The Journal of Governance

IC Centre for Governance
NEW DELHI

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IC Centre for Governance
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The IC Centre for Governance has been set up in with the objective of collective thinking and acting on important issues of governance. It believes that public governance is too serious a matter to be left entirely to the state and that the involvement of the Civil Society is not only desirable but also essential. The Centre seeks to strengthen the capacity of Civil Society and government for ensuring good governance.

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INITIATIVES OF CHANGE

EDITORIAL

You will never understand bureaucracies until you understand that for bureaucrats procedure is everything. *Thomas Sowell*

Recently, there was some resentment among senior civil servants caused by a mainstream English newspaper permanently labeling all civil servants by the pejorative tag 'Babu', which literally means a pen pusher but is commonly understood to mean an inefficient, lazy and obstructionist, if not corrupt person. A recent increase in the number of negative stories about public servants has caused officials working at higher level of government to feel that they are being unfairly misrepresented. However, the palpable reaction was en masse withdrawal of hundreds of subscriptions from the newspaper concerned. To me, it looked like a worm turning.

The issue caused ripples in the social media. One of the comments on the social media was whether the derogatory sobriquet was justified? The question was whether a majority of bureaucrats actually deserved the appellation. Some civil servants wanted to investigate the origin of the negative public image of the civil servant. If an opinion poll is conducted among civil servants on whether their image projected in the media is valid, a large majority would undoubtedly respond that the public attitude as depicted in the mainstream media towards them is highly skewed. There would be a wide gap between how civil servants view themselves and how they are seen by the media - and the citizens.

India is not the only country where civil servants are alleged to be lazy, incompetent, devious, and even dangerous. In most developed and developing countries, they suffer from similar public perception. In UK, from where we have inherited the Westminster system of government, even the ministers go around saying Whitehall is inefficient and overbearing, and that its work should be devolved and done away with.

Bureaucrats are among those groups of persons that everyone loves to hate and assaults on the civil service come from a number of sources. American public generally believes that their government is 'a sea of waste, a swamp of incompetence, a mountain of unchecked power, and an endless plain of mediocrity'.

One of the most telling cartoons on bureaucracy that was carried by a reputed magazine years ago showed a window with a notice 'please use next window' hung on it. It meant that bureaucracy in any age and any government remains notoriously out of touch with the citizen and is impossible to navigate.

The present problem with Indian bureaucracy is that civil servants still believe in incremental changes/reforms, not in radical transformation. They are averse to entering into conflict with political masters; they do not resort to urgent course correction even in the face of evident shortcomings in service delivery; they keep subscribing to moderation. In normal times, it may be a wise approach to remain calm and moderate, but when there are ubiquitous instances of injustice to the common man, who keeps waiting for what is legitimately his, a relook at this passivity is called for.

Some of those belonging to the All India Services and other Central Services are trapeze performers and magicians, and some are the clowns. A few are even the sidekicks of politicians. But more often than not, they prefer to sit on the ringside stands and watch the drama that's happening all around them. They love to be bystanders.

In my view, the enduring theme in Indian bureaucratic history is that the civil service suffers most from internal over-regulation. It binds itself in coils and coils of legal and procedural tangle. Bureaucracy is its own worst enemy.

Despite a clear need for deeper self assessment by the central bureaucracy of its own problems, it doesn't seem possible because of its self inflicted fractures. During the last six decades, several meaningful recommendations have been given by committees and commissions (curiously with some members drawn from the civil services) on reforming the administration. But, most far reaching of these recommendations remain on paper and will not be sincerely acted upon till the civil service decides to discipline itself. It appears that the civil service reforms are being stalled by civil servants themselves. I have not seen any organized civil service declaring its collective commitment to implement reforms.

External institutions, academic experts and management consultants have little ability to help the civil service strengthen its capacity; and they often recommend policies that actually weaken the internal consistency of administration. In the present political eco system, the leaders of civil services would be well- advised to start putting their own house in order.

Prabhat Kumar

B.K. Chaturvedi

Emerging Challenges in Public Governance

"Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws." - Plato (427-347 B.C.)

The architecture of public governance in our country derives its legitimacy from the constitution which the people of India gave to themselves more than six decades back. After a long struggle we were then a free nation. The people had adopted a constitution which declared that India was a sovereign democratic republic and focussed on 'Justice, liberty, equality and fraternity' as part of the preamble[1] to the constitution. There were several key features of the document. We became a democracy on the Westminster model with an independent judiciary, free press and a union of States in the nature of federation with central parliament and state legislatures elected every five years based on universal adult suffrage. Later, we lowered the age of electors to 18 years. In a country with massive illiteracy, we chose to provide right to elect their own government to every man and woman. While providing for three tiers of government, the two main levels of government, central and state, had responsibilities and legislative powers specifically provided. The legislatures in the states could pass laws on subjects mentioned in list II of the Seventh Schedule[2] to the constitution while central parliament was empowered to do so for items enumerated in list I. In certain areas mentioned in list III, both could legislate with supremacy to laws passed by parliament. The third tier of panchayats and urban local bodies had limited powers and worked as part of states and under their control. The constitution provided fundamental rights to all citizens including right to life, freedom of speech, and equality before law, non-discrimination on grounds of caste, creed or sex and a host of other rights. For certain areas and class of people who were disadvantaged including tribal and scheduled castes, backwards castes and women, it made special provisions for affirmative action. We have done well in maintaining

our democracy with regular elections to parliament and state legislatures. While many nations including Pakistan, Nepal, Sri Lanka, Indonesia and Nepal had problems, our democracy has flourished. The two other organs 'free press and independent judiciary' have performed very well as part of a vibrant democracy.

Let us look at the range of governance issues which have emerged in the last few decades. The emphasis of governance in the initial three decades of our democracy was primarily on effective administration and better maintenance of law and order. The country had become independent and maintaining it together with democratic institutions working was a major challenge. The focus was on a good regulatory system with peace in the society. As we gained experience, several new gaps in the field of governance were manifest. Major challenges emerged in the functioning of Judiciary, legislature and executive. In the legislatures there was defection by elected representatives from one political party to another, to gain political power, with the influence of money power. The emphasis in several of these chambers shifted to disruption of proceedings rather than debate in an orderly manner. There emerged a clear need for greater focus on improving integrity of the system. The legislatures being the main plank of our democracy, this reform was urgently needed. The geo political developments in the Middle East and certain parts of the country lent urgency to development of new policies on maintaining public order and internal security. This key function of the state needed to be strengthened. The emergence of sustainable development and global warming in international fora brought issues of clean energy and energy efficiency centre stage. The climate change emerged as a new area of governance. Environment deterioration with cutting down of forests and impact of development process involving increased usage of fossil fuels, raised issues of clean air, clean water and environment protection. This needed a new set of policies and laws. The development process unleashed by the planning era gave urgency to economic growth especially in rural areas. The population was however not fully involved in this process nor did they have a good idea as to what was happening in the rest of the world. The onset of television in the eighties, increased mobile

access and expansion of education changed it all. With a very large young population[3] with 73% less than 39 years, the expectations for a good quality of life are very high. We need a shift of gears to meet their expectations. While there are thus a range of issues which have emerged in the last few decades, which need a different architecture of governance, in this article we are focussing only on three issues: dysfunctional legislatures, terrorism and issues of faster and inclusive economic growth due to a revolution of rising expectations especially among the young Indians.

Legislatures

Governance in the legislative bodies in the last seven decades has indicated several major weaknesses. The intention of the constitutional framers was that these bodies will meet and discuss various aspects of laws and pass them after extensive deliberations. This has not happened. The frequency of meeting of several state legislatures[4] has been very poor. The assembly of Haryana met for an average period of ten days per year during 2009-14. For different five year periods, the average frequency of meetings of Nagaland and Arunachal legislatures was even less. UP, Panjab, Gujarat, Tamil Nadu, Kerala and Goa such meetings were held annually for 22, 19, 31, 44, 50 and 26 days. If the law making bodies don't discuss and pass laws in a hurry, it is difficult to reconcile it with true spirit of democracy. It is interesting to note that at a national level our Lok Sabha met for 69 days on the average in 2009-14. Contrast this with US senate, US House of representatives, the House of Commons in UK and the assembly in France which meet[5] annually for about 133 to 180 days. The House of Commons, on whose pattern our legislative bodies were formed, meets for about 130 days on an average per year.

The lack of debate and discussion in the legislatures has led to several consequences which are harmful for democracy. A large number of important bills are being passed without adequate debate and discussion by public representatives. In Haryana all bills were passed the day they were introduced in assembly in 2009-14. In Gujarat, about 90% of the bills were passed the same day. Position in several other assemblies was similar. In some cases even constitutional

amendment has been passed by both houses of Parliament without any debate. Lack of sittings of legislatures has cut down the time available to members of legislative assemblies to raise questions about their constituencies or question the government about its policies. Essence of democracy is debate and discussion. This working of many state assemblies undermines this. The opportunity provided by these fora to its new members to expand the frontiers of knowledge by deliberating on major public issues of governance is being lost.

One of the most worrisome aspect of our democracy in recent times has been the disruption in the working of state legislatures and parliament. Some years back there were scenes of MLAs taking hold of mikes and throwing at each other in the UP assembly. A few years back we saw the parliamentarians carrying placards in the house and moving freely. In the last few years it has become a practice to troop in to the well of the house and not allow house to function. In a way the opposition in this manner makes the entire house non-functional. In the last Lok Sabha 39% of the time was lost due to disruption. In the last two years of its functioning, this was possibly more. This process continues in the current Rajya Sabha. The television broadcast of their actions seems to have given a Philip to these activities. This is a very serious threat to democracy. We have to evolve conventions so that parliament and state legislatures meet and debate on issues of public interest and reflect the needs of the people. We must evolve conventions that anyone entering the well of the house must be suspended for a week.

The working of legislatures has suffered from another malady. The greed to enjoy power at any cost has led to breakup of parties with a sizable faction crossing the floor and joining the parties sitting in opposition. The ruling party then loses its majority and often the party sitting in opposition then lays claim to a majority with the help of 'break away' faction of the erstwhile ruling party. This phenomenon first happened in Haryana. It was nicknamed *"Aya Ram Gaya Ram"*. It has since then spread as a cancer across all states. It is often used to capture power. Recent change of government in Arunachal Pradesh is an example of this. In many of these cases there are allegations of purchase of such defection by giving each

such defector huge sums of money. The 'sale and purchase' of public representatives was surely not envisaged by the framers of the constitution.

To control defection, a constitutional amendment was made in 1985. This was further strengthened with another amendment in 2003. The provisions for disqualification in the tenth schedule to the constitution and mentioned that at least $2/3^{rd}$ members of a political party must merge with another political party so as not to be liable for disqualification as members under Articles 103(2) and 191(2) of the constitution. These were fairly stringent provisions. In fact the recommendation of the other committees on constitution amendment wanted to straight away disqualify members changing political parties whatever be their proportion of the total elected members. While this did not happen, the current law is very much on the statute book. Despite this, defection has continued. Legislators have found methods of circumventing the law on defection. Money power and lure of political patronage has been too strong for many defectors.

There are serious shortcomings in the values of many of our legislators. A very large number of them have been accused of serious crimes and several of them either charge sheeted or even convicted. The ethical values in the political parties of the country were fairly high in the fifties. Many of the political leaders had participated in freedom struggle and sacrificed their career and family life in the cause of the nation. The level of corruption in our society has, however, increased rapidly in the last six decades. This is reflected in the political parties too. Several members of parliament from Jharkhand Mukti Morcha were accused of accepting bribes to vote in the house in a certain way in 1990s when Mr Narsimha Rao was the Prime Minister. A number of other MPs have been accused of accepting money for asking certain questions or abstaining from the house when their question was taken up. Recently a member of Rajya Sabha has been charged with forging his travel papers to earn illegal benefits. A report in Deccan Chronicle of 15th April 2016 mentions as follows:

CBI had filed a charge sheet against Sahani alleging that he, in collusion

with other people, used forged e-tickets and fake boarding passes to defraud Rajya Sabha of Rs 23.71 lakh as travel and dearness allowance reimbursement without undertaking the actual journey.

The ethics committee of the Parliament has failed to promote a high level of upright behaviour expected from the MPs. The position in the states is equally bad.

Our democracy is less than seven decades old. It has to be clearly realized that unless legislatures function and instead of disruption, debate happens in these chambers, the future of democracy may be bleak. Several measures are required to improve the quality of ethical values in our political parties and strengthen its functioning in our country. First, a national ethics commission be set up to keep watch over ethical values of our parliamentarians. Second Administrative Reforms Commission (ARC)[6] has made similar recommendation. Similar bodies may be set up in the states. Any infraction be reported to the ethics committee of the house for quick action. Legislatures with criminal record be made ineligible to continue as such. For this purpose any elected representative who has been convicted by a court for an offence of serious nature should be disqualified to participate in legislative business till all avenues are exhausted and finality is there about his conviction or innocence. Second, the political parties should work on a code of conduct under which entering the well of the house should invoke automatic suspension for a week. Prior to the elections, they should discuss this and evolve a model code which should be strictly implemented by the speakers. Third, the televised broadcast has not been successful in promoting more responsible conduct amongst MPs and MLAs. We should instead start a practice of broadcasting only speeches above three minutes or so. This could be done in the afternoon. The present practice of live broadcast should be discontinued. Fourth, High Courts and Supreme Courts should consider adopting a tougher stance on defecting MLAs. If the courts were to summarily rule that all defectors are disqualified once speaker passes an order, it will curb defection and efforts at engineering it.

Terrorism

In the last two decades, a major challenge to our democracy

and governance system has been the emergence of terrorism as a major threat to public security. It started in the eighties in the last century when Bhindrawale started his movement for Khalistan and defied government. The entry of the army in Golden Temple to flush out the armed Bhindrawale group caused a lot of hurt to a large body of the Sikh community. The attack on the life of Prime Minister Indira Gandhi, riots in Delhi and a number of other towns following that increased the divide. A number of groups in the Sikh community particularly in Canada, Germany and Punjab itself started the terrorist activities. With great effort, these were gradually neutralized and Punjab became peaceful again. The impact, while it lasted was very large in certain pockets. It was but basically due to domestic factors. It was however, realized by the governance system that safety and security of citizens required additional safeguards of a different nature. Development and expansion of intelligence collection, international cooperation with such agencies of other countries, special commando forces, formation of Special Protection Group for the Prime Minister, and expansion of security network on a far more extensive scale was taken up. The security system has continued to expand since then.

The governments both in states and the centre continued to face the security problems on an increasing scale in different areas. While the home grown Naxalite activity of the sixties was confined to West Bengal, left wing extremism, a phenomenon which expanded in the last two decades, has become a serious threat to safety and public security in large parts of Chhattisgarh, Andhra Pradesh, Telangana, Jharkhand, Odisha, Madhya Pradesh, Maharashtra and Karnataka. Several districts of Bihar, UP and West Bengal are also affected by this movement. Of the total more than 600 districts in the country, about 88 are covered by it. The Ministry of Home Affairs however considers 106 districts affected by it. In large parts of these areas, despite deployment of a very large contingent of para military forces, the writ of government is weak or even non-existent. This has led to new policies[7] to improve the quality of life and governance. First, there is a greater focus on tribal rights especially in forest produce. Second, a strong focus on development of rural road network in these areas with relaxed guidelines has been put in place. Third,

there is development of health and education facilities and a sharp jump in expenditure on these sectors. Fourth, there is development of specialized security forces to meet the special needs of the forest areas and provide security against well-armed and very well trained left wing extremists. However, despite the above security and development network, paramilitary forces personnel have been killed in very large numbers in the last two decades. In areas like *Abujmarh* of Chhattisgarh, the writ of Naxalites runs and government machinery is practically non-functional.

While the above group of armed terrorists have their own political mandate and philosophy, it is still home grown and confined to the above areas. India is also buffeted by insurgency in northeast in several states particularly Manipur and Nagaland. In large parts of Assam free movement was difficult during the eighties. Since then this region has far less of insurgent activity. The presence of security forces and continuance of the special powers under Armed Forces Special Powers Act (AFPSA), however, indicates unease with security situation.

The biggest challenge to public order in recent times has however come from global terrorist activity and terrorist activities in Jammu & Kashmir. This is not showing any sign of abatement. According to international observers two of the most active terrorist organizations are *ISIL* and *Boko Haram*. Amongst 162 countries under watch[8] which are affected by terrorism, the five countries which are at the top of the list are: Pakistan, Syria, Afghanistan, Iraq and Nigeria. India occupies sixth rank in global terrorism index immediately following the above five. Large parts of the Middle East and Africa are affected by it. The *ISIL*, an organization with strong record of violence and terror and of killing people is in control of large parts of Syria and Iraq. The Taliban in Afghanistan carry out terror attacks regularly in different parts of our country. Since 2000 there have been 61,000 terrorist attacks in different parts of the world resulting in death of 1, 40,000 persons. In 2014 there were 13,370 terrorist attacks in 93 countries. It resulted in death of 32,685 persons a jump of more than 80% over the previous year. Of those killed 78% were in the top five countries referred to earlier.

In Pakistan the terrorist organizations like *Jaish-e-Mohammed* and *Lashkar -e -Taiba* continue to thrive and use it as a base to undertake terrorist activity in India. The terrorists hijacked an Indian airline plane in 1999. It resulted in release of terrorists including Maulana Masood Azhar. He has since then become the face of terrorist activities and government of Pakistan is not able to put any restriction on it. These terrorists have caused bomb blasts across the country in the trains, markets and crowded areas of Delhi. The terrorist activity led to several major incidents: Mumbai bomb blast in the Taj, attack on the Parliament of India, attack on the J&K assembly, bomb blast in *Assam Mail* and *Samjhauta Express*, bomb blasts in crowded markets of Delhi and Mumbai. These caused large scale destruction, death and increased insecurity across large parts of the country. The result of these activities has been a change in the way of life across the country. It has led to sharp increase in expenditure on security. Practically all parts of public spaces are now covered with CCTV cameras. This includes hospitals, markets, Malls, airports, schools and most of government and private sector offices. A new class of private agency security network has been created to monitor and provide security. The education about unclaimed packages in buses, trains, dust bins markets and other crowded portions of towns is becoming a normal part of our life. Even residential colonies invariably provide private security to its residents. It has increased expenditure and security consciousness and thrown up challenges for safety of citizens. In developing economies, money which should have been used to make hospitals, schools, and roads, access to energy or generally on other development work has to be diverted to security and more battalions of para military forces.

India is a multi-cultural, and multi religious society. It has people from all religions and has the second largest population of Muslims in the world amongst all nations. The Taliban and most of the other terrorists are from Pakistan, Afghanistan and supported by organizations in this region. Many of them come from across the border in Pakistan occupied Kashmir. They have been able to develop sleeper cells in the Muslim community. All this has led to a large strain on our efforts to maintain communal harmony, trust and

peace in our society. The use of IT, internet and personal contacts by terrorists has enabled them to look for possible candidates from India who could join the *ISIL* or cross over to Pakistan and become a terrorist. This has necessitated development of new multi-agency network for intelligence and other techniques to strengthen our ability to prevent attacks. With the evolution of a class of people who are suicide bombers and either blow themselves or drive vehicles laden with explosives to be blown, the job of security has become more difficult. The spectacle of people practically disrobing themselves with shoes in hand to meet the security check up at the airports has changed the contours of air travel. Many key decisions in the life of our nation are increasingly determined by its security threat perception.

