in history where a great province was swept so clean of its wealth. (Panikker, Survey of Indian History, p. 213-217). In fact Bengal continued to be the recipient of British repression through its appeals till late in the next century. Nehru painfully recalls in his Autobiography how Government treated the whole population (to be exact the Hindu population) as hostile and everyone /men/women, boy and girl between 12 and 15 had to carry identity cards. There was externment and internets in the mass, dress was regulated, schools were regulated or closed, bicycles were not allowed, movements had to be reported to the police, curfew sunset law, military marches, punitive police and host of other rules and regulations. Large areas seemed to be in a continued stage of siege and the inhabitants were little better than ticket-of-leave men and women under strictest surveillance. The country had been governed by the British mainly as a police state. If these amazing provisions and regulations were considered necessary then surely it is the final verdict on British rule in India” (p. 343).
‘The Epilogue: India realising its Destiny’ (p.348) is an inspiring recall of our old values. To overcome the prevailing lack of will, the author rightly concludes that “we have to give priority to our institutions of governance and the manner of running the public system. Recalling Gandhi, he reminds us that economics cannot be divorced from ethics, social justice and welfare of everyone in society. It is time India wakes towards reaching its destiny by practicing values expressed in our ancient culture and civilisation Surely, we shall then be on the path to reinvent public services based on the foundation of ethics in governance.

– A.P. SAXENA
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