Inclusive Growth, Investment and Governance

India is today engulfed with young people who are not prepared to wait for a long time to improve the quality of life. There is a revolution of rising expectations for better health, education, roads, houses and communication. The earlier concept of governance where the population was satisfied with routine administration being improved is no more valid. While in purchase price parity terms India is the third largest economy in the world, we have the largest number of world's poor population too. Our economy has grown at an average rate of more than 7.0% in the last decade and the population below poverty line has reduced during 2005-2011 to 21.2% from 37%[9]. Despite this and doubling of our per capita incomes in the last ten years, we lag behind many major developing nations especially China in several parameters. Our per capita income is one third of China. More than 150-300 million people don't have access to electricity and about 700 million people are dependent on bio mass for cooking which is very harmful for health. Experts opine that it can cause death due to asphyxiation, and emission of 2.5 micron particles and gases can cause cancer and low birth weight babies [10]. The millennium development goals at the beginning of this century had included eight areas. Within a span of a decade and a half this has increased to seventeen reflecting rising global demands. New goals on access to energy clean energy, elimination of poverty and similar

other areas have been added. The governance needs policies and instruments to provide quick access to land, credit, early approvals for setting up factory buildings and hassle free regulatory approvals to start businesses. States are today competing with each other to get private investments and funds from central kitty for faster growth. Development is key to success of political parties. The instruments of governance have a new focus and new challenges have emerged. Let me enumerate some of these.

First, people need access to all weather roads, drinking water and clean energy for households. Many wish to use the electricity for mobile charging, television and radio. They want it round the clock and not just for a few hours. This needs investment and policies for improving financial health of power distribution companies.

Second, while economy is growing, there is a need for increased employment and improved access to education and health care. The growth process has to be much more inclusive. We need to improve the quality of education[11], levels of learning and skill set to reap the demographic dividend.

Third, business should be easy to start and close. It is important since most of the jobs will come primarily from small businesses and private investments. Ease of doing business must improve vastly from the current[12] global ranking of 130. The states have a major responsibility for this.

Fourth, the employment in the last decade has grown at a very low rate. While every year nearly 2-3 million join the work force after coming out of universities, we are not creating jobs at that rate. We need to look at our growth process and promote investment policies which have higher job content. Economic survey[13] for 2015-16 observes

"India's most pressing labour market challenge going forward will be to generate a large number of good jobs. These jobs tend to be formal sector jobs."

The development and rapid expansion of manufacturing and other formal sector employment may be difficult. We must hence push for greater support to areas in agriculture, forestry, and small industries for rapid employment expansion.

Conclusion

In the coming decades, large investments in R&D and technology by many companies and nations which is likely to happen, may result in unprecedented pace of development of technology. Access to communication through internet and globalization will bring far greater interaction in nations and reduce distances. Young population will demand much better quality of life. We will need to be much more competitive in the global market place .The sharp divide in the Middle East in pro and anti-fundamentalist forces and performance of ISIL will strongly influence the global focus on development and efforts for peace. India will face in the above scenario new challenges: faster growth and access to public goods, well maintained public order with in the country, stronger parliamentary institutions and policies which will help reap demographic dividend. Our emergence as a global democratic power in true sense of the term will be determined by how we fare in facing these challenges of governance. We will in the above scenario need to work on several fronts as part of our preparation to meet these challenges

- First, we would require new institutions to cope with these challenges. The architecture of these should be worked out with our assessment of impending changes

- Second, terrorism is going to be part of our life in the coming years. We need to work on laws, policies, judicial institutions and training of population to meet this challenge

- Third, we need to revisit our growth strategy to make it more inclusive and cater to needs of large number of new entrants to employment market. This needs urgent review as the young are not willing to wait.

Our governance strategy will be a key factor determining our rise as a major global economic power with a well-functioning democracy or a nation stagnating in poverty and chaos.

Notes and References

1. Constitution of India was adopted by the constituent assembly in November 1949. Preamble mentions JUSTICE, social, economic and political; LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all FRATERNITY assuring the dignity of the individual and the unity and integrity of the nation

2. Article 246 of the constitution provides for distribution of legislative powers between the states and the union. Seventh Schedule to the constitution contains List I, II and III which mention specific areas relating to such powers.

3. Demographic Profile, Ministry of RD Source: Sample Registration System (SRS) Statistical Report 2011, Census of India

4. PRS Blog at http://www.prsindia.org/theprsblog/?p=3257

5. John D. Huber- 1996 - Political Science accessed at https://books.google.co.in; http://www.parliament.uk/about/faqs/house-of-commons-faqs/business-faq-page/

6. Report of the Second Administrative Reforms Commission on" *Ethics in* Governance" January 2007 page174-175

7. Integrated Action Plan (IAD) of the Planning Commission accessed at http://apmis.**planning**commission.nic.in/

8. Global Terrorism Index, Institute of Economics and Peace Report for 2015 accessed at economicsandpeace.org/reports/

9. World Bank Data on poverty ratio in India accessed at: http://data.worldbank.org/country/india

10. WHO report "Fuel for Life" (2006)

11. Annual Survey of Education (Rural) 2012

12. World Bank Report 2016 on" Ease of Doing Business "

13. Economic Survey, Ministry of Finance, Government of India 2015-16

Yogendra Narain

Need of a Separate Indian Rural Administrative Service

Mahatma Gandhi believed that India lives in villages and therefore rural development is the core of India's development. In the Budget for 2016-17, rural development has been given the top most priority which is reflected in the massive flow of funds for the schemes in rural areas. The 14th Finance Commission has given a grant of over two lakh crores in a five year period from 2015-16, exclusively for Gram Panchayats. This will move development activity closer to the people and enable them to decide how they want to improve their villages and wards

The Shyama Prasad Mukherji Rurban Mission has also been launched for 300 rural growth clusters for developing skills and local entrepreneurship and providing infrastructure amenities. Government has also set up rural livelihood and technology incubators to boost entrepreneurship in the agriculture and rural sectors. Startup Village Entrepreneurship programme is a new vertical to strengthen the livelihood of artisans and weavers. In its first phase, as given in the President's address, about 1.82 lakh village enterprises will be created and strengthened in 125 Blocks across 24 States creating employment for about 3.78 lakh persons

In the infrastructure areas, the Government has also announced that two lakh Anganwadi buildings are being constructed in 2534 most backward Blocks under MNERGA. Further Government has committed itself to provide electricity in all villages by May 2018. MNREGA has also been revamped to ensure disbursements of wages, increased transparency and creation of productive assets. Mission Antyodaya –an intensive Participatory Planning Exercise has reached 2569 most backward blocks, to identify the kind of assets to be created.

In a similar manner Soil Health Cards will be distributed to all 14 crore farm holdings by March 2017 which is expected to result in judicious application of fertilizers, lowering input costs and bettering soil health. Further to promote organic farming, Paramparagat Krishi Vikas Yojana is being implemented under which 8000 clusters have been developed so far.

The Ministry of Agriculture and Cooperative has been renamed as the Ministry of Agriculture, Cooperative and Farmers welfare, Thus the welfare aspects of people living in rural areas has been emphasized.

New schemes like Pradhan Mantri Fasal Bima Yojana, assistance to farmers affected by natural calamities being increased by 50%, Pradhan Mantri Krishi Sinchai Yojana to promote the policy of "Per drop more crop", an Unified National Agriculture Market through setting up a commercial e market platform to connect 585 regulated wholesale markets, implementation of the new Urea Policy 2015 are some of the initiatives announced by the Modi Government.

The entire objective is to promote a second Green revolution as well as a "Blue revolution" and to improve the lives of the people living in the rural areas by doubling their incomes.

But how will this be brought about without a dedicated and well trained rural civil service to support the elected representatives and coordinate the activities of the various departmental functionaries operating in the rural areas? The present day functionaries in the rural areas range from Tehsildars, Naib Tehsildars, lekhpals, Block Development Officers, Pradhans, Panchayat Secretaries, SHO's incharge of rural police Stations, Sub Divisional Magistrates, Deputy SP's, S.P. Rural areas to Zila Parishad Adhyaksh , Secretary Zila Parishad, agriculture extension officers, Animal Husbandry Department officers, Doctors in Primary Health Centres, Anganwadi workers etc. There is an army of public servants in rural areas working under the dual control of their departmental heads as well as the District Magistrate/ Collector of the District. In India we have 678 Districts with more than six lakh panchayats.

Apart from engaging in works given to them by their respective

departments, they are roped in to perform election duties both in the time of General Elections as we as Panchayat elections.

The District Magistrate is located at the District Headquarters and is more involved in handling law and order situations, interacting with the Government, looking after the VIP's who come visiting the District, conducting enquiries on complaints sent to him by the Government and other miscellaneous work. Rural development does not get the full attention it deserves even though some Districts might have ADM's (Rural areas).

The 73rd amendment to the Constitution strengthened the Panchayati Raj system in India. Article 243 and other Articles in Part IX of the Constitution laid down the Constitution and Composition of the Panchayats similar in principle to the constitution of State legislatures. In this context Article 243G and Article 243 H are worth quoting

243G POWERS, authority and responsibilities of Panchayats:

Subject to the provisions of this Constitution, the Legislature of a State may, by law, endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self –government and such law may contain provisions for the devolution of powers and responsibilities upon Panchayats at the appropriate level, subject to such conditions as may be specified therein, with respect to-

(a) The preparations of plans for economic development and social justice;

(b) The implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule

243H. Powers to impose taxes by, and Funds of, the Panchayats:

The Legislature of a State may by law,-

(a) authorise a Panchayat to levy , collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits;

b) assign to Panchayats such taxes , duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits;

c) provide for making such grants-in-aid to the Panchayats from the Consolidated Fund of the State; and

(c) Provide for constitution of such Funds for crediting all moneys received, respectively, by or on behalf of the Panchayats and also for the withdrawal of such moneys therefrom,

As may be specified in the law

It is obvious from the above provisions that the governing bodies in the rural areas are like mini States performing more or less the functions which the States are entrusted with. Moreover under Article 243B Panchayats have been constituted at all levels i.e. village, intermediate (Blocks) and district. They all have the same powers as given in 243G and Article 243H. As the elections to the Panchayats will be held every five years, and elected representatives may or may not be educated it is the responsibility of the State to entrust the responsibility of advising the elected representatives to a professional permanent service or services as is done at the Central or State levels of Governments.

Going deeper into the issue it is necessary to make a study of the Eleventh Schedule which elaborates on the functions which the State can entrust to the Panchayats. There are 29 items mentioned which range from irrigation, animal husbandry, small scale industries, rural housing, drinking water, rural electrification, primary and secondary education, family welfare, health and sanitation, public distribution system ,social welfare, roads to name a few. Most of the States have not transferred all these functions to the Panchayats as the Panchayats do not have adequate trained staff for the purpose. If this staff is made available to the Panchayats, the States would be more confident of entrusting the Panchayats with the responsibility of implementing schemes in all these sectors

The Twentieth Anniversary Report of the Expert Committee on leveraging Panchayats For Efficient Delivery of Public Goods and

Service in 2013 clearly stated in para 3.61 that democratically elected political representatives whether in Parliament, State Assemblies or Panchayat Raj Institutions are primarily just that-political representatives- and get elected principally for their political skills, not their administrative acumen. The administrative acumen is provided to the two highest levels of the executive in New Delhi and the State capitals by the bureaucracy and technology that receives broad policy direction from the political authority but is generally left to work out the administrative details. However when it comes down to the third tier of self-Government i.e. the panchayats and local bodies, trained line department representatives are insulated from elected panchayat representatives, thus depriving the political authority at that level, of the advice and support that Central or State ministers routinely expect from their civil servants. There is no administrative head of individual or collective functional departments to advice and give support to the village Pradhans and other members of the Panchayats. Without civil service support under their overall political direction, the PRI representatives feel quite lost and engage in dubious methods to get the work done.

A study of the Panchayat Raj Act of UP reveals that under Section 29 of the Panchayat Raj Act of 1947 every Panchayat has to have six Committees namely:

1. Planning and Development Committee
2. Education Committee
3. Public Works Committee
4. Health and Welfare Committee
5. Administration Committee
6. Water Management Committee

Apart from these Committees the Panchayats can have more Committees depending on further delegation of functions by the State Government

In many States Gram Panchayats have just one Secretary to run its office administration. To exacerbate the problem, vacancies of Panchayat secretaries are not filled for many years, leading to

secretaries holding charge of several Panchayats. In some States, the Secretary of the Panchayat is a task that is performed part time by the village patwari , who is a revenue department official. Most government officials who are to handle the responsibilities entrusted to intermediate and district panchayats are not attached or formally deputed to work under the superintendence and control of these Panchayats. On the other hand they answer to their departmental superiors. In such circumstances, however active the Panchayat elected representatives might be , panchayat effectiveness suffers

There is no doubt that the capacities of the Panchayats to perform their duties can be enhanced if competent staff is posted in adequate strength to the Panchayats and made accountable for their performance to them.

What is the present administrative structure to look after the Panchayats? In UP apart from the Ministry of Panchayati Raj there is a Director Panchayati Raj with an additional Director, a Chief Finance Accounts officer, a Panchayat Raj Adhikari at the District Headquarters, a District Panchayat Raj Adhikari (Technical) and a Publication Officer. At the Divisional level, there are 18 Divisional Deputy Directors (Panchayat), one Panchayat Raj Adhikari in each District, and an Assistant Panchayat Raj Adhikari (technical) in each District. To develop industries at the Panchayat level 19 posts of Panchayat Inspectors have been created. Each Block in the State has also one Assistant Development Officer (Panchayat). Each Panchayat has one Gram Panchayat Officer who acts as the Secretary of the Panchayat and one Village Development Officer.

This is a motley crowd of officers, without any specialisation or expertise. They all are aligned to local politicians and have minimum accountability. The audit of the expenditure of the funds by the Panchayats is done by the Chief Audit Officer under the technical supervision of the Comptroller and Auditor General of the Government of India. However it is pertinent to point out that the flow of funds to the rural areas is so large that this machinery consisting of junior officers is not adequate and that is why there is a huge leakage of money for schemes both of the Central Government as well as the State Government,

Sample this. In the Budget estimates for 2016-17 the allocation for the Agriculture and Irrigation sector is Rs. 54212.33 crores. For the Rural Development and Drinking water sector the allocation is Rs. 101775 crores. For the Mahatma Gandhi National Rural Employment Guarantee Scheme the provision is Rs. 38,500 crores. Furthermore out of the 38 important schemes listed by the Finance Minister in his Budget speech at least 24 schemes cover the rural areas also

Keeping all these factors in mind, it is necessary to draw out an appropriate administrative structure for panchayats in particular and rural areas generally. The present structure of the District Magistrate and Collector generally overseeing the working of panchayats and rural development schemes through the respective line departments is not working effectively. The elected members of the panchayats at all levels need a dedicated and permanent civil service on the lines of the IAS and the Central Services to help and guide them in taking appropriate decisions with full accountability. The following recommendations are being made

1. There should be an All India Rural Administrative Service on the lines of the IAS. The selection should be made through the same UPSC exams of the IAS and Allied Services. The appointing Authority should be the President of India which would ensure them independence and give protection against arbitrary removal from service.

2. The appointees to this service will man all the cadre posts reserved for this service like Chief Executive Officers of the District Panchayats (Zila Parishads), posts of Block Development Officers, 50% of the posts of District Magistrates and 50% of the posts of Divisional Commissioners. 33% of the sanctioned strength of the All India Rural Administrative Service will be filled by promotion from Block Development Officers, District Panchayat Raj officers and equivalents of other departmental officers working in rural areas.

3. These officers will also man all the posts of Secretaries of departments related to rural areas in the States like Agriculture Production Commissioner (APC), Departments

of Agriculture, Agriculture Exports, Cane Development, Cooperatives, Revenue and Board of Revenue, Rural Engineering, Rural Development, Dairy Development, Animal Husbandry, Panchayati Raj, Fisheries, Relief and Rehabilitation, minor irrigation, Irrigation and Water Resources. At the Central Government level the cadre posts reserved for them would, Secretary Rural Development, Secretary Agriculture., Secretary Panchayati Raj, Secretary Water Resources, Secretary Animal Husbandry,

4. As Chief Officer of the Zila Parishad, he will have under him six PCS officers each one of which will be looking after the following departments:

a. Planning and Development- looking after planning at the village panchayat level as well as agriculture, Animal Husbandry, anti-poverty programmes

b. Education-looking after primary education higher primary education, informal education, literacy programmes, etc.,

c. Public works-looking after all public funded construction works as well as ensuring quality

d. Health and welfare-including medical, health family welfare and social welfare , women and child welfare, promotion of the welfare of scheduled castes, scheduled tribes and backward classes

e. General administration-including personnel administration and fair price shops

f. Water resource management- including maintenance of State tube wells and drinking water facilities.

The PCS officers will be assisted by one Technical officer each who will be on deputation from his department and will be under the administrative control of the Zila Parishad. As an example the PCS officer in charge planning and development in the Panchayats will have the District Panchayat officer to assist him. The PCS officer looking after Education will have an officer from the Education Department to assist him and so on.

These six departments are being proposed in line with the six mandatory committees in the Panchayats. If there is further devolution of powers to the Panchayats by the State Government those functions would be added on to any one or more departments. All the special schemes of the State and Central Government for the rural areas will be implemented through the District/Zila Panchayats.

There will be a Chief Financial Officer at the Zila Parishad level who will ensure proper devolution of Funds right up to the village development level. He will ensure proper maintenance of accounts both at the Block and the village level Panchayats. He will be assisted by a Deputy Financial Officer (Accounts) as well as a Deputy Finance Officer (Audit). They will have the authority to inspect the accounts of all the Panchayats at the three different levels.

Block Level Panchayats (Kshettriya Parishad)

At the Block Level, the Block Development would be designated as the Block Rural Development Officer. His Character Roll (Assessment) will be given by the CEO of the Zila Panchayat. He will be assisted by Assistant Rural Development Officers (ADO.s) who will be assisted and aided by the junior technical officers of the technical line departments. All the rural development schemes of the Central and State Governments will be supervised and executed by the Block level Rural Developments Officers

Village Panchayats

There will be a Panchayat Secretary in each Panchayat. His character roll will be written by the Block Rural Development Officer as well as the Pradhan i.e. the head of the Panchayat. The Panchayat Secretary will be the Chief Administrative Officer as well as the Chief Financial Officer of the Panchayat. All expenditures will have to be sanctioned by him and he will be responsible for proper maintenance of Accounts.

Conclusion

The need for a separate Rural Development Service in India has

arisen because of the massive flow of Funds for the rural areas and the need to give greater attention to development schemes which are being formulated for rural development. The entire economy of the country is to a large dependent on the economic growth in the rural areas. More money and better standards of living in the rural areas creates demands for goods and services which in turn promotes industrial growth and more jobs. We therefore need a specialized and professional service for rural areas. No longer should we treat this sector as an adjunct to general administration.

Vivek K. Agnihotri

Institutionalising Best Practices in Public Governance

The Argument

Good governance is not a luxury. As the experience, the world over shows, it is *sine qua non* for sustainable development. It is also the key to success of any economic reforms programme. In a rapidly changing world, the State is under pressure to become more effective, but it is not yet adapting swiftly enough to keep pace. The reasons for demands for better governance are many and varied. In some cases these are resource or budget pressures requiring reduction in costs or 'doing more with less'. In most countries the public is becoming more demanding and wants greater say in the business of governance. It has also been realized that effective government enhances overall economic performance. New technologies and changes in management theory have also opened up possibilities for better governance as never before. Governments around the world are, therefore, becoming increasingly sophisticated, translating many best practices from the business world to the public sector and designing citizen-centric offerings and experiences for their constituents. It is further to be noted that international institutions concerned with governance have propounded six guiding principles for good public sector governance, namely: rule of law, transparency / openness, accountability, public sector ethics and probity, stewardship, and leadership (APEC Economic Committee, P. 3).

The quest for a more effective State, even in the established industrial countries, suggests that the returns to incremental improvement are high. Over time, even the smaller increases in the capability of the State have shown to make a vast difference to the quality of people's lives, not least because reforms tend to produce their own virtuous cycle. The crucial challenge facing governments is

to take those steps, both small and large, towards better government. Understandably, good governance is not a one-off or one-time exercise, but a continuous process of refinement, re-assessment of strategies and practices as well as incremental institutional development.

One of the steps to achieving good governance is to document, analyse, and disseminate best practices in governance in such a manner that they are easily and quickly replicated in a given context. The islands of success need to grow into continents. Of great relevance to good governance in the current context are success stories in the fields of electronic delivery of public services, citizens/service charters, efficiency programmes, executive/operating agencies, market testing, privatisation, public-private partnership, right-sizing the government, taking administration closer to the people *et al.* Such a step would greatly facilitate improving the efficiency and effectiveness of government.

Backdrop

There is a large store house of success stories in governance in India and abroad. However, there is no system or institutional arrangement in India for their documentation in a manner which would facilitate their replication. These best practices are highlighted through newspaper reports, publications of concerned organisations; occasional documentation by certain designated institutions like the Planning Commission, Department of Administrative Reforms and Public Grievances (DARPG); publications of professional institutions such as the Indian Institute of Public Administration (IIPA), New Delhi; Lal Bahadur Shastri National Academy of Administration (LBSNAA), Mussoorie; submissions for international awards etc.

Some primary documentation of best practices of government in India has been done as follows:

1. A series of publications brought out by DARPG (2004-2015), comprising award winning initiatives and innovations under the Prime Minister's Award for Excellence in Public Administration, and the National Awards on E-governance, among others.

2. A quarterly Journal (*Minimum Government – Maximum Governance*) brought out by DARPG.

3. Successful Governance Initiatives and Best Practices (Experiences from India States) by the Planning Commission (2002).

Some of the international initiatives in this field are:

1. Innovation in Public Administration Award of Commonwealth Association of Public Administration and Management (CPAM) (from 1998 to 2014, biennially).

2. *The Public Service Country Profile Series* of the Commonwealth Secretariat.

3. The UN Public Service Awards instituted in the context of the Public Service Day observed on 23 June, to celebrate innovation, creativity and initiative of civil servants.

However, as stated earlier, the documentation has not been undertaken in a manner which would facilitate replication of best practices. There is also a semantic issue about the phrase 'best practices'. Can we really call a practice 'best' practice without having actually benchmarked it against all other similar practices at the national and international level? It would perhaps be better to call such initiatives and innovations 'good', 'exemplary' or 'successful' practices (UN, 2006; p. x). But we should, perhaps, stick to the expression 'best practice' because it has gained currency in common parlance.

Indian Best Practices

Perhaps one of the better and systematic documentation of best practices in government has been attempted in recent times through a series of publications brought out by the DARPG, such as *Tomorrow is Here* (2015), *Lighted Windows* (2014), *Thinking Out of the Box* (2013), *Some Gems Some Pearls* (2012), *People First* (2011), *In Search of Light* (2010), *Bringing Your Own Bites* (2009), *Roofless Towers* (2008), *Splendour in the Grass* (2008), *Learn From Them* (2007), and *Ideas that have Worked* (2004).

There are many more best practices that could have been documented, particularly the award winning entries from India for the CAPAM Innovation in Public Administration Awards, which need to be highlighted here:

CAPAM Award Winners: India

2014

Overall Gold Medal Award Winner

Innovations in Government Services and Programmes Category Winner

Management of Kumbh Mela-2013: State Government of Uttar Pradesh (India)

Innovations in Public Service Management Category Winner

Sakala: Sakala Mission (India)

2012

Overall Gold Medal Award Winner

Innovative Use of Technology in the Public Service Category Winner

Sugarcane Information System: Uttar Pradesh Government, Sugarcane Development Department (India)

2010

Overall Gold Medal Award Winner

Innovations in Government Services and Programmes Category Winner

Mission Convergence: Government of NCT of Delhi (India)

Innovations in Citizen Engagement and Dialogue Category Winner

Water Sanitation: Water Sanitation Management Organisation (India)

2006

Silver Medal Winner

Stree Shakti Programme: Government of NCT of Delhi (India)

2004

Gold Medal Winner

Gujarat Emergency Earthquake Reconstruction Project, Government of Gujarat, (India)

Silver Medal Winner

eSeva in Andhra Pradesh: eSeva (India)

2002

Gold Medal Winner

Trichy Community Policing - A Novel Experience: Trichy Community Policing (India)

Silver Medal Winner

"BHOOMI" - Online Delivery of Land Record in Karnataka: State of Karnataka (India)

2000

Gold Medal Winner

Malappuram CBNP - A Novel Experiment, A Unique Experience: Kerala Government (India)

1998

Gold Medal Winner

Education Guarantee Scheme: Government of Madhya Pradesh and community groups (India)

A quick perusal of all these best practices, particularly those detailed in the publications of the DARPG mentioned above, demonstrates that a large number of initiatives relate to use of Information and Communication Technologies (ICT) in order to ensure speedy, hassle free and transparent delivery of public services. The focus of the innovations in most of the cases is on improving the quality of life of the residents of the rural areas and urban slums, with special reference to the disadvantages sections of the society. The concerns again are health, education, agricultural practices, and provisioning of drinking water as well as social issues such as

improving the sex ratio, reducing maternal mortality and childhood disability, among others.

We, thus, have enormous amount of data on good practices, but most of them have remained isolated as islands of success with a short life span. Replication has not been the concern, by and large. The Government of India has, in the meanwhile in 2014, set up a National Centre for Good Governance (NCGG) by upgrading National Institute of Administrative Research (NIAR), Mussoorie. It has a Governing Body with Cabinet Secretary as the Chairman. NCGG has a 12 member Management Committee with Secretary, Department of Personnel and Training (DoPT), as the chairperson.

DARPG has set up a Governance Knowledge Centre (GKC). It is envisaged to serve as a digital single point of reference on good governance practices that would aid in building capacity at the district, state and centre. Users can find detailed information about various policies, programmes, good governance practices, documents, books etc. A document library is also provided for working papers, tool kits and policy briefings.

The erstwhile Government of Andhra Pradesh (GoAP) had established in October, 2001 the Centre for Good Governance (CGG) in collaboration with the Department for International Development (DFID) and the World Bank to help it achieve the State's goal of Transforming Governance. CGG undertakes action research, provides professional advice, and conducts change management programmes for government departments and agencies to enable successful implementation of their reform agenda. CGG works closely with policy-makers like Ministers, senior officials, management experts, institutions and other stakeholders, especially citizens, towards building people centric governance practices.

There is thus a modicum of institutional framework available in order to develop a network of infrastructure for dissemination and replication of good governance best practices.

International Experience in Best Practices

Like India, many democracies in the world have a system of

recognizing and awarding best practices. Again the focus is on improving the quality of life of the citizens and making their interaction with the government easy, transparent and free of human interface as far as possible. For example, the CAPAM Awards to other commonwealth countries have been conferred in the fields of citizen engagement, use of technology in the public service, public service management, community service and rural development, among others. Most of these biennial awards during 1998-2014 have been won by Australia (5), Canada (5), Malaysia (5) and Singapore (3).

As mentioned above, the Commonwealth Secretariat has brought out a series of publications under the title The Public Service Country Profile to provide a unique insight into recent developments and best public service management practices in a broad range of commonwealth countries.

The Administrative Conference of the United States helps establish and identify model best practices for federal agencies. The idea is to utilize all the resources and expertise of the Conference to help agencies become model twenty-first century agencies driven by innovation and the adoption of best practices. The conference is uniquely situated to gather and promote government-wide best administrative and operational practices. At the local level, Municipal Research and Services Center (MRSC), a non-profit organization, is dedicated to proactively supporting the success of local governments in Washington State by providing collaborative consultation and immediate access to a vast research and knowledge base. It implements a local government best practices database and awards programme.

With such a rich harvest of best practices to garner from, there is indeed no dearth of relevant material to improve public service delivery. What is needed is a solemn effort to replicate them in a systematic manner.

Strategy

A strategic intervention for promoting good governance requires identification and documentation of good practices through a wide-spread networking arrangement with professional institutions in

public as well as private sector. Memoranda of Understanding would need to be drawn up for this purpose with willing institutions of repute for this purpose. Arrangements would also need to be made for professional documentation of the best practices with in-house expertise or through business process outsourcing or through an optimal mix of the two options. In some cases, nurturing of best practices would also need to be undertaken in order to ensure that promising initiatives are provided with an environment conducive to their sustainability. Effective arrangements for communication along with support for replication of validated and sustainable best practices would also need to be made. A continuous process of research and evaluation of best practices as well as development of implementation packages would also need to be put in place.

In order to ensure that all this happens, an effective institutional structure would have to be created.

Aims & Objectives

An Institute of Best Practices in Public Governance (IBPPG) is accordingly proposed to be set up to achieve the following aims and objectives, among others:

1. To create awareness about the importance of nurturing and supporting good practices in governance.

2. To showcase best practices in good governance (at all levels of government – central, state and local), including analysis of their key success factors.

3. To assist in the replication of best practices.

4. To undertake research and evaluation studies in various aspects of good governance.

The Institute, however, will be implementation-oriented rather than research-oriented. It will identify and document what works, why and how. It will also analyse and document failure stories or experiments that did not work.

Mandate

The basic set of activities to be undertaken by the IBPPG relating

to best practices would *inter alia* consist of:

1. Identification
2. Analysis and Validation
3. Incubation
4. Documentation
5. Benchmarking
6. Dissemination
7. Developing Measures
8. Research & Evaluation
9. Recognition & Reward.

The related activities would include reinforcing excellence in public policy formulation, policy implementation and impact design, and promoting overall improvement in the quality of governance.

Institutional Structure

A core coordinating arrangement for the tasks outlined above would need to be put in place in the form of a lean group of professionals drawn from relevant disciplines including public management experts and practitioners, management professionals, economists and statisticians, technology experts / scientists, social scientists etc. A modicum of supporting staff would also need to be provided. LBSNAA / NCGG or IIPA or DARPG may make available suitable premises for locating the Institute. It could also have a virtual existence as an alter ego.

A large part of the work of the Institute would get done through networking, consultancy and outsourcing arrangements. For this purpose, appropriate institutions would need to be identified and MOUs drawn up with them.

The Institute shall draw up its Vision and Mission statements and a set of Values and Beliefs, in consultation with its core personnel and also, if necessary, with professional assistance.

Service Provision

The Institute shall document best practices with the primary

objective of assisting public agencies in replicating them. It would thus provide consultancy to concerned agencies by way of preparation and implementation of business / action plans for the purpose. A core team of professionals from the Institute along with appropriate networking arrangements with other institutions / empanelled consultants, wherever necessary, would oversee these operations.

The Institute shall make suitable arrangements for capacity building among the personnel of targeted public agencies, to the extent required. Appropriate training software (in printed as well as electronic media) will be developed and disseminated for this purpose. The Institute will also organise conferences, workshops, and seminars / webinars with the objective of creating awareness about best practices as well as for knowledge acquisition, warehousing and management.

The Institute will also develop measures for evaluation and certification of best practices and benchmarking, based on international best practices but adapted to Indian conditions. The Institute will maintain a state-of-the-art Resource Centre, charged with the responsibilities of documentation, dissemination of information, training and publication. The Institute will create a website for provision of information as well as online delivery of certain identified services including distance learning packages.

Resource Mobilisation

The Institute will require resources for start-up as well as operations and maintenance. The start-up resources would need to be provided by the Government of India (GOI) and may include assistance from international multi-lateral or bilateral donor agencies. The operations and maintenance funding may be provided by the Government of India on a tapering basis. The start-up period may be up to 3 years and operations and maintenance assistance may be needed for an additional 5 to 7 years. The Institute shall earn its up-keep, in due course, through provision of consultancy and training. It may also be able to raise resources through organising events sponsored by Central and State Governments as well as other organisations. Additional resources could be raised through

institutional and individual membership fees prescribed by the Institute for the use of its facilities including the Resource Centre.

Start-up Activities

1. Important among the start-up activities of the IBPPG will be:
2. Provision of accommodation.
3. Putting together the core personnel: partly drawn from the faculty & staff available with the host institution and partly through fresh recruitment.
4. Provision of equipment, furniture and other infrastructure, including setting up of a Resource Centre.
5. Capacity building among the personnel of the Institute.
6. Networking arrangements.
7. Awareness seminars & conferences.
8. Pilot projects in documentation, dissemination and replication of good practices.

The resources required for these activities may be shared by the Government of India and / or international donor agencies. GOI / external funding, in part or full, shall be needed, particularly, for activities listed at Sl. No.2 to 4, 6 and 7.

Operations and Maintenance

1. During the operational phase, the Institute would focus attention on:-
2. Organising awareness seminars/ webinars, workshops and conferences from time to time.
3. Identification, validation and documentation of best practices.
4. Incubation and dissemination of best practices.
5. Experimental projects in replication of best practices.
6. Developing instruments to measure the sustainability of best practices.
7. Undertaking research in and evaluation of best practices.

8. Instituting a scheme for recognition, reward and publicity of best practices.
9. Providing (institution-based, organisation-based and online) training to government personnel (trainers as well as practitioners) in incubation, sustenance, documentation and replication of best practices.
10. Maintenance and continuous updating of the Resource Centre.
11. Networking with national and international institutions.
12. Bringing out publications, training Kits and other resources material: in print and electronic media.

The specific budget for these activities may be provided by the Government of India on a tapering basis, till such time as the Institute is able to match its activities or a majority of its activities with the resources generated by it.

Implementation Arrangements

The host institution (LBSNAA / IIPA / DARPG) shall have the nodal responsibility for implementing the Project. Depending upon the requirements, other organisations may be associated during the implementation phase. A Project Implementation Unit shall be set up at the host institution to coordinate the monitoring and supervision of the Project. During the Start-up Phase, the progress of implementation shall be monitored / reviewed on a quarterly basis in association with the stakeholders comprising Government of India, international donor agency, if any, and the host agency.

Transfer of Best Practices: Key Questions

Before an attempt is made to replicate or transfer a best practice from the host to the recipient organisation, the following questions need to be asked and answered and their implications well understood (United Nations, pp. 138-139).

These questions are indicative and illustrative. The list may need to be modified suitably to meet the requirement of the situation.

Field	Question
Technical	1. Is the specific element of the best practice to be transferred clearly defined? 2. Is the quality and quantity of human resources sufficient to successfully implement the transfer?
Social /Political	1. Does the transfer have the broad-based support of the community? 2. Does the transfer have the support of key community leaders and local government official? 3. Does the transfer have the support of the central government? 4. Does the transfer require and changes in legislation, policy or institutional framework in order to take place? 5. If political change in any level of government is foreseen, will this change affect the long-term success of the transfer? 6. Have women's issues and gender considerations been incorporated into the transfer?
Economic	1. Have resources been secured for the transfer? 2. Have resources been secured for follow-up and long-term sustainability of the transfer? 3. Are the funding and accounting mechanisms transparent?
Environmental	1. Are there any special social, economic and environmental considerations that could make the transfer difficult? 2. Are potential environmental impacts resulting from the transfer addressed?
	If technology or management systems are involved in the transfer, are these appropriate to local conditions?

Transfer of Best Practices: Challenges and Threats

International experience reveals that the key indicators for effective transfer of best practices are participation, transparency, accountability, inclusion, financial feasibility and sustainability. In addition, the key elements of an effective transfer process are:

(i) information dissemination and exchange;

(ii) roles and responsibilities of actors / stakeholders;

(iii) matching of solution with the problem;

(iv) education and adaptation;

(v) implementation plan;

(vi) transfer; and

(vii) follow-up.

There is also evidence to show that some of the challenges or threats to successful transfer of best practices are:

(i) political changes and low expertise levels of government officials in the given subject;

(ii) under-estimation of project costs and failure to address long-term funding for financial sustainability;

(iii) lack of leadership roles and responsibilities; and

(iv) lack of transparency in project design (objectives) and implementation (United Nations, pp 143-150).

Conclusion

It is not easy to innovate in government. At the same time there is great capacity around the world to reinvent government and to launch innovative practices in governance. Disseminating information and knowledge about innovations in government to institutions looking for effective solutions to governance is always a great challenge. But the innovations once introduced have the potential to trigger a process of transformation on a large scale.

Providing a menu of innovations to government institutions with the necessary tools for replication could be of great service to the community. For this purpose it is necessary to provide access to the process, capacities and environment required for successful transfer, adaptation and implementation of innovations in governance and public administration.

Innovations need to be institutionalized to ensure that they do not fade away with changes in leadership. Capacity of an organisation to adapt, implement and institutionalize innovations that have been successful in other organisations is a critical aspect of the process. However, if the recipient organisation has insufficient capabilities, there is a risk that the innovation will not survive. Moreover, Different circumstances require different solutions and in the case of innovations there is no 'one-size-fits-all' solution.

Learning from others' experiences in reinventing government can save time, inspire new reforms and, in some case, help organisations to leapfrog stages of development. Focusing on best practices rather than failures is a way to provide positive incentives for reform efforts and encourage a constructive outlook on development (United Nations, pp. iii and ix).

Best practices can be transferred not only horizontally and vertically, but also laterally. Thus governments can learn from the experiences of private sector, NGOs and even from communities in their attempts to improve their performance. For example, it has been suggested that three best practices of the private sector that can easily be adapted in government are: know your people, look at the work and not the job, and plan for the next. More explicitly it means that it is important to have a good understanding of the skills, knowledge and abilities of the employees and the way they can benefit the organisation. Similarly, it is important to find the person or the people with the right skills who can successfully perform the work on hand. Finally, planning one step ahead of the changes in the offing is the key to success of any organisation. From succession planning to strategic planning to implementing training programmes so that right people with the right skills are ready to perform the work when the need arises, are also equally significant in government institutions.

Bibliography and References

1. Agnihotri, V. K. (2006) 'Concept Paper for a National Institute of Best Practices in Public Governance'. New Delhi: Department of Administrative Reforms and Public Grievances.

2. Agnihotri, V. K. And Dhar, R. K. (2004) 'Governance Reforms in India: Responsible Civil Servants' View from the Inside', *In* Munshi, Surendra and Biju Paul Abraham: *Good Governance, Democratic Societies and Globalisation*. New Delhi: SAGE.

3. Agnihotri, V. K. (2001) 'Policy Letter for a Project on Capacity Building for Good Governance'. New Delhi: Department of Administrative Reforms and Public Grievances.

4. APEC Economic Committee (2011) *Good Practices Guide on Public Sector Governance*. Singapore: APEC Secretariat.

5. Chand, Vikram K. (Ed.) (2010) *Public Service Delivery in India:*

Understanding the Reform Process. New Delhi: Oxford.

6. CIPFA and IFAC (2013) *Good Governance in Public Sector: Consultation Draft for an International Framework.* London: CIPFA.

7. Commonwealth Secretariat ((1995) *Current Good Practices and New Developments in Public Service Management: A Profile of the Public Service of Malaysia.* London: Commonwealth Secretariat.

8. DARPG (Department of Administrative Reforms and Public Grievances) (2015) *Tomorrow is Here.* New Delhi: Bloomsbury.

9. DARPG (2014) *Lighted Windows.* New Delhi: Bloomsbury.

10. DARPG (2013) *Thinking Out of the Box.* New Delhi: Bloomsbury.

11. DARPG (2012) *Some Gems Some Pearls.* New Delhi: Bloomsbury.

12. DARPG (2008) *Splendour in the Grass.* New Delhi: Penguin Enterprise.

13. DARPG (2004) *Ideas that have Worked.* New Delhi: Penguin Viking.

14. Kaul, Mohan (1998) *Improved Public Service Delivery.* London: Commonwealth Secretariat.

15. Kothari, Sanjay, Rajesh Bansal and Kiran Lekha Walia (2006) *Good Governance Initiatives & Reforms.* New Delhi: DARPG.

16. Organisation for Economic Co-operation and Development (1996) *Responsive Government: Service Quality Initiatives.* Paris: OECD.

17. Schiavo-Campo, S. and P.S.A. Sundaram (2001) *To Serve and Preserve: Improving Public Administration in a Competitive World.* Manila: Asian Development Bank.

18. United Nations ((2006) *Innovations in Governance and Public Administration: Replicating What Works.* New York: Department of Economic and Social Affairs.

19. Wouters, Jan and Cedric Ryngaert (2004) *Good Governance: Lessons from International Organisations.* Leuven: Institute for International Law.

Websites

http://www.acus.gov/best-practices/about/

http://www.capam.org/awards/iia/previous_winners.html

http://www.cgg.gov.in/aboutus.html

https://www.cornerstoneondemand.com/rework/learning-private-sector-three-best-practices-public-sector-agencies

https://india.gov.in/website-governance-knowledge-centre

http://mrsc.org/Home/About-MRSC.aspx

http://pib.nic.in/newsite/PrintRelease.aspx?relid=104197

Vinay Shankar

Governmental Process Reengineering

Making India a Hub of Manufacturing

Introduction

The growth of business depends on sound infrastructure, availability of capital, facilities for conducting business and availability of mechanical and knowledge skills. More important than these factors is the business environment and it is well known that India is a difficult place to do business. A cumbersome and resource and time consuming regulatory burden is borne by businesses in India.

It has been long recognised that "Ease of Doing Business" must be considerably improved, if entrepreneurial potential of our country is to be realised, the needed capital to new and existing enterprises attracted, additional employment generated to absorb the new entrants to the job market and the underemployed are to be optimally employed.

It is a truism that Societies need regulation, and businesses, as part of society, also need to be regulated. Without the regulations that govern setting up, operation, financing, contracts, settlement of disputes and many other activities, modern businesses cannot exist. Protection of environment and legitimate interests of labour, consumer and other stakeholders is necessary. Well-designed and implemented regulations can ensure outcomes that are in the interests of the society and all stakeholders.

Accordingly, there are three sets of justifications for regulatory interventions -- prevention of market failure, restriction or removal of anti-competitive practices, and promotion of public interest. A very large number of regulations in India have been introduced for promotion of public interest.

Though regulations are necessary and can benefit all concerned,

excessive regulations can make it practically impossible for the entrepreneurs to run their businesses. At the same time they overburden the regulator with avoidable work thus reducing efficiency and effectiveness.

The test of any regulation whether it is good or bad is that it is good if it promotes businesses and serves the interest of social justice and development. On the other hand bad regulation results in inefficiency, corruption, rent seeking, nepotism and in putting hurdles in the path of growth of economy and employment, development of industry, commerce and business.

Regulations which influence Business Environment fall in two categories:

- Those which are in the jurisdiction of the State Government and local governments (municipalities)
- Those which are in the jurisdictions of the Union Government.

Since businesses are established in States/UTs using land, water, air and other resources of States, the State regulations have much greater weight in the basket of regulations. Even though the regulations of the Government of India may be fewer, their impact on business environment can be high. Therefore, when we examine the issue of "Doing Business", we must consider the regulations in their entirety.

Stages of a business

A business enterprise passes through two distinct stages

i. Establishing the business enterprise

ii. Operating the business enterprise

While bad regulations relating to the stage of setting up a business requiring clearances/permissions/NOCs, constitute a major hurdle and discourages investment, bad regulations relating to the operating phase of a business can be equally, or even more, discouraging. If the burden of compliance of a regulation during the phase of operation is too heavy, it is likely to result in large scale non-compliance

(flouting the law) and rent seeking by the officials of the regulating organisation. It may also result in widespread malpractices affecting environmental conservation, safety, fire prevention measures, payment of taxes, labour welfare etc. An entrepreneur who does not wish to resort to the illegal and unethical practices will feel highly discouraged to launch a new business enterprise.

No wonder then that developed countries have helpful environment of "Doing Business" and Developing countries have poor environment. The developing economies have been struggling with improvement of the business environment, but the progress on the path of improving it has been slow.

The poor business environment is characterised by plethora of laws, rules and regulations. According to the World Bank's Enterprise Survey, businesses in India rank corruption as the number one constraint to growth, ahead of factors like electricity, access to finance and access to land. Corruption arises due to lack of a transparent and effective regulatory framework; this is highlighted in a wide range of global analytics. Of course other factors such as poor infrastructure, availability of finance, skilled labour etc. are other factors.

World Bank Initiative

The World Bank has been producing Doing Business Reports since 2003. It is an annual report on the state of health of economies based on detailed diagnostics of underlying and embedded characteristics—such as the regulatory system, the efficacy of the bureaucracy and the nature of business-governance. The report identifies ten topics and 36 indicators that are measured. The report assigns values to distance to the frontier value in each of the ten topics. Of all the countries covered in the study the best value measured constitutes the Frontier. It also ranks each country in the order of Ease of Doing Business. India ranks low and since India places great importance to attracting foreign and domestic capital for investment it is keen that it significantly improves its ranking in the "Ease of Doing Business."

While many of the components of business environment are dealt with by the State government, there are crucial components that are

under the jurisdiction of the Government of India. The table below indicates which topic/component/area of business environment lies within the area of responsibility of Government of India and which ones are under the State governments. These components of business environment, which are under the jurisdiction of the Government of India, are applicable throughout the country and have significant impact on the ease of doing business. As such it can be said that any improvement achieved by the Government of India in those topics will set an example for the states to take similar action in improving the topics (areas) under their jurisdiction.

S. No.	Areas of business Regulation - Topic/Indicator Subset	Indicators that are measured (In all 36)	Responsibility	
			GoI	State Govt
	Starting a business	Procedures, time, cost and minimum capital to open a new business	√	
	Dealing with construction permits	Procedures, time and cost to build, say a warehouse		√
	Getting electricity	procedures, time and cost required for a business to obtain electricity connection		√
	Registering property	Procedures, time and cost to register commercial real estate		√
	Getting credit	Strength of legal rights index, depth of credit information index	√	
	Protecting investors	Indices on the extent of disclosure, extent of director liability and ease of shareholder suits	√	
	Paying taxes	Number of taxes paid, hours per year spent preparing tax returns and total tax payable as share of gross profit	√	√
	Trading across borders	Number of documents, cost and time necessary to export and import	√	

S. No.	Areas of business Regulation - Topic/Indicator Subset	Indicators that are measured (In all 36)	Responsibility	
			GoI	State Govt
	Enforcing contracts	Procedures, time and cost to enforce a debt contract	√	
	Resolving insolvency	The time, cost and recovery rate (%) under bankruptcy proceeding	√	

Recent actions taken by the Government of India

Besides the World Bank Report on Doing Business, a number of other studies have been done recently on the business environment in India and the regulatory provisions which affect it. These include World Economic Forum's Global Competitiveness report, Bain-FICCI's Empowering India report, CII-KPMG's Ease of Doing Business in India and Planning Commission-Deloitte's Survey on Business Regulatory Environment for Manufacturing – State Level Assessment, 98-point action plan for business reforms in all States and Union Territories and State Assessment of its Implementation done by the World Bank. Of these reports, some features of the reports that may have come under the consideration of the present government will be briefly discussed.

These reports are

a. Study Commissioned by Planning Commission and conducted by Deloitte titled "Survey on Business Regulatory Environment for Manufacturing – State Level Assessment"

b. Study Commissioned by the DIPP and conducted by an Expert Committee under the Chairmanship of Shri Ajay Shankar, former Secretary DIPP.

c. A 98-point action plan for business reforms in all States and Union Territories agreed to by all States and Union Territories at the "Make in India" workshop, held in December 204 and Assessment Report of its implementation prepared by the World Bank dated September 2015.

d. Report of Assessment of Implementation of 98-Point Action Plan.

e. A 340 Point Action Plan in continuation of the 98Point Action Plan.

Study Commissioned by Planning Commission

The Planning Commission had commissioned Deloitte to conduct a study titled "Survey on Business Regulatory Environment for Manufacturing – State Level Assessment". The study was completed in March 2014. It carried out a comparative analysis of the business regulatory environment impacting manufacturing competitiveness of individual states, spanning various policies adopted for industrial development and more importantly actual implementation of these policies, classifying states in different stages of maturity; identifying innovative / best practices adopted by various states to improve their business regulatory environment which have the potential for replication in other states; identifying high level strategies and interventions which may be considered by respective states for improving their business regulatory environment. The study covered all 28 states and was carried out over a 5 month period starting from September 2013. The study did not deal with the regulations under the jurisdiction of the Government of India.

Study Commissioned by the DIPP

In April 2015 an Expert Committee was set up under the Chairmanship of Shri Ajay Shankar, former Secretary, DIPP, on Prior Permissions and Regulatory Mechanisms. It submitted its report in February 2016. The Committee examined the possibility of replacing multiple prior permissions with a pre-existing regulatory mechanism.

The Committee studied those permissions and clearances that cause delay for setting up and running an enterprise and suggested measures for speeding up the processes and in some cases doing away with the compliance-requirement. Some of the recommendations of the Committee include the following:

a. Establish a standing independent institutional mechanism for Regulatory Impact Assessment of the existing and proposed regulatory requirements across the entire range of economic activities under the State Governments and the Union Government.

b. The Committee grappled with preparation of an inventory of all clearances required. The information could not be compiled and the process is ongoing.

c. Determining Indian standards for various products, particularly products classified as "food", takes time. Therefore, it has been recommended that the standards prevalent in mature markets and CODEX (foods, food production, and food safety) standards may be automatically adopted. For medical devices a system of regulatory approval of conformity to standards may be established. For food and cosmetics, permissible limits of ingredients as prescribed in the US or Europe should be made mandatory.

d. Third party certification and random concurrent audit may be introduced.

e. In Industrial Parks / Zones standards relating to environment, building bye-laws, safety and other norms should be laid down.

f. Environmental clearance should be based on global practice and real-time censor based monitoring should be done.

g. Perspective planning should be done for the location of industrial parks and zones.

h. GIS and digital based maps should be used in these activities for forest clearances and land banks should be setup for compensatory afforestation.

i. For start-ups areas should be earmarked and no licences from the municipality and the Pollution Control Board should be necessary. Third party certification for fire safety and self-certification for compliance with labour laws should be introduced so that inspection by labour welfare officers would not be necessary.

The status of follow up action on the above recommendations is not known.

98-point action plan for all States and UTs

In December, 2014, at the "Make in India" workshop, State governments agreed to a 98-point action plan for business reforms in all States and Union Territories. The objective of the action plan was to lay out the first of a series of recommendations targeted at increasing transparency and improving the efficiency and effectiveness of various government regulatory functions and services for business in India. Simplifying regulatory burdens on business at the State level is an important component of the ambitious Ease of Doing Business in India initiative. The 98-point action plan was the first in a series of phased plans – the 98 points do not represent a comprehensive list of all reforms required at the State level, and will be followed by successive rounds of further recommendations to further ease the regulatory burden on businesses.

State Assessment Report of Implementation of 98-Point Action Plan

An assessment of the reforms implemented by States in the period from January 1 to June 30, 2015 was carried out. Data was collected through a structured questionnaire consisting of 285 questions and the responses were validated through a series of in-depth workshops with State Government representatives, and the collection of supporting evidence on each of the parameters of the questionnaire. The evidence collected consisted of rules, notifications, circulars, website screenshots and a variety of other documents. Following the completion of the data collection and State visits, the data was evaluated in detail jointly to ensure that the same yardstick was applied to measure progress for all States.

The assessment is of reforms in the following 8 areas as below

i.   Setting up a business

ii. Allotment of land and obtaining construction permit

iii. Complying with environment procedures

iv. Complying with labour regulations

v. Obtaining infrastructure related utilities

vi. Registering and complying with tax procedures

vii. Carrying out inspections

viii. Enforcing contracts

On the basis of this assessment the States have been placed into four groups:

1. Leaders: States with an overall implementation status of 75% and above. This assessment revealed that no States had attained this status.

2. Aspiring Leaders: States with an overall implementation status between 50% and 75%. 7 States were found to be within this group: Andhra Pradesh, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Odisha and Rajasthan.

3. Acceleration Required: States with an overall implementation status between 25% and 50%. 9 States were found to be within this group: Delhi, Haryana, Karnataka, Maharashtra, Punjab, Tamil Nadu, Telangana, Uttar Pradesh and West Bengal.

4. Jump Start Needed: States with an overall implementation status between 0% and 25%. 16 States were found to be within this group: Andaman and Nicobar, Arunachal Pradesh, Assam, Bihar, Chandigarh, Goa, Himachal Pradesh, Jammu and Kashmir, Kerala, Meghalaya, Mizoram, Nagaland, Puducherry, Sikkim, Tripura and Uttarakhand.

Under each of the 8 areas of reform, there are subareas.

Generally, States have made good progress in the following subareas.

i. Tax

ii. Registration for VAT, CST, Shops and Establishment, Factory Licence etc.

iii. Registration

iv.   Construction Permits

v.   Land Allotment

vi.   Labour

vii. Infrastructure

viii. Environment

ix.   Building plan approval

The sub-areas in which most states require further reforms, as well as the specific parameters or questions of the assessment in which reforms are missing include, among others, the following:

i.   Electronic Courts

ii.   Tree felling Inspection

iii. Payment of Gratuity Inspection

iv.   Min Wages Inspection

v.   Shops & Establishments Inspection

vi.   Payment of Wages Inspection

vii. Building plan Inspection

viii. Availability of Land

ix.   Payment of Bonus Inspection

Sub areas in which reforms remain to be initiated

i.   Comprehensive checklist of all registration requirements

ii.   Customizable checklist of registrations based on business,

iii. Sub-registrar land records and municipality data

iv.   Integrated Surprise inspections

v.   Only e-Filing of commercial disputes

vi.   GIS system includes infrastructure details.

vii. Mutation integrated with registration

viii. Downloadable and verifiable certificates

ix.   E-Summons for commercial disputes

x.   Online payments at courts

Business Reform Action Plan 2016 and Implementation Guide

Of the above reports dealing with the improvement of Business Environment, the Action Plan of 98 points agreed to by the States and the Union Territories is being pursued and implemented. The progress achieved by the States and the UTs between January to June 2015 has been evaluated as mentioned above. After this assessment Report a further Business Reform Action Plan 2016, was prepared and issued by the Department of Industrial Promotion and Policy in September 2016. It consists of action to be taken on 340 points additionally covering some of the points not covered in the earlier action plan.

The States while implementing the Action Plan had certain doubts and suggestions to make. The DIPP reacted to the doubts and suggestions made by the State Governments and FICCI. In order to ensure uniformity and rigour in implementation it has issued Implementation Guide for the Action Plan.

It is presumed that the implementation of 340 Point Action Plan will be evaluated for each State and greater effectiveness and efficiency will be achieved. The Action plan will be further refined to cover important points left out will be covered.

It is thus clear that presently the Union government and State Governments are going ahead with implementing the Action Plan as revised from time to time. The Action Plan relates to the issues within the jurisdiction of the State and UT governments. The areas within the jurisdiction of the Government of India are excluded from the Action Plan.

The other reports other than the Action Plan – Planning Commission sponsored study and Ajay Shankar committee - discussed above have relevance only to the extent that they contain recommendations which must have been considered for inclusion in the Action Plans.

However, it may not be out of place to briefly discuss the reports mentioned above.

World Bank Report on Ease of Doing Business and Its Limitations:

The limitations of the report have been acknowledged in the report itself. Frontier of a topic (area of business environment) represents the best value observed that should be achieved even if no economy may have achieved it. The value measured in that area in an economy shows how far the distance has been covered in the specific area towards the Frontier. Relative ranking has also been done to indicate where a economy stands in "ease of doing business" relative to other countries in each area and overall. These and some other limitations are mentioned below

The case scenario in each economy had to be standardised keeping in view the wide variety in areas regulated and the availability of data. While it made the data comparable across economies and made the methodology transparent, it reduced the scope of the data and meant that only regulatory reforms in the areas measured were systematically tracked.

Furthermore, Doing Business covered a limited number of regulatory constraints. It does not measure many aspects of the business environment that matter to firms, investors and the overall economy. It does not attempt to capture a number of dimensions of macroeconomic stability, the prevalence of corruption, antitrust (Competition) policies or the skills of the workforce, important as all these factors are for establishing a foundation for sustainable economic development. Even within the relatively small set of indicators included in Doing Business the focus is deliberately narrow.

The data was collected from the largest business city. In the case of India the data was collected from two cities – Mumbai and Delhi. It made the data collection manageable and the data comparable. But it reduced the representativeness of the data for India as there are significant differences across towns and cities in different states and within a State from big cities to smaller and the smallest ones. It is expected that new investment will create jobs in urban areas in the States and the business environment in 7933 towns in the country is very different from the environment in Mumbai or Delhi.

Focus was on domestic and formal sectors. It kept the attention on where regulations are relevant and firms are most productive. However, the formal sector fails to reflect reality for the informal sector and in the case of India it is very large.

Reliance on expert respondents ensured that the data reflect the knowledge of those with the most experience in conducting the types of transactions measured. But the constraint is that the results in indicators do not measure the variation in experiences among entrepreneurs.

Focus on the law makes the indicators "actionable"— because the law is what policy makers can change. It fails to reflect the reality that in the event that systematic compliance with the law is lacking, regulatory changes will not achieve the full results desired

Limitations of the Ajay Shankar Committee Report :

The Committee made efforts but failed to compile even the list of permissions and clearances required.

Regulation Impact Assessment has been recommended by the Committee so that the justifiability of each regulation may be reviewed and the regulation deleted, amended or supplemented. This is a time and resource consuming exercise for which necessary arrangements have to be made and resources mobilised in terms of expertise and funds. A mechanism has to be developed so that the decisions taken with regard to changes in the regulations can be enforced overcoming likely strong opposition by bureaucracy and other vested interests should be expected

The Committee examined the regulations which came to its notice and has recommended deletion of those clearances/permissions that they considered unnecessary or replaceable by regulations that are simpler to implement, convenient and efficient. However, decisions have not been taken on these recommendations reinforcing the factor of opposition mentioned above.

The difficulties being caused by only some of the provisions of a few agencies such as FSSAI, which have drawn international attention have been addressed. Many other issues which are within

the area of responsibility of the Government of India remain to be dealt with. There are other difficulties caused by other regulations such as those relating to environment, import/export which now need to be addressed.

While assessment of impact of regulations can help in deleting or modifying them, optimising the simplification of regulations would require consultation and brain storming, bench marking and a host of other activities.

Because of these limitations, even if the recommendations of Ajay Shankar Committee were considered and implemented and effort made to improve the ranking under the World Bank Report on Doing Business, the objective of significantly improving the "Ease of Doing Business" is not likely to be achieved.

Illustration of the difficulties of Medium Scale Industry

Annexure 1 contains the result of a brief study of a Medium Scale Industry located in Himachal Pradesh that imports raw material and processes it into value added products is enclosed as Annexure 1. It is summarised below.

Clearance of goods at Ports

Five consignments were received between 15 Dec 2015 and 30th March 2016. Each took between 11days to 20 days for clearance with an average of 16 days. On these consignments the duty paid was about Rs. 1.5 Crore. The following adverse consequences have resulted:

i.   Payment of huge amount of demurrage for no fault of the unit,

ii. Disruption in industrial production of the unit

iii. The handling capacity of the ports being blocked by uncleared goods.

The online system introduced in Customs has not eased the situation at all.

The Customs at ports do not work on all Sundays and 2nd Saturday of the month.

In the developed economies, the goods get cleared in 24 to 48 hours. It should be possible for us also to achieve international bench marks.

Financing of projects by commercial banks

The entire process of financing and financial closure of projects needs to be reviewed. Special attention needs to be given to small, medium and micro enterprises. They need handholding for which arrangements have to be made.

Consent by the SPCB

i. Consent to Establish (COE) from the state pollution control board (SPCB) is to be obtained. Only the application procedure is online. Physical papers need to be submitted, fee in the form of DD needs to be submitted and the COE is issued only after the visit of the official at site.

ii. After setting up of the industry, Consent to Operate (COP) is to be taken from pollution control board, again only the application in online, it is issued only after visit of the official to the site.

iii. There is no rationale for seeking Consent to Establish in an approved Industrial Estate except for grossly polluting industry.

iv. The fee of the pollution control board are based on investment in the project rather than the pollution caused/ effluent discharged (both air and water). Though fee is charged for providing service, there is hardly any monitoring of environmental parameters – also, no advice is given to the enterprise.

Change of Land Use from Agriculture to Industry

In case of non-industrial areas, if the industry needs to be setup, the Change of Land use procedures are extremely complex and lead to lot of hardships. In special category states like Himachal Pradesh, the consent for buying/leasing land has to be taken from the state cabinet, which is again a very cumbersome process and is very

complicated. In special category states, mostly the industries are setup by outsiders, thus the approval process needs to be streamlined.

Electricity Connection

    i.   It is often a very big issue, especially in non-industrial areas. Various certificates are required such as **NOC from Fire Department, NOC from Town and Country planning**. Even after the connection has been approved, HT line has to be laid, which is a very difficult and a time consuming task as consent to setup the poles is difficult to obtain.

   ii.   The procedure for getting electric connection after all the other approvals have been obtained is very complex, lengthy and time consuming. Power Availability Certificate needs to be applied for despite the fact that it is known that power is available. All the applications are filled and submitted manually. The forms need to be certified by a Class A contractor, approvals need to be taken by Chief electrical contractor before the connection can be made. This is despite the fact inspection is carried out by the electricity board. Thus there is duplication of work.

Single Window

Single window approval mechanism of the states does not really work as even after the approval, the approval of individual agencies like Town And Country Planning, Fire Department, Electricity Board, Industry Departmet etc are still needed. Moreover, the infrastructure including connectivity within the networks and across them, training of staff to seamlessly handle computer and net-based data and process has some way to go. Many times IT based processing takes much more time than manual processing. Thus the single window is actually adding one more step and adds to the time taken to obtain clearances. It will be some time before the systems stabilise and the officials are trained appropriately.

Food Safety Standards Authority of India (FSSAI)

    a.   The Customs registers every importer and keeps a record

of all imports. Still FSSAI requires that items classified as "Foods" can be imported only after obtaining a licence from them even though they are on OGL.

b. There should be careful consideration before extending the application of a regulation to a commodity, and it should be done only if it serves some important purpose. Illustrative examples are given below.

- FSSAI is relatively a new agency and is expected to perform tasks which involve science and sophisticated testing. It requires highly educated and experienced scientists in food technology, biotechnology, Chemistry etc. and well equipped laboratories. FSSAI is very poorly equipped both in terms of manpower and laboratories. The country itself has shortage of scientists and well equipped laboratories. In such a situation, they should be very discreet in taking on responsibilities which can be avoided. Statistical techniques, if used can reduce the load of testing for which neither there is expertise not properly equipped laboratories. But the scientific techniques are not used and the result is that in clearing the imported consignments, 7 to days of delay occurs. Reputed foreign organisations are doubted and their certificates are not accepted and insistence on their own testing is placed. The result is delay and loss by way of demurrage and stoppage of production.

c. At customs, it takes at least 3-4 working days for the FSSAI to take a sample after the application has been made to them. After the sample has been drawn it takes further a minimum of 4-5 working days for the lab report. This results in delay of approx. 10 days in clearance of the consignment, the importer has to pay demurrage charges for this period.

d. There needs to be clarity on the tests to be performed, methodology of drawing samples and tests should be clearly spelt out and made available to the FSSAI inspectors as well as the importers so that unnecessary time delay and costs are avoided.

e. The FSSAI accredited labs may be authorized to draw the sample as per the sampling methodology.

f. Risk based assessment not implemented despite promises to this effect.

Business Process Re-engineering (BPR) - a tool to provide good Business Environment

Business Environment is an aggregate function of the regulations relating to its various areas or components that need to be complied with by businesses. For achieving optimality of regulations that would create the desired business environment Business Process Re-engineering (BPR) can be a good tool. Since we are dealing with governmental regulations, it should be called **Governmental Process Reengineering (GPR).**

Business Process Reengineering is relatively a new term used in the business world for increasing efficiency in performance resulting in higher profits, generally through cost reduction. In the context of government services and processes this term will be called **"Governmental Process Reengineering"** and will mean providing better and faster service to the citizen at reduced cost. It can be described as fundamental rethinking and radical redesign of governmental processes to bring about dramatic improvements in critical, contemporary measures of performance, such as cost, quality, service and speed thus enabling entrepreneurs to setup businesses and carry them on in an efficient and as economical manner as is feasible.

GPR exercise should entail the following:

a. Identifying regulations that have significant impact on components of Business Environment.

b. Carrying out Assessment of Impact of each identified regulation on components of business environment as well as on other aspects.

c. Retaining only good regulations and doing away with bad ones. Those that are retained need to be modified to improve the environment.

d. Easing of interface between citizen and government and making the schemes, dealings with government regulations and their compliance more citizen friendly.

e. Brain storming the issues to identify the optimal solution to problems.

f. Benchmarking of the quality of service and of the time in which it will be rendered

g. In implementing a regulation the following options may be considered:

• Applying the scientific discipline of statistics, which may result in testing/checking/inspecting only on a random basis or a few samples from a large no of samples instead of cent percent testing/checking/inspecting.

• Accepting third party testing/checking/inspecting

• Self-certification

• Test checking by the department

• Trusting the person on whom the regulation is applied and accepting is version and test checking making selection using statistics.

h. Replacing discretion based regime with automaticity-based regime

i. Reducing the cycle time of the processes resulting in faster delivery of services and benefits to the citizen.

j. Compliance by the citizen of regulations for safety, prevention of fire hazard, environmental conservation, labour welfare, should become easy, quick and requiring minimum human and other resources, tax authorities, banks that may have financed the business.

k. Empowerment of all participants in the processes

l. Data collection, processing, analysis and transparency

m. Increasing the satisfaction level of all stakeholders

n. Since implementation of any regulation requires suitably designed organisation with the required manpower, physical

resources and a system of procedures and processes, these will need to be examined to see that workflow within the organisation is such that it results in increased efficiency and effectiveness, reduction of cost, effort and time of the citizen and of government expenses in the delivery of services.

o. Above all, attention must necessarily be given to the organisational design, organisational culture of the implementing agencies and the procedures that would be followed to achieve the above objectives of regulations.

Action Plans Being Implemented and GPR

The 98Point Action Plan and 340-Point Action Plan may be regarded as plans for Governmental Process Reengineering in States and UTs, excluding the Government of India. They incorporate many features of the elements listed out in paragraph 7 above. However, there are many important features that are not covered in the action plan being implemented. They are briefly discussed below:

a). The issues within the jurisdiction of the Union Government are not covered. As illustration the following items are mentioned.

i. Central Taxes – Income tax, Customs and Excise

ii. Trading Across Border Import and Export processes

iii. Poor management for clearance of goods at Seaports resulting in delays, demurrages

iv. Processes followed in financial institutions (banks) for providing loans for business and enterprises.

v. Environmental Laws relating to Consents to Establish and Operate and pollution monitoring.

vi. Food Safety Standards Authority of India (FSSAI)

vii. Some licences seem to have been introduced mainly with a view to raising revenue rather than for doing work to achieve the purpose of the legislation.

viii. Transport of Goods – very low efficiencies of utilisation of trucks, because of different taxes in States resulting in checking at every border and rent seeking. In addition there are barriers to free movement created by truck unions.

b) The 98-point and 340-Point Plans are based on the premise that the very large number of existing regulations are all right and the main emphasis should be on improving the processes. This premise is erroneous. The impact of each regulation needs to be assessed and its need to continue to exist should be examined with the aim of reducing the regulations to the minimum. Ajay Shankar Committee had suggested the setting up of a standing mechanism for this purpose. In this mechanism the representatives of Medium and Small industries also need to be present so that their difficulties could also receive consideration.

c) The present programme does not appear to have been framed in the concerned States in consultation with the stakeholders of the State, particularly the entrepreneurs. Hence brain storming involving main stakeholders to identify the issues and optimal solution to them seems to be desirable.

d) Benchmarking of the quality of service and of the time in which it will be rendered. For this Frontier values in the advanced economies need to be kept in mind.

e) Since implementation of changes proposed would require suitably designed organisation and work flows with the appropriately trained manpower, physical resources and a system of procedures and processes, the requirement of these resources will need to be estimated and their availability ensured. In the absence of these the expected outcome will not be experienced though the task would be shown to have been accomplished.

f) Above all, attention must necessarily be given to the organisational design and organisational culture of the implementing agencies and the procedures that would be followed to achieve the above objectives of regulations.

g) Transparent system of data collection, its analysis and display on a website accessible to the stakeholders needs to be put in place as early as possible.

h) There is no mechanism to monitor the outcome of the various improvements accepted for changes in the processes and take remedial measures to secure the intended outcome. In this mechanism the representatives of the enterprises should be associated.

GPR in the Government of India

While the DIPP has already initiated GPR for States and Union Territories, it is strange that no such move has been taken up in the Government of India. It is, therefore, proposed that a GPR should be done of the processes that affect business environment and are within the jurisdiction of the Government of India should be taken up immediately for a variety of reasons. First, it will address those regulations -clearances and permissions - which apply all over the country and address important areas of business environment. Secondly, once regulations are optimised in the Government of India in critical areas of business environment, the State Governments also will feel compelled to implement the recommendations of the Action Plans. Thirdly, improved procedures and processes will benefit the people in rural and urban areas and the voter support the government will increase. Fourthly the productivity of officials will increase and the provision of services will cost less. There are other advantages also, the most important is that rent seeking will sharply reduce and the organisational culture of the government will improve. It will affect the values in the society also once people see the government working in a committed and ethical manner.

Need for a Ministry of Improving Governmental Process Re-engineering (GPR)- *The rationale*

As stated above good business environment is critical for the development of industry and for improving the delivery of various services to the citizen in the country, and for enforcement of regulatory laws. Although this awareness has been there for a long time, the business environment in the country leaves much to be desired, and the compliance of regulations and enforcement of regulatory provisions are not satisfactory. The various ministries, departments and their agencies have not been able to bring about the desired improvements. There are reasons why a ministry which has regulations that put brakes on the functioning of industry finds it difficult to effect changes in them. First, every regulation has a history of its birth. It is introduced to undo some wrong. If a regulation which has been in use for quite some time, there is apprehension

that it may produce some unintended consequences and disturb the relative calm that prevails. Secondly, every regulation gives power to the regulator over the individual / company to which it is applicable. If a regulation is loosened, done away with or compliance is made automatic through remote communication the power of patronage at best or rent seeking in the worst case goes away. Use of smart systems can also lighten the burden of regulations, but because the regulator may not be properly educated in the advances made in the development and use of smart systems for practical applications, the regulations are not examined from that point of view. Moreover, civil servants are trained to follow precedents and are steeped in an environment of "no change". Thus it is unrealistic to expect proposals for radical change to be made by officials from within the concerned organisation in the regulatory regime. The change has to be externally induced.

It should be possible to engage on contract competent and experienced professionals from within and outside the country to carry out GPR.

Dedicated Ministry of GPR in the Union Government

There is, therefore, need for a dedicated ministry in the Union Government for Governmental Process Re-engineering.

In view of the nature of its work, it may be headed by a minister who has experience of business / industry.

The ministry may be charged with the responsibility as mentioned below:

i. To ensure that Governmental Process is Re-engineering (GPR) of regulations dealing with processes and procedures related to topics, areas or components affecting environment for setting up and conduct of business is done in the concerned ministries, departments, their offices and agencies. The activities that are likely to be taken up by the ministry are mentioned in paragraph 7 above.

ii. GPR will help the concerned ministry/department/agency in selecting competent, well qualified and experienced

professionals. For reasons mentioned in paragraph --- it will be desirable to appoint professionals from the world of industry and business on contract. They may have the GPR conducted through reputed agencies equipped with well qualified and experienced personnel.

iii. It will help the concerned ministry/department/agency to finalise the recommendations relating to the regulations and to implement them.

iv. It will help them in preparing and maintaining data-bases, processing and analysing the data.

v. Any ministry/department/agency of the Government of India may make a request to the Ministry of GPR that a regulations particular to an area of their work should be subjected to GPR.

Risk Factors in Carrying out GPR

BPR will result in major changes in the manner in which government and its departments and agencies function. Properly done, it is likely to make regulations transparent, automatic, efficient, effective and economical. It will make the system transparent, reduce unnecessary interaction of the officials with the entrepreneur, introduce automaticity, effective and much more efficient. Above all it will reduce corruption.

Therefore, it is likely to meet with some resistance from the staff that is used to working in an environment of patronage and power and the benefit that go along with it.

GPR in States

The need for BPR in the States is even more pressing as the natural resources such as land and water and electricity are in the states. Regulations for safety against fire hazard, explosion of boiler welfare and security of labour etc., are within the jurisdiction of the States. The NITI Ayog may take it up with the States and get them to adopt a similar approach.

Conclusion

It is seen that most of the reforms have been aimed to facilitate, big projects, big businesses and the entrepreneur setting up or running medium and small project or business is left to continue to groan under the slow and inefficient system. It is well known that medium and small and micro enterprise need much greater support from the system because his capacity to survive adverse circumstances is limited. GPR has the potential to bring out changes that will benefit those who run or setup small and medium enterprises. Hence Governmental Processes both in the Union Government and the State Governments must be re-engineered to conform to the best internationally and should be undertaken with the medium and small manufacturer/business owner in mind.

Annexure 1

EXPERIENCE OF A MEDIUM SCALE UNIT IN H.P

STEPS IN SETTING UP INDUSTRY

➢ IEM 1 Registration with state industry department (now abolished)

➢ IEM 2 Permanent registration with industry department after setting up of the industry (now abolished and replaced by Udyog Adhaar, online registration at MSME website)

➢ Consent to Establish (COE) from the state pollution control board. Only the application procedure is online, physical papers need to be submitted, fee in the form of DD needs to be submitted and the COE is issued only after the visit of the official at site.

➢ After setting up of the industry, Consent to Operate (COP) is to be taken from pollution control board, again only the application in online, it is issued only after visit of the official to the site.

➢ The fee of the pollution control board are based on investment in the project rather than the pollution caused/ effluent discharged (both air and water)

➢ In case of non-industrial areas, if the industry needs to be setup, the Change of Land use procedures are extremely complex and lead to lot of hardships. In special category states like Himachal Pradesh, the consent for buying/leasing land has to be taken from the state cabinet, which is again a very cumbersome process and is very complicated. In special category states, mostly the industries are setup by outsiders, thus the approval process needs to be streamlined.

➢ ELECTRICITY CONNECTION: Is often a very big issue, especially in non-industrial areas. All sorts of approvals are required before electricity connection is granted. For example, NOC from Fire Department, NOC from Town and Country planning is required, to get the electricity to the plot, the HT line has to be laid by either the state electricity board or the entrepreneur, this is a very difficult and a time consuming task as consent to setup the poles is often not obtainable.

• The procedure for getting the connection after all the other approvals is also very complex, lengthy and time consuming. Certificated like power availability certificate needs to be applied for despite the fact that it is know that power is available. All the applications are filled and submitted manually. The forms need to be certified by a Class A contractor, approvals need to be taken by Chief electrical contractor before the connection can be made. This is despite the fact that an inspection is carried out by the electricity board. Thus there is replication of work. Business process re-engineering is required to see how the prices can be streamlined and made quick and efficient.

Single window approval mechanism of the states does not really work as even after the approval, all the various agencies like town and country planning, fire department, electricity board, industry department approvals etc are still needed. Thus the single window is actually adding one more step.

FSSSAI (Food Safety and Standards Authority of India)

DIFFICULTIES IN GETTING FSSAI IMPORT CLEARENCE AT PORTS:

- ○ It takes at least 3-4 working days for the FSSAI to take a sample after making the application to FSSAI. After the sampling process it takes a further MINIMUM OF 4-5 working day (minimum) for the lab report.

- ○ This results in a time delay of approx. 10 days in clearance of the consignment, the importer has to pay demurrage charges for this period. This is certainly not an acceptable situation and surely the intention of FSSAI is not to delay the clearance of the consignment and harass the importers.

- ○ Clarity on the methodology of sampling for testing should be clearly spelt out and made available to the FSSAI inspectors as well as the importers so that unnecessary time delay and costs are avoided.

- ○ The FSSAI accredited labs may be authorized to draw the sample as per the sampling methodology.

- ○ Risk based assessment not implemented despite promises to this effect.

SUGGESTIONS

- • Adequate infrastructure should be provided at the ports so that the entire sampling/ testing and clearance procedure should not take more than 48 hours.

- • Till the time adequate infrastructure can be provided for, a methodology/system/procedure has to be formulated so that the consignment can be custom cleared in a reasonable time period of a couple of days.

- • A system of declaration/affidavit from the importer can be incorporated and the consignment can be cleared till the time the lab report is received by FSSAI.

- • A data base of imported product, importer and the exporter

should be maintained by FSSAI and an intelligent system of clearance of consignment by FSSAI with either no or limited sampling should be developed. It is pertinent to note that even the income tax authorities do not take all the tax returns for scrutiny but have a system in place to select the tax returns too be undertaken for scrutiny. A system on similar lines should be developed by FSSAI.

- Best practices followed by developed countries should be used as benchmark for clearance of food products, similar testing methodologies and time frame for clearance of goods should be incorporated, especially in case of standard food products/ingredients.

- Only Random testing should be done when all the paper work of the import shipment is in order. For example for most food products, certificate of origin as well as certificates from the govt. Of the country of import are required to accompany the consignment which state that the food conforms to standards of the importing country. Even then each consignment is tested and time and resources are wasted. A smart system needs to be devised which picks up the samples based on actual risk assessment of the food product. This system can take various inputs like the country of origin, food category and risk associated with the particular category, importers history of import and compliance, declarations accompanying the consignment, database of FSSAI with the test history of similar consignments etc.

FSSAI act is too broad with anything that goes into food as classified as food and thus mandatory testing requirements kick in. The focus should be much sharper with only high risk direct consumption foods requiring mandatory testing. In case the foods items are going into making other foods as ingredients and where the final food is getting mandatory testing and is being imported by Companies who are holding valid licences and approvals from FSSAI, testing is not required at all as the final food is in any case undergoing tests

CUSTOMS PROCEDURES

In the developed world the shipments get cleared within 24 hours. In our county the average time of clearance is about a week for goods that do not require NOCs from other related agencies. For example in plant based food products, besides the customs procedures, the NOC from plant quarantine and FSSAI are required. These can take many days, till then the consignments are stuck. The customs procedure also makes physical checking all the consignments irrespective of the fact that all the paper work is proper, the history of the importer is know, the history of the exporter is know. In other words the system of clearance is not smart, in fact it is dumb. Actually all the data is available readily with the customs authorities. The data regarding the product, value, importer, exporter, classification of goods is all available. A system can easily be devised so that again only consignments are picked for scrutiny based on the smart system. The other consignments are be cleared quickly. In case of mis-declarations the fines should be prohibitive, this will ensure honest and truthful business practices. Business process re engineering coupled with a system to selectively take up consignment for scrutiny need to be developed. This is control corruption as well as speed up the customs clearance procedure. The system of discretion needs to be completely abolished. The methodology followed to pick up consignments for scrutiny can be based on systems followed by the income tax authorities for scrutiny. After all, all the tax returns are not scrutinised by the tax authorities, thus it stands to reason as to why all the import consignments need to be scrutinised despite all the paper work being as per the requirement of the government authorities. A system of trust needs be built based on technology where in honest businessmen are rewarded and the dishonest penalised. The procedures followed by countries like US and the EU can be studied the devise systems with suitable modifications keeping the Indian reality. For unjustified delay a system of penalising the officials also needs to be devised.

BPR for customs procedure may have the objective of minimising the human intervention, inspection. Inspection should be done where it is absolutely essential. The procedure should incorporate risk

assessment of shipment and credentials/track record of importer should be the main basis for customs clearance. The payment of duty and preliminary assessment are already on line. The inspection raj needs to be removed.

The last few shipments took the following time:

Over the last 4 months following are the details of the consignments imported by us:

Bill of Entry No.	B/E Dtd	Custom Duty Paid (Rs.)	Duty Paid Dtd	Stock Clearance Dtd	No. of Days
3610272	16-Dec-15	2,657,131.00	18-Dec-15	30-Dec-15	12
4222500	11-Feb-16	2,654,715.00	11-Feb-16	1-Mar-16	19
4462442	4-Mar-16	5,640,718.00	5-Mar-16	23-Mar-16	18
4720232	28-Mar-16	1,555,459.00	28-Mar-16	8-Apr-16	11
4754987	30-Mar-16	2,586,753.00	31-Mar-16	20-Apr-16	20

Deepak Gupta

Innovation in Public Service Delivery*

Innovation has been defined as the translation of an idea or invention into a product or service which creates value. In its common sense meaning it may simply mean change for the better in any form and something other than routine, either something novel or significantly different, whether in process, product or outcome. To have value it necessarily means that it should be implementable, be replicable and must have demonstrable impact. In a sense innovation also becomes a way of thinking and manner of doing one's work. How can one do all what one does better; more efficiently; more cheaply; in lesser time; get better outcomes etc.?

Traditionally, innovation has been associated with the corporate world and business in efforts to seek competitive advantages and better profits. Public administration was ensconced in a more routinized framework. However, the complex nature of public sector problems and increasing challenges, both in scope and scale, require us to move away from traditional approaches and look for new and different perspectives, methods and solutions. Rising public expectations and aspirations, and democratic churning, demand an innovative approach to governance.

One well known concept regarding the nature of innovation is that of *jugaad*, the so called Indian version of innovation, on which a book has been written[1]. It notes the following principles: Seek opportunity in adversity; be frugal; think and act flexibly; roll out

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[1] 'Juggad Innovation', Navi Radjou, Jaideep Prabhu, Simone Ahuja, Random House India, 2012

faster; keep it simple, include the margin and follow your heart. This arises essentially from simple problems faced by people and their efforts to find simple solutions in the absence of sufficient resources or wherewithal. Conceptually, the driving force is to change things for the better. We simply need to increase the scope and scale and breadth, and make the approach more scientific and systematic. My own experience suggests that the last attribute, generally neglected, is most important because it brings in passion for change and improvement with the changed perspective of looking not for profit but public good. This drives one to take initiatives, itself an essential part of an innovative approach. It also brings in the attitude of perseverance, which in Indian conditions, is usually severely tested. Question is how to generate that idealism and passion.

In the formulation of public policy and its implementation, there is a debate on big ticket reforms versus incrementalism. Every day we hear and read about the need for 'big reforms' – something we saw in 1991. For various reasons then, the changes were both possible and acceptable. That kind of change is not normally easy, and is certainly not easy today especially in the economic and financial sphere, as we have been seeing. The national consensus is absent or politics comes in the way. The GST issue is an example. But many path breaking policy decisions have been taken and approaches fashioned over the last several years – RTI Act; MNREGA; Aadhaar; DBT of subsidy; jan dhan jojna; Swach Bharat, Make in India, Digital India etc. Some of these are policies, some ideas and some instrumentalities. But each could be transformative in its impact.

The World Bank had brought out two books on case studies of innovations in public service delivery and reforms in India some years ago[2] and what they noted is worth quoting:

"Reformers often groped their way step by step towards reforms, not knowing at the outset how the enterprise would turn out. Experimentation, trial and error, and learning from past experience played a crucial role in the process of effecting change. Reform in this sense was anything but the execution of a blue print designed in

[2]Public Service Delivery in India, Ed, Vikram K. Chand, Oxford, 2010 and Reinventing Public Service Delivery in India, ed, Vikram K. Chand, SAGE 2006.

advance and seamlessly implemented. Instead, the process of reform involved mastering the 'science of muddling through' – putting together different pieces of the puzzle in ways that advanced reform in mostly an incremental fashion…tinkering or small changes on the margin emerged; constant tinkering added up to major shift over time, but in a way that might not trigger counter-reform pressures that might derail the process entirely."

I strongly believe in this incremental approach. Big ticket reform per se may simply remain a fashionable term.

Most of these initiatives are political in origin, though I think most bureaucrats support them enthusiastically and are trying to contribute to their successful roll out. But bureaucrats themselves can also be innovators. A question often raised is whether the bureaucracy as presently structured can advance innovations? There are the general barriers to innovation in the public sector – uniformity; lack of performance recognition; dullness and routinized nature of work; command and control mechanisms; secrecy or opacity of operations; risk averse nature; worries about being targeted for non-conventional decisions or actions; rule bound culture etc. Further, people outside always think of the bureaucracy as conservative, rule bound plodders who do not want to disturb the status quo. Indeed there are many such officers, possibly in the majority. I remember an experiment which a professor in IIM Bangalore did when we 28 mid-career IAS officers were undergoing a management training programme. He listed about 25 officer-like qualities on the blackboard and asked all to prioritise. 23 of the 25 had ranked innovation last! These were officers in mid-career and, therefore, would be in positions of being agents of change wherever posted. How then do you expect change?

But still innovations are happening all the time. We know that there are a large number of success stories as given in World Bank case studies and many other publications including those of the DOPT and many initiatives have got awards. But a large number have remained unnoticed, unrecorded and unrecognised. In an unusual tribute, the World Bank Study noted that 'virtually every single innovation in the Report commissioned by it, involved a competent IAS officer at the helm of affairs. The message clearly

is that when properly empowered by politicians the IAS (and I believe all the other services) can be transformed into an effective instrument for innovation in service delivery. The essential parts of this empowerment are clear goals and vision, stability of tenure; managerial autonomy, easy access to the highest political boss, trust and positive signalling'.

The question then is why are they not being replicated, or not enough? In fact, the Prime Minister this year on the occasion of the Civil Service Day specifically sought information on replication of awards given last year. This is needed. It requires attention and dedicated follow up by concerned Ministries. There should be a way to collect all such experiences. I believe the National Academies of Training of the different services and Institutes such as IIPA can and must play a strong role. Interested retired officers can also be utilised in this regard. There is a wealth of experience and interest. Let those amongst such officers who volunteer their time and services be sent to states and districts. There are a lot of redundant training programmes – why not on some innovative efforts? A portal open to all officers could also be utilised. This is itself an area which requires an innovative approach. But it could lead to involvement of hundreds of officers and generate its own momentum.

It would be useful to mention a few of the recorded innovations – Bhoomi, which is the digitalisation of land records in Karnataka; Tamil Nadu Medical Services Corporation for procurement of safe and economical drugs; WASMO model to ensure drinking water security in Gujarat, Mukhyamantri balika cycle yojna in Bihar; e-seva of then Andhra Pradesh; Rogi kalyan samiti for hospitals under the NRHM. This only shows briefly the variety of initiatives taken and the vastness of the area that can be covered. All these solved complex problems of delivery. They variously contributed to public welfare, increased access and transparency, reduced costs, improved efficiency etc.

I tried my hand at many micro efforts as Collector and lots of Collectors do many small things. I give just three small examples. First, I was challenged to provide a solution to rehabilitate bonded labour working in stone quarries. My innovative solution which we

implemented, though it was a difficult process and faced a lot of opposition from the powerful in the district, was to form their co-operative society, lease them a quarry, help them with loans and build an Indira Awas colony for them. They soon stood on their own feet. This was very sustainable. Imagine if this could be replicated across the country. Second, we built specially designed Indira Awas houses with pucca roofs and built them very quickly. Earlier these were built mostly in some corner of a village. We were able to gain the faith of the beneficiaries. So we got hundreds built in the place where they lived after breaking down their existing houses. The beneficiaries used to themselves come forward. We built in one district almost as much as the whole State! Third, the main galis in villages used to be in very bad condition and would become filthy and mushy in the rainy season. We started a pilot project of brick laying the gali with nali sufficient to take the load of tractors. Soon we got so many requests that we ran out of money and the prices of bricks increased substantially. Then villagers started voluntarily bringing tractor loads of bricks. It had the making of a mass movement! This only shows what can be done in small areas or by small steps. Incidentally, when I was Secretary Ministry of Renewable Energy, we had proposed a campaign of producing briquettes and electricity from pine needles. This would mean local villagers getting money for collecting pine needles which would then help stave of forest fires as well as helping develop undergrowth which is then used as fodder. Nothing happened except some isolated pilot projects. This summer we have witnessed the worst forest fires.

We have been hearing a lot about innovation in the last few years. There is even an Innovation Council. Once in 2011 all Secretaries were called for a meeting and were treated to a long monologue. Nothing happened. No viable institutional structure evolved. There was no follow up. We must be warned of what John Eliott, a correspondent of the Financial Times, in his book on India called 'Implosion'[3] actually criticising the Indian approach of jugaad, along with its collaborator attitude of 'chalta hai' talking about - 'a culture where public debate is more important than the conclusion, where

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[3]Implosion: India's tryst with Reality, John Elliott, Harper Collins, 2014

it is easier to argue than to listen', which is unfortunately routinely dished out to us in daily TV debates and 'where decisions are an end in themselves, without concern for implementation''. Innovation must move from being a philosophical concept to policy, programme and project and from debate to action.

Innovation is going to be critical for India. India faces special problems and of great scale with increasing challenges and constraints – shortage of resources and tight fiscal conditions; rapidly escalating environmental issues; extremely worrying demographics and consequent need for creating a large number of jobs (gone are the days when people crooned about a demographic dividend as we stare at a demographic disaster); deepening societal divide and a worsening antaganostic and confrontationist public environment; a sense of great deprivation and distress in rural areas etc. Our guiding principles have to be inclusive growth and sustainable development in their broadest sense and we need both transformative rural development as well as new urban development strategies with unmitigated migration. Innovation is possible and required everywhere we look – both macro and micro. Take just a few examples – travelling from NOIDA and other towns to Delhi; online education in primary and secondary schools; reduction in cases pending in courts; energy access (both cooking energy and electricity) in villages; urban waste disposal and processing; providing water security in rural areas through a variety of measures etc.. Innovations have to increase access; cut the proverbial red tape and corruption; be low cost; be replicable on large scale; be simple yet effective, and also provide solutions for the most urgent problems including those which concern the most marginalised. Some will be designed and implemented by the Government. For others we will need partnerships. And some services will have to be privately delivered.

Why we must ask have we not been able to universalise some initiatives? There should be institutionalisation of efforts in this direction on a mission mode. We have to build innovative capacity of all public organisation and of individuals at all levels because this involves a change of mind set and also leadership; we must identify promising innovative practices, and find a way to scale up; we need to

share information with more stakeholders. We must comprehensively and imaginatively utilise the new tools and technologies which offer opportunities not available before. We find resurgent entrepreneurial spirits in the private sector. The challenge and the game changer will be to do the same in the public sector. Never before was the need so great. At the same time never before were the opportunities so many. Our approach to innovation in public sector delivery must transcend the various barriers and we must start creating the environment and the excitement to let the genie out. Innovation must become the new routine.

Raghu Dayal

Stonewalling of Administrative Reforms

An optimal share of generalists and specialists in Civil Service reiterated over fifty years and more by sagacious and experienced administrators themselves has been viewed only as a struggle for loaves and fishes obdurately guarded by the higher echelons for their own clan.

Why a disparaged, derided institution?

Recall the familiar "law of inverse relevance", observed by Sir Humphrey Appleby in the BBC Serial *Yes Minister*, according to which the less you intend to do or you are capable of doing, the more you have to keep talking about it. Over fifty years and more, there have been ceaseless overtures made with brave avowals to overhaul country's administration. Nothing tangible has come about. Not only is the bureaucracy disparaged and derided, it continues to lay a veritable siege, the hapless citizens tied hand and foot like a Gulliver by their Lilliputian captors.

As Lord Bridges in the U.K. maintained, civil servants continue to be grouped with mother-in-law and Wigan Pier as one of the recognized objects of ridicule – a popular stereotype of the civil servant typifying timidity and pusillanimity, indifference and apathy, perpetuating elitism among the highest echelons. One of the country's celebrated administrators, L.K. Jha, ICS himself described the average bureaucrat as "a strange creature who sits on files, sleeps over reminders, stands on his dignity, turns a deaf ear to complaints, sees no evil, often eats his own words, and ties his own hands with red tape".

The civil service has emerged as a *corps d' elite*, the new class, "privileged persons divorced from the people and standing above the people", the feudal instinct deeply ingrained in their psyche. This

critique is no indictment of people, but of the system. Some of the finest brains of the country chose to join the civil service; they have rendered yeoman's service to the nation under difficult circumstances, and kept it ticking. Individually intelligent and devoted, they somehow atrophy and vegetate, and swell the stymied system. The system is, no doubt, sick and moribund. It is particularly fragile at the higher levels, bereft of leadership within. Chaucer said centuries ago, "if gold shall rust, what will iron do"?

The structure to blame: The real problem with old Government, as David Osborne and Ted Gaebler argued in the early 1990s, was not so much with the bureaucrats themselves, as with bureaucratic structures, which often seem expressly designed to discourage innovation, speed of response and quality work. As they put it, government has to be catalytic, i.e., competitive rather than monopolistic, mission-driven rather than-rule-bound, anticipatory and result-oriented.

Not in sync with the demand of times: The image of the colonial administrator as a high and haughty Platonic guardian or mandarin, keeping order and performing routine services by deploying instruments of high authority toward a passive and compliant public from which he maintains an appropriate social distance, appeared archaic and antithetical to development administration.

Search for merit, end of patronage

The salient officials in the Indian colonial administration of the 19th century were the district officers, described by Woodruff as "Platonic guardians". Indeed, the term civil service originated in the East India Company, whose officers were called civil servants to differentiate them from military and ecclesiastical employees. Mark W. Huddleston and William W. Boyer: *The Higher Civil Service in the United States: Quest for Reform* provides an insight into the Civil Service that evolved over the last few centuries. Weber's stated characteristics of modern bureaucracy were already fully developed in China by the time of the Han rulers. China was the first country to open competitive examinations for the public service, which date as early as 2200 B.C. Although the "merit principle" was established during

the Han dynasty, it was not until the Teng dynasty (AD 690) that the selection system was fully developed.

The British East India Company introduced civil service examinations on a limited basis for India in 1829, and in time it was responsible for the "full development in India of this Chinese invention" which was then applied to the Home Service in Britain. The genesis of the modern civil service in the United Kingdom is traced to the Order in Council of 21 May 1855, following the report – Organisation of the Permanent Civil Service – by Sir Stafford Northcote and Sir Charles Trevelyan whom the then Chancellor of the Exchequer Gladstone appointed to study the organisation of the Service and to report upon the best method of recruiting it. Recommending the abolition of the system of patronage as the root of the evil, they proposed that an open competitive examination be conducted by an independent body of examiners for the recruitment.

Trevelyan had attended Haileybury and had served in the East India Company in India, as had Northcote's grandfather. Moreover, Trevelyan's brother-in-law was Lord Macaulay, and the two were known to have discussed in India the efficacy of competitive examinations for the Indian Civil Service. The first open competitive examination was held in London in 1855. The first-ever Indian - Satyendra Nath Tagore was able to enter the covenanted Civil Service in 1864 - nine years after the commencement of the competitive examination.

A committee designated as the Public Service Commission was set up in 1886 under the chairmanship of Sir C.U. Aitchison. The Provincial Civil Service, or the PCS, was created in 1892, when Government announced action on the report. The Commission recommended a three-tiered civil service: the covenanted service, to be called the Imperial Civil Service of India was to be at the top; below it came the Provincial Civil Service; a third service comprised the lower administrative appointments above the ministerial grades, and that might appropriately be called the Subordinate Civil Service.

India's steel-frame

ICS had contained some outstanding individuals, but it 'is a symbol of inequality, casteism and amateurish dilettantism in our administration', as viewed by Jawaharlal Nehru: "the tradition may have been appropriate to a colonial regime when the functions of government were limited and comparatively simple; but with the increasing complexity of functions and the technical nature of many of the problems faced, the continuance of this tradition is bound to affect the successful conduct of our attempts at planned development".

ICS men were not only on top, they were 'heaven-born', 'symbols of amateurish dilettantism'? Perhaps they were dilettantes, certainly they were generalists. There was probably no other single group of civil servants in the world holding such an incredible array of administrative posts. Inequality, casteism, and amateurish dilettantism were three of many charges levelled increasingly from the 1960s against the ICS tradition of generalist administrators on top (David C. Potter: *India's Political Administrators – From ICS to IAS*).

Preponderantly a generalist service

Macaulay's conception of the generalist administrator with a classical education in the liberal arts remains still the dominant discourse. The entry of the IAS into the central secretariat was the result of a historical legacy. Almost from the beginning of the British administration in the country, the Charter Act of 1793 had reserved all the posts in the 'civil line' of the East India Company for its covenanted service to be filled on the basis of seniority. The IAS is a generalist service, not attached to a particular aspect of governance but meant for general administration. It is comparable in this sense with the Administrative Class of the Home Civil Service in Great Britain or the current incarnation of the French *Grands Corps* that participate in governance at the top levels.

Need of an active government: The bureaucracies of the 21st century differ from those of the 18th and 19th centuries largely because the character of the state and of government problems has changed. Large scale industry, division of labour, pace of

development of applied science, concentration of economic power and increasing recognition of the responsibility of the state towards the under-privileged have all contributed to determine the character of the modern administrative system.

A century ago the tasks of government were mainly passive and regulatory. Now they amount to a much more active and positive engagement in public affairs: siting a new airport, buying military supplies, pre-empting the looming scourge of climate change, fostering the brave new world of digital revolution, striking new energy policy - these problems compel civil servants to use new techniques of analysis, management and co-ordination.

Growing complexity: Central and local government stand in a similarly intricate relationship. As the tasks of government have grown and become more complex, so the need to consult and co-ordinate has grown as well. Another reason is that the public and Parliament demand greater foresight and order in, for example, development of land, transport system and other resources than they did in the past. Governments also work more and more in an international setting. The improvement in communications and the greater interdependence of nations enlarges difficulties as well as opportunities of government. The Civil Service has also to be flexible enough to serve governments of any political complexion - whether they are committed to extend or in certain respects, to reduce the role of the State.

The country confronting major transition: As revealed in the Census, 2011 and the latest employment survey, India confronts major transition - one, of less than half of some 500 million working Indians are now engaged in agriculture, notwithstanding nearly 70% of the population still living in rural areas, and, secondly, urban India has added more people than rural India in the previous ten years. These transitions signify a new narrative to be devised for this new middle class constituency, articulate and aspirational, energetic and aggressive, requiring a new approach and new dialogue, a new charter of an agenda of action.

Development poses myriad challenges

Law and order has become a critical management problem and it has a distant relation with development directly. Development, in fact, has added to the background that makes law enforcement a more challenging job. Tribal politics, 'dalit' politics and gender politics have appeared as development crises. The shift is from macro-management of supply and services to micro-management of human relations. In this context, the role of the IAS and its orientation ought to be redesigned to address them.

Government's overtures to unshackle the economy from regulations and controls obviously demand a structural, indeed surgical, transformation in its instruments of governance. And the transformation has to be total, not merely a knee-jerk, faint-hearted attempt as often in the past. Of late, a realization dawned on the Government at the highest level how Doing Business in the country is indeed a nightmare. Notwithstanding Prime Minister Modi lending his authority and push, progress in regard to easing the norms is tardy. Problems confronted are structural.

There has been a tremendous proliferation of governmental control and interference in a growing range of activities. The very proliferation of controls along with layers of administrative apparatus has become a major obstacle to the timely fulfilment of the targets of planned development or disposal of routine business. Not only are major investment decisions both in the private and in the public sectors subject to governmental approval as they must be, but at each step that is taken towards completion of an approved project, fresh approvals are needed and, on each such occasion, the agency concerned has to justify whatever it proposes to do to people who have little knowledge and less experience of the problems that have to be solved.

The great debate – generalist vs specialist

The generalist vs specialist debate in the country's administrative system has assumed much importance since the launch of the Plan era. As Warren Bennis at the end of the 1960s argued, bureaucracy had served its purpose. It had been a highly efficient organization

for organizing routine tasks or for pursuing fixed goals in a stable environment. But in conditions requiring rapid change it has ceased to be effective. Another social scientist, Robert Merton pointed out that while observance of rules ensured reliability and predictability of behaviour, it also resulted in lack of flexibility and a rigidity of approach, which ran counter to the objectives of development.

The specialists in the British system have made some notable recent gains in science agencies, in public enterprise agencies, in the welfare agencies. In the US, a generalist service recruited by competitive examination and known as the Junior Management Service has been created. "But the fundamental contrast remains; in Britain, the generalist administrator is on top, the specialist is on tap to the generalist while, in the US, the specialist is on top and the generalist on his tap".[1]

The new industrial policy adopted in India in 1958 enlarged the role of the state and consequently of the bureaucracy. A huge administrative state was created naturally accompanied by a bloated bureaucracy not unlike "the new class" of Djilas. The New Economic Policy would require civil servants to be experts in their concerned fields... A system will have to be evolved under which, after a preliminary period of, say, 10 years, a properly structured assessment of performance and potential of an officer is made and he is then allotted a certain area of activity where he is continued on a more or less permanent basis.[2]

Finance and Commerce Pool: Governance cannot be improved without administrative reforms. Economic governance has emerged as the most dominant factor in changing the model for government. Realising the crucial need for senior specialist officers to steer the economic agenda of the Government, in 1957, the Central Administrative Pool was announced with the ostensible aim of building up a reserve of officers with special training and experience for the purpose of economic administration and for maintaining continuity of knowledge and experience in the field of general administration, with little disturbance inherent in the tenure system of staffing. They would fill a number of posts in the Central Secretariat in the Departments of Finance and Commerce. As a

corollary, the ICS and other officers in the Pool would not go back to their provincial cadres, because provincial governments did not deal with commerce and finance matters of the kind that the Centre was responsible for.

As Mr L.K. Jha elucidated, a number of distinct sub-cadres that came into existence, in a formal sense, after the formation of the Finance and Commerce Pool, each specializing in a different sphere of administration. In regard to posts and requirements in other fields, officers with the right orientation were inducted, taking into account the personal record of each ICS officer. Reliance for this was placed not only on their service record but also on personal assessment of the Establishment Officer of the Government of India, who used to visit provincial capitals and personally interview individual officers in order to assess their suitability for different assignments in the Central Government.

"It will be ruinous to let the Civil Service continue as disposable generalists to run indifferent errands for politicians. It is important, as development has grown too complex to allow a most valuable element in administration to continue as jack-of-all trades and master of none. The first ten years or so as generalist collector and handyman in the secretariat are necessary to enrich received knowledge in one's university days with a variety of field and administrative experience. Therefore it is imperative that a Civil Servant should be assisted to choose his own areas of specialization and go ahead. It is specialization alone that will confer a new zest to the Civil Servant's credo and bring in new inputs to his knowledge that will help him to grow with technocrats and professionals and provide a vital dimension to the country's resources of the future."[3]

On the right track: While for the first seven or eight years of his service, an ICS officer would be treated as a complete generalist and given different assignments; thereafter, as far as possible, depending upon vacancies and other factors, he would specialize in certain areas of administration, either by being formally allocated to the judiciary or to one of the "sub-cadres", or by holding posts with specialized responsibilities, e.g., of Labour Commissioner, Registrar of Cooperative Societies, or by posting in different Departments

of the Secretariat. Sir Girija Shankar Bajpai became a Secretary to Government when he was still around 40 years of age.

One significant feature of the personnel policy at that time was that, if a job needed a specialist with some special academic or professional training, it had better not be filled by someone belonging to ICS. Therefore, other services were created to provide the necessary manpower for the purpose. While separate provision was thus made for specialists to be developed, where appropriate, the diversification of governmental activities began to call for officers who specialized in particular types of administration. In the secretariat, the Rules of Business provided that the Secretary concerned would not turn down a proposal from the Head of a Department (usually an expert), without taking orders of the Government, which meant the Governor or the appropriate Member (or Minister) of Council. [4]

The proliferation of the organized services inevitably entails a measure of overlapping of functions. This also creates problems of unequal service conditions and promotional prospects among the members of various services. The central civil services, constituted in the form of a pyramid, are uni-functional and specialized. There are central services such as the Indian Economic Service or the Indian Statistical Service which cut across departmental boundaries. Some of them are small in size: the Indian Salt Service had a strength of 11 and the Central Legal Service 70. The Central Health Service had a cadre strength of about 3,500. The Indian Economic Service and the Indian Statistical Service had a total strength of 600 and 500 respectively. [5]

Inauguration of the policy of economic liberalization in 1991 put the civil service in a new trajectory, accelerating its pace of change, and calling for necessary adjustments. Higher civil servants would be called upon to negotiate with well-established multinational corporations, testing their communication skills, and knowledge of international economics and trade. This calls for a well-thought out departure from the prevalent generalist culture of the civil service in the country. The civil service entry into such a trajectory would demand new levels of synthesizing and coordinating skills.

New challenges of emerging technologies and knowledge

The knowledge base of society has expanded exponentially in the last 50 years. The availability of talent in academia, think tanks, private industry, the public sector, industry associations, professions, NGOs and the NRI community has multiplied manifold. Technical progress has a major impact on both the making and the implementation of policy, whether the tasks are traditional or new to government. As a body civil servants today have to be equipped to tackle the political, scientific, social, economic and technical problems of the times. They have to keep up with the rapid growth of new knowledge and acquire new techniques to apply it. In short, the Civil Service is no place for the amateur. It must be staffed by men and women who are truly professional. The word "professional" in this context would include two main attributes - one, being skilled in one's job-skill which comes from training and sustained experience; the other, having the fundamental knowledge of, and deep familiarity with, a subject that enables a man to move with ease among its concepts.

The Civil Service needs the skills and expertise matched to its changing tasks. The UK government encourages departments and agencies to advertise openly posts at all levels, including the most senior. There is also a substantial level of secondment and exchanges from and to the Civil Service, interchange of staff between departments and between the departments and agencies. While the bulk of senior posts continue to be filled by internal appointment, provided staff have the blend of experience and skills needed to perform at the highest level in work of a very demanding kind, competition – both internal and external – is fostered in injecting new perspectives and skills.

According to Yoginder K Alagh[6], as the country enters a distinct phase in its history, the civil service has to be re-honed. The civil servant of the future would need:

- a sense of vision and direction in which the Indian socio-polity is moving in all its diverse cultural plurality;

- an appreciation of real scarcities that are emerging as also the strengths of civil society to cope with them;

- an ability to interface with modern technology, which should form the basis of several solutions;

- at higher levels, an ability to network with local government institutions, NGOs, cooperative and other organizations;

- a sense of rugged professionalism, persistence and doggedness in pursuit of objectives, and an urge to champion beneficial change;

- energy to pursue objectives;

- a sense of fair play, honesty, political and systemic support;

- compassion for the under privileged; and, above all

- a commitment to India as envisioned by its founding fathers.

The "all-rounder" vs the "amateur": The civil service of India which emerged from the Macaulay Report of 1854 was a product of the 19th century belief that developed the tradition of what the champions of the system called the 'all-rounder' and his critics the 'amateur'. Over the years, the role of government greatly changed with the extended functions of the state and technological progress, leading to a proliferation of para-state organizations, such as public corporations, nationalized industries, public participation in private enterprises, and voluntary organizations supported by public funds. To meet the new task of government required a civil service able to handle social, economic, political and scientific problems. And yet it continued to be fundamentally based on the old concept of the 'amateur', 'all-rounder' or 'generalist'. The Fulton Committee in Britain strenuously attacked "the cult of the generalist" that was based on the Northcote-Trevelyan and Macauley reports.

Who is a generalist, who a specialist: A generalist is one who has knowledge of the technique of the processes involved in a factory or a technical undertaking or in administration but he is not an expert. A specialist or an expert is a man whose special training makes him an authority in a particular field. ….The use of the specialist in government finds its most vigorous expression in the American Civil Service. The skills needed to administer a vast continent, to develop its natural resources, to promote social and economic growth were

specialised skills. Coordination was achieved by statute, by budgets, by Presidential supervision and by Congressional vigilance. [7]

These two major defining parameters of administrative systems (generalist/specialist, representative/unrepresentative) are closely linked; hence the two postulates. First, the more generalist top administrators are, the more they comprise an unrepresentative bureaucracy. Second, the more specialists dominate a civil service, the more representative is the system. Frequent moves from job to job within the Service or within a department give "generalist" administrators proficiency in operating the government machine, and in serving Ministers and Parliament. But many lack the fully developed professionalism that their work now demands. Often they are required to give advice on subjects they do not sufficiently understand or to take decisions whose significance they do not fully grasp. For the administrator to be expert in running the government machine is not in itself enough.

The hiatus endures

Examples abound of the system resulting in a non-expert minister assisted usually by a non-expert secretary to whom a non-expert head of department is adviser. Senior engineers or other experts are called upon to waste a good deal of their time in briefing civil servants about the intricacies of the work and in writing minutes on simple technical matters. Before the generalist learns his job, he is due to be transferred. An apt instance there is of Dr K.L. Rao analysing the administrative working of the D.V.C. to find that non-technical administrators remained at the top rung of the project. It had no chief engineer for years; foreign consultants were brought in to advise the non-technical administrators at the top.

Knowledge has become more complex and specialized, which an IAS finds it hard to keep up with as he gets tossed about as a generalist from one field to another. For another, what with exhausting himself by being required to dance attendance on visiting dignitaries, running about in jeeps instead of on foot or cycle, with no compulsion to spend nights in remote villages, and shorn of his powers over most nation building departments. He has also lost some of his work ethic

and along with it, the feel of what works and what doesn't. An IAS collector is not always the first to appear on the trouble spot, as he was in honour bound to do formerly. The MLA is now more often there ahead of him.

The best of the IAS begin by being as good if not better, material than the best of the ICS, and that it is the system that rusts them so quickly. Rule of thumb mumbo-jumbo is bound to be anti-intellect, anti-knowledge and anti-theory[8].

Specialist – an underdog: A key challenge is that specialists continue to be under-represented and under-valued at all levels of government. In fact, government needs their skills to ensure, among other things, confidence in regulatory standards and impartial judgment, to minimise reputational risk, and to underpin innovation and organisational development – in the same way that specialists do in the private sector. The quality of advice is under strain. It is plain to see that intelligent customers, not administrative generalists are needed to procure new IT infrastructure. It was the specialist knowledge of the chief veterinary officer that made him – and not the secretary of state or permanent secretary the most trusted source of advice during the foot and mouth crisis in 2001.

With universal relevance, a critique of the Home Civil Service in Britain concluded that the structure and practices of the Service have not kept up with the changing tasks. Today, the Service is in need of fundamental change. It is observed to be inadequate in six main respects, for the most efficient discharge of the present and prospective responsibilities of government:

- First, the Service is still essentially based on the philosophy of the amateur or "generalist" or "all-rounder". The ideal administrator is still too often seen as the gifted layman who, moving frequently form job to job within the Service, can take a practical view of any problem, irrespective of its subject-matter, in the light of his knowledge and experience of the government machine.

- Secondly, the present system of classes in the Service seriously impedes its work. The Service is divided into classes

both horizontally (between different skills, professions or disciplines).

- Thirdly, many scientists, engineers and members of other specialist classes get neither the full responsibilities and corresponding authority, nor the opportunities they ought to have. Too often they are organised in a separate hierarchy, while the policy and financial aspects of the work are reserved to a parallel group of "generalist" administrators; and their access to higher management and policy-making is restricted.

- Fourthly, too few civil servants are skilled managers; few members of the class actually see themselves as managers, i.e., responsible for organisation, directing staff, planning the progress of work, setting standards of attainment and measuring results, reviewing procedures and quantifying different courses of action. Much of their work is not managerial in this sense; they tend to think of themselves as advisers on policy to people above them, rather than as managers of the administrative machine below them.

- Fifthly, there is not enough contact between the Service and the rest of the community. There is not enough awareness of how the world outside the Whitehall (or Delh's Bhawans and the Blocks) works, how government policies will affect it, and the new ideas and methods which are developing in the universities, in business and in other walks of life.

- Finally, there is serious criticism of personnel management. Career-planning covers too small a section of the Service - mainly the Administrative Class - and is not sufficiently purposive or properly conceived; civil servants are moved too frequently between unrelated jobs, often with scant regard to personal preference or aptitude. For most civil servants, promotion depends too much on seniority. One of the main troubles of the Service has been that, in achieving immunity from political intervention, a system has been evolved which until recently was generally immune from outside pressures for change. Since it was not immune from inside resistance to change, inertia was inevitable.

There is now a need felt for a super-intelligent and mighty body for conceptualizing and implementing reform. It must be hands-on, to stop fresh recruitment and graduate strategically to a system of specialist streams and new cadres, with possibilities of lateral entry. This is the only way to bring in more relevant organizational designs, diversity, accountability, public service values and enthusiastic performance, to support the larger goals of development, equity and justice. [9]

Government needs to seriously consider filling senior positions by short-term contracts, enabling lateral entry of technocrats, professionals and entrepreneurs. Appointing people from outside at senior levels on contract basis would be invigorating for the civil service as a whole. A complementary system to this would be to depute civil servants to work in non-government organizations (NGOs) and even in private industry[10]. Britain introduced some important innovations in civil service, e.g., executive agencies for specific services like prisons, coast guards, passport offices, which function as corporate business entities under a CEO responsible to the Minister. Several CEOs have been inducted from the private sector.

A plea for lateral induction: An in-depth analysis of the various committee reports appointed from time to time reveal that some core themes are found to recur over and over again. One such aspect is the provision of lateral entry. The Estimates Committee, in its 93rd Report (1965-66), recommended a central administrative pool to provide officers for manning senior administrative posts under the Central government. It also suggested that the selection of officers to the pool be made by the Union Public Service Commission and be based on the performance of the officers in the posts held by them under the State/Central Government. The Committee emphasized the need to induct a larger number of officers with technical backgrounds, training and experience, as administrative heads of institutions, departments/ministries dealing with scientific, industrial and technical subjects.

Administrative reform syndrome

The Central government set up in November 1965 an

Administrative Reforms Commission (ARC). When it was wound up in 1970, the ARC had submitted nineteen reports containing a total of 581 re-commendations. The line of thinking in the report was set by a Conference on Personnel Administration at the Indian Institute of Public Administration in 1968 which, in turn, was influenced by the Fulton Committee recommendations in Britain which appeared at that time. The ARC recommended that the pre-eminent position of IAS generalists in the Central Secretariat be ended; all competent Class I officers from all services should have access to middle and senior management posts in the Secretariat.

To integrate specialists into administrative hierarchy: The Commission detected serious shortcomings in the staffing pattern at the highest levels in government, and advised that an effort be made to match jobs with men possessing the needed qualifications, that the preference for the generalist should be replaced by a preference for those who have acquired competence in the concerned field. A new approach was indeed necessary to help integrate selected specialists into the administrative hierarchy and enable them to participate more directly in the process of policy formulation. It also emphasized that personnel for these specialist sectors should be drawn from all sources. It also emphasized the need to stay longer in the different specializations so that full advantage is derived of the growing expertise.

It accordingly recommended that the tenure of deputy secretaries in the policy and managerial pool should be six years, excluding the period spent on training. It added that, after eight and within twelve years of service in his/her functional area, every Class I officer (All India and Central) should be eligible to move to a post outside these functional areas at the headquarters.

Law and order has become a critical management problem and it has a distant relation with development directly. Development, in fact, has added to the background that makes law enforcement a more challenging job. Tribal politics, 'dalit' politics and gender politics have appeared as development crises. The shift is from macro-management of supply and services to micro-management of human relations. In this context, the role of the IAS and its orientation ought to be redesigned to address them secretariat.

Taking into consideration the recommendations of the Deshmukh and Patil Study Teams on personnel administration, the ARC I spelt out eight fields of specialization:

i. Economic administration
ii. Industrial administration
iii. Agricultural and rural development administration
iv. Social and educational administration;
v. Personnel administration
vi. Financial administration
vii. Defence administration and internal security; and
viii. Planning.

The Central Personnel Agency was charged with the responsibility for the formulation of overall personnel policies and overseeing their implementation, planning, career development, talent hunting and development, and selection of personnel for senior levels.

Emphasising the need for specialization, the ARC I as well as its study teams spelt out how it should be operationalized. The Nagarkatti panel for the ARC I maintained that specialization in skills and knowledge be built up in the services by allowing persons to continue in particular areas or fields of administration for a minimum period of 8-10 years; transfers at short intervals from one branch to an altogether different branch of work be avoided as far as possible. Since in the present day personnel system, the need for posting a person according to his/her aptitude is not fully met, the placement policy of Government be revised; and, in spite of the present rigid service barriers, opportunities be provided for inter-service mobility in accordance with the aptitudes and skills of persons.

Casting the net wide: For manning the posts at higher levels in the Secretariat and other similar organizations which were being filled by persons from only a few services, the Study Team advocated that selection of persons of ability and talent be made from as wide a field as possible. It further suggested that the selection of candidates for these posts be made from amongst all the technical, professional, specialist and non-technical services, on the basis of an examination

to be conducted by the Public Service Commission; those who have put in 9-12 years of service may compete, the bio-data of the eligible persons for the purpose being maintained by the Personnel Agency entrusted with the selection.

The Surendra Nath Committee, 2003 also stressed the importance of providing domain expertise. It carved out eleven domains for officers under the Central Staffing Scheme, of which officers may be assigned a maximum of three domains:

(1) Agriculture and rural development;

(2) Social sectors (education, health, tribal welfare, etc.);

(3) Culture and information;

(4) Natural resource management including the environment;

(5) Energy and environment (brown side);

(6) Communication systems and connectivity infrastructure;

(7) Public finance and financial management;

(8) Industry and trade;

(9) Domestic affairs and defence;

(10) Housing and urban affairs; and

(11) Personnel and general administration, governance reform and regulatory systems.

The Committee suggested that assignment of domains could be made a part of the empanelment process at JS/AS levels wherein officers due for consideration may submit a write-up indicating their academic background, training, research experience and other significant achievements relevant to the domain areas.

The Second Administrative Reforms Commission (ARC II), much like the ARC I, was likewise in favour of the lateral entry of persons with certain skills and expertise which may not normally be available within government departments. This was especially true in the area of science and technology where a larger number of entry points were in evidence[11].

The ARC II made some important suggestions:

- The Civil Service Law should provide for the constitution of a Central Civil Services Authority which would review the implementation of Civil Service values.

- Assign domains to officers of the All India Services and the Central Civil Services on completion of 13 years of service.

- Formulate guidelines for appointments at 'Senior Management Level' in the Government of India.

- Recommend names for posting at the Senior Management Level; and

- Identify the posts therein which could be open for recruitment from all sources.

Central Civil Services Authority: Generally reinforcing the logic of increasing professionalization of the Civil Service, ARC II recommended the setting up of a Central Civil Services Authority which, among other things, would formulate guidelines for appointments at the senior management level in Government. It would also identify posts which could be open for recruitment from all sources. For positions at a higher level, it would, in consultation with Government, earmark positions for which outside talent would be desirable.

The ARC II suggested that the Central Civil Services Authority should assign domains to officers of the All India Services and the Central Civil Services on completion of 13 years of service. For placement at the middle management level, the Authority should invite applications from all officers who have completed the minimum qualifying years of service, for assignment of domains. Similarly, for placement at the top management level, the Authority should invite applications from eligible officers of the All India Services and Group 'A' Central Services participating in the Central Staffing Scheme. This would be applicable for positions at the Joint Secretary/SAG level. For positions at a higher level, the Central Public Service Authority should, in consultation with Government, earmark positions for which outside talent would be desirable.

The sixth pay commission: The VI Pay Commission recommended that certain posts in the Senior Administrative Grade and Higher Administrative Grade requiring technical or specialized expertise and not en-cadred in any of the services be filled by suitable officers within the Government as well as by outsiders on contract. It suggested a shift from career- based to post-based selection in the higher echelons of Government in order to get the best domain-based expertise. Further, the creation of additional posts in the Senior Administrative Grade/equivalent/higher grades in future be strictly on functional considerations, with such posts invariably being created outside the cadre to be filled by open selection, including contractual appointment from within or outside the Government. Additionally, it argued for a market-driven compensation package for young scientists and posts requiring special expertise and professional skills.

Why this stout resistance to advice from experts?

The reason for the lack of scientific input in public policy-making is the hegemony of the IAS. Back in 1977, in a bid to break this stranglehold, Prime Minister Morarji Desai inducted professionals such as M.S.Swaminathan as Agriculture Secretary, Lovraj Kumar the first chemist to serve as Petroleum Secretary, Manuel Menezes an engineer appointed as Secretary for Defence Production. On return to power in 1980, Indira Gandhi set up a new Department of Environment, for which a reputed botanist T.N. Khooshoo was hired as its Secretary. Slowly the IAS fought back and reclaimed possession of the ministries it had lost control of.

Avaricious mind-set: In recent years, it has not only protected its turf, the IAS has steadily conquered new fiefdoms, expanded into new areas. It has now close to total domination over even Constitutional institutions: the Election Commission and the Information Commission are manned by retired IAS officers. So also CAG and CVC. Then there are other umpteen avenues – array of commissions for human rights, for finance, SC and ST, governors and ambassadors, *et al.* No other public spirited and well-endowed professionals, social scientists, or serving Group 'A' Central Services officers are allowed to be considered. It's a bit of surprise how the clan let some of the

8-member National Disaster Management Authority to come from other streams – two from IPS (retired), one from army (retired), three with scientific background, including two of them having been in government administration, and one an earth scientist with professional distinction. It is indeed a rare uncharacteristic instance, NDMA has only two IAS officers (retired)!

Bureaucratic imperialism: By 1991, a stage had been reached when whatever virtues IAS and other senior cadres once possessed as a class were no longer visible and the officers, by and large, started accepting "a diminished role for themselves and becoming agents of exploitation in a State structure which had lost practically all strands of maturity, morality and propriety. Another unwholesome feature that emerged was that the premier cadre – I.A.S. – acquired a new trait – bureaucratic imperialism. While the trend in the progressive countries was to inject new blood and let fresh air blow in the fixed cadres, the tendency amongst the I.A.S. cadre was even to encroach upon the areas which legitimately belonged to the technocrats, educationists and other groups. [11]

The pressure from the services to mitigate stagnation gathered strength in the 1980s, particularly from the enormously large batches recruited in the 1960s. For the sake of guaranteeing promotion to a vacant post was discarded and posts began to be created to accommodate the persons to be promoted. A large number of ex-cadre posts have been created, a senior officer's normal charge split up into three or four same level positions with nominal workload. A number of insignificant posts have been arbitrarily upgraded to provide high level berths to the clamouring mob. The IAS began to encroach upon the legitimate premises of the specialized and technical services[12].

A permanent establishment that never retires: Contrary to general belief, liberalisation has expanded the power of the bureaucracy, creating a permanent establishment that never retires. Serving or retired bureaucrats have spread their tentacles over virtually every important decision-making institution in the country. No less than nine among the twelve economic regulators that came into being since liberalisation owe their roots to the privileged coterie.

No surprise that today too many spend their last years in service kowtowing for post-retirement sinecures. It has had a debilitating effect on the Civil Service.

In times of bewildering technological, political, social and economic changes, there is evidently a need for people who understand the process and the nature of change, and who are able to cope with it. In this age of information technology revolution, there need to be far fewer levels of management than the traditional hierarchical command-and-control model. The organisations which get things done will no longer be hierarchical pyramids with most of the real control at the top. They will be systems-interlaced webs of tension in which control is loose, power diffused, and centres of decision plural. They will be more horizontal; the way they are governed is likely to be more collegial, consensual and consultative. Machiavelli's Prince knew that there was "nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things".

Despite acknowledging, and reinforcing the pervasive perception, that governance is "admittedly the weak link in our quest for prosperity and equity", there was no tangible move by Government towards what the UPA I-set up ARC II prescribed a slew of palliatives and solutions, many of which, according to it, "could be implemented immediately through executive direction".

The foregoing analysis highlights that recurring issues have dominated the reforms agenda. One major recurring theme centres around the need to provide "domain" expertise. It was the ARC I which emphasized that the road to the top should be open to every competent public official; that for manning higher positions in the Secretariat, talent had to be drawn from every cadre and class of personnel. Accordingly, the Commission envisaged entry into the middle and senior management levels in the Secretariat from all services. It felt that where regularly constituted services already existed to attend to specific functions, the middle and senior level posts in the corresponding areas in the Secretariat be normally manned by members of the concerned functional services.

The ARC II's line of thinking on tackling this important issue of specialization in the Civil Services, is through providing channels of (a) lateral entry; (b) liberal revolving door policy; and (c) creation of a Senior Executive Service (SES) wherein positions will be filled by applying the merit principle at higher levels and not just the entry level. This also includes providing the selected person a fixed term contract of 5 years and with differential remuneration packages, depending upon the job to be performed. It visualizes the setting up of a body such as a Merit Protection Authority to ensure that the merit principle is strictly followed. This work could also be assigned to the UPSC. On the pattern followed in the Armed Forces, people not making it to the SES can retire at the lower level.[13]

Fixed tenures are important not only from the point of view of building specializations but also for ensuring the accountability and neutrality of the Civil Service. The Hota Committee emphasized that, to ensure good governance, civil servants be appointed to posts on the basis of objective criteria, be assured of minimum tenures and be held accountable for performance. An essential corollary is the provision of fixed tenures to civil servants. Unless fixed tenures are assured, specialization will remain a distant dream.

Government lurches from one reform philosophy to another, trying new ideas after new idea, without ever dredging out the old reform and the hierarchy that comes with them. As rules and administrative structure pile up so much sediment at the mouth of a river, and age slows the current, government agencies may lose their passion, cast adrift from the mission that set them on their original course.

The crux of the matter:

As Y.R.K. Reddy explains with rare insight and perspicacity[14], that experience since the 1950s shows that some "convenient" recommendations are selectively accepted, without disturbing the power structures and entrenched interests in civil services. There is a 'steel frame' that eventually cages every such commission or committee. It sets the conditions and standards for accepting and resisting reform. It overwhelms inexperienced political leaders. The

paradox is the leaders have to rely on this very steel-frame for any reform. The ARC I seems to have comprehended the problem when it advised that the Department of Personnel should not administer itself any service cadre so that it could devote itself to policy-making without holding a brief for any service interest As Y.R.K. Reddy explains with rare insight and perspicacity[15]

Notes

1. W.S.Sayre: *Some Problems of Public Administration in a Developing Economy*, the Indian Journal of Public Administration, April-June 1962.
2. B.G. Deshmukh: A Cabinet Secretary Thinks Aloud.
3. An ICS luminary, Ashok Mitra felt convinced, as revealed in his essay Indian Civil Servants (compiled in Memoirs of old Mandarins of India – edited by Dr Raj K Nigam).
4. L.K. Jha: Reflections on the Civil Services in Memoirs of old Mandarins of India – Edited by Dr. Raj K Nigam
5. S.R. Maheshwari: Public Administration in India – The Higher Civil Service.
6. New steel frame for a new world – The Financial Express, 17 April 2007
7. Asoke Mohan Roy: Generalists vs Specialists in Indian Administration – I, The Indian Weekly, 13 June 1964.
8. Ashok Mitra: Indian Civil Servants
9. Y.R.K. Reddy: Administrative Reform and the IAS: - The Financial Express, 30 April 2005.
10. B.G. Deshmukh: A Cabinet Secretary Thinks Aloud
11. Refurbishing of Personnel Administration – Scaling New Heights, Tenth Report, Second Administrative Reforms Commission, November 2008.
12. Jagmohan: Soul and Structure of Governance in India.
13. Sanjoy Bagchi: The Changing Face of Bureaucracy – Fifty Years of the Indian Administrative Service.
14. Sujata Singh: Training for Higher Echelons of Administration: Prospects and Challenges, IJPA, Vol. XLIII.
15. Administrative Reform and the IAS, The Financial Express, 30 April 2005

Jayanta Kumar Dab

Good Governance

The Indian Experience

Abstract

Today, it is urgently needed that the citizens are allowed to participate freely, openly and fully in the political process. Good governance must aim at expansion in social opportunities and removal of poverty. But unfortunately the fruits of good governances does not reaching the people because of some hindrances. What are the factors that are blocking to road to good governance? There are a number of factors responsible for the failure to achieve the desired ends, but the major threats to good governance in India viz., criminalization of politics, corruption, population growth and culture of violence. The present study seeks to deal with these subjects in detail.

Introduction

Every one of us expects and aspires that our government should be good and effective. In fact, we also know that it was for the purpose of securing conditions for safe and happy life that the state came into existence and its continuity is justified in terms of promoting and preserving the quality of life. The legendary administrator Kautilya, the Minister of the famous king Chandragupta Maurya, considered it as the bounden duty of the government to act in a manner that realizes the material, mental, moral and cultural well-being of the people. It is very significant to mention here that it is not that good governance is an entirely modern concept. Even though the concept is relatively a new term which has come to limelight in 1990s; however the principle of good governance is not new to the Indian society. Its various aspects have been practised since ancient times. The classical Indian scripture *Arthashastra* talks about various aspects of good governance.

Kautilya's *Arthashastra* extensively deals with the policies of statecraft and state administration have wide relevance in recent times. '*Artha*' is defined as material well-being of the people living on the earth and *'Shastra'* shows how the state administration should be carried out in the best interests of the people. The key elements of Kautilya's policy are the protection, welfare and prosperity of the state and its people which is the utmost concern of the ruler. The perceptions and principles brought forward by Kautilya in this *Shastra* have universal appeal and applicability since it is based upon the fundamental principles of good governance, accountability and justice.

On the other hand, Mahatma Gandhi advocated the concept *'Ram Rajya'* for India basing upon the principles of good governance which necessarily meant for dreaming India as a welfare state where the necessities of the down-trodden, the welfare of the commoner and their progress through indigenous industries would become the hallmark. Gandhiji's vision of good governance essentially meant democratic decentralization which entailed power to the *Gram Panchayats* and people at the lowest level of political hierarchy.

After independence, the Indian Constitution has also been framed for securing justice, liberty, equality and empowering weaker sections including women, youth and poor, scheduled castes and scheduled tribes through making special provisions in the Indian Constitution. India's experiences during the past six decades have clearly established that good governance in India aims at expansion of social and economic opportunities, removal of poverty and efficient delivery of services at the grassroots. But unfortunately, despite the continuing efforts to enhance the quality of governance in the country, from insufficiency and complexities, there are hindrances that still exist. These are criminalization of politics, corruption, population growth and culture of violence etc. A humble attempt has been made in the present study to deal with these subjects in detail.

Good Governance: Conceptual Understanding

In modern times, good governance implies enlightened citizenship as well as accountable and constitutional government.

Good governance is also a key developmental concept today. The people of a country expect that their government should deliver effective administration, which promotes their quality of life. In its ideal explanation the term good governance refers to well performing and qualitatively improve administrative system which is conducive to achieve the goals of society. In other words, good governance stands for an administrative machinery which keeps reforming and improving itself in terms of various parameters which are used as yardsticks for citizen's satisfaction. Few of these parameters could be speed, transparency, participation, responsiveness, honesty etc. Very often the term good governance is therefore described in terms of certain illustrative parameters which are considered as indices of government's performance and people's satisfaction with that performance. It shows that responsible authority has to be simple, moral, accountable, responsive, and transparent. In this sense good governance is now described as an administrative system which can combine the virtues of both the state and the market, while keeping away the possible shortcomings of both. In the process such a model of governance emphasizes the central role to citizen and community. Thus, it can be seen that today's understanding of the concept of good governance is very multi-dimentional and multi-institutional. Further it can be argued that good governance in its ideal conceptualization seeks to realize to redefine the state-society relationships in two crucial ways. *Firstly,* involvement of government, market and civil society so as to create a cooperative co-governance model; *secondly,* focus on ethics, equity and equality along with the traditional parameters of good governance namely efficiency, economy and effectiveness. Thus, the good governance concept emphasizes a prominent role for the citizens and the civil society so that they can challenge and demand good governance from any institutional arrangement whether purely government or administration machinery to ensure that whichever institutional arrangement is operating, it keeps public interest paramount and creates performance which stands the test of scrutiny on certain indices of public satisfaction.

Over the past few years, the concept of good governance has become the subject of intense interest. Precisely speaking, the

distinctive features of good governance are as follows:

i.   Good education facilities offered by the government having greater employability ;

ii. Development of basic infrastructures like roads, bridges, power, telecom, airport, irrigation and transport;

iii. Safety of public life, property, peaceful law and order ;

iv. Creating new employment opportunities in the government and private sectors ;

v.   Effectiveness and efficiency of working of government and its staffs;

vi. Reducing inequalities in the society through positive discrimination in favour of poorest of the poor ;

vii. Providing total freedom of speech, of religion, of work and attitude of non-interference by government ;

viii. Provision of more concessions to citizens and free from bias; and

ix. Citizen centric services.

Major Threats to Good Governance in India

A few countries at the international and national levels have shown much seriousness about good governance. But how is it that they have not been finding it so easy to provide to all their citizens a just, equal and free social order. What are the factors that are blocking the road to good governance? There are a number of factors responsible for the failure to achieve the desired ends, but the following are the major threats to good governance in India which need to be addressed on urgent basis:

Criminalization of Politics:

India being the largest democratic country in the world is struggling hard to emerge as world class leader in the fields of social and economic development. However, today the nexus of crime and politics is so strong that the common citizens of the country have no stand to say or exert their rights. The criminalization of the political process and the unholy

nexus between politicians, civil servants and business houses are having a baneful influence on public policy formulation and good governance. Political class as such is losing respect.

The more insidious threat to India's democratic governance is from criminals and musclemen who are entering into state legislative assemblies and national parliament in sizeable numbers. A political culture seems to be taking roots in which membership of state legislatures and parliament are viewed as offices for seeking private gain and for making money. Such elements have also found place in Council of Ministers or a Chief Minister in an era of coalition politics cannot take strong action for that might lead to the fall of the government itself. The Gandhian values of simple living and self-less service to public causes are rapidly vanishing. The dictum that 'howsoever high, the law is above you' is sought to be replaced by rule of men.

As per statistics, the strength of the 15th Lok Sabha is 543, out of which 162 MPs have criminal cases. Out of these 162 MPs, 76 MPs face serious charges like murder, theft, kidnapping etc. It is a matter of great concern that between 2004 and 2009 elections, an increase about 26% in MPs with pending criminal charges and 31% increase in the number of MPs with serious pending criminal cases. According to newspaper report, in the16th Lok Sabha (2014) there are 53 MPs who have serious criminal cases pending against them. Side by side, State Assemblies also had tainted MLAs. About 1258(31%) out of the 4032 sitting MLAs from all the state assemblies have declared criminal cases and 15% declared 'serious' criminal charges. In this crime- politics nexus, India from Kashmir to Kanyakumari is one.

It is true that public is not a mute spectator to this phenomenon nor is the media. The process of Judicial accountability has succeeded in sending several legislators and ministers to jail. But new methods have also been devised to fiddle away with the processes of law. Criminals facing prosecution get out on bail and even go scot- free. During the period of consideration of their bail petition as well as trial, the doctor invariably finds a serious ailment that enables the accused to escape discomforts of jail by admitting himself in a 5-star hospital.

The question staring all of us is how to close the gate of the portals of democracy for criminals. At the behest of the Election Commission, the Indian Parliament has enacted certain law that makes it obligatory on the candidate contesting an election for Parliament or State Assembly to declare as to whether he is accused for any offence punishable under law for two years or more, for which charges have been framed. Candidates would also have to disclose whether he has been convicted for any offence in which the punishment has been awarded for one year or more for the information of the voter. On May 2, 2002 the Supreme Court of India has given a historic judgment following the Public Interest Litigation (PIL) led

by an NGO that every candidate contesting an election to Parliament, State Legislatures or Municipal Corporation has to give true declarations of candidate's educational qualification , criminal charges and financial records . Recently, the Supreme Court judgment of August 27, 2014 which advised that persons charge-sheeted in criminal cases should not be appointed as ministers, has brought the criminalization of politics back to centre-stage.

All these have created a favourable environment for curbing criminalization of politics. Though, many commission and committees have been framed to bring improvement in the situation, these reformative measures are just a drop in the ocean. It must be remember that criminals are no longer considered as good administrators or good parliamentarians. They cannot deliver good things to people. We should keep it in our mind that one cannot expect good democratic values from criminals. Indeed, they cannot contribute anything for the successful functioning of parliamentary democracy in India.

So, it is necessary to move further to debar criminals from contesting elections. It is imperative, therefore, to amend section 8 of the Representation of the people's Act 1951 to disqualify a person against whom the competent judicial authority has framed charges that relate to grave and heinous offences and corruption. Side by side, a new beginning is necessary to ameliorate criminalization from politics and the seriousness of matter should be properly worked out. The educated youngsters should be encouraged to enter into

Indian politics and these young leaders should be properly nourished by the patriotic commitments and abide by the core principles of democratic governance.

It is one of the marvels of parliamentary democracy in India that notwithstanding entry of criminal elements in the Lok Sabha and in Vidhan Sabhas we have a Prime Minister of high integrity and several Chief Ministers whose honesty is beyond any iota of doubt. Would this category of persons among political leaders transcend narrow loyalties and cleanse the political class of criminal elements?

Corruption

Corruption is an illegal use of authority for personal gains. Corruption is a universal disease causing harm to the people and government almost everywhere in the world. However, in the countries like India it has assumed the shape of a cancer. The corruption has virtually spread in almost all aspects of public life. The person lying on the street is left to struggle incessantly with corruption throughout his life. Corruption is relatively inherent in terms of client public puzzle, harassed by opaque rules and procedures, excessive delay in disposal of public matters. It not only averts the benefits of globalization to reach the common men but also denies transparency, accessibility and accountability, confuses rules and procedures, proliferate mindless control and poor commitments at all levels.

Corruption is one of the most serious consequences of poor governance. It has no positive effects. It hits the poor hardest, it makes a mockery of financial systems and it actively works against the legitimacy of the state. Poverty, development, growth and investment — all suffers at the hands of corruption. Its effects are extremely damaging, for reaching and pervasive.

The high level of corruption in India has been widely perceived as a major obstacle in improving the quality of governance. While human greed is obviously a driver of corruption, it is the structural incentives and poor enforcement system to punish the corrupt that have contributed to the rising curve of graft in India. The exposure of the scams and the demand for action against the corruption is now

increasing. But no step to fight corruption will be effective unless all forms of corruption — political, economic, moral and administrative are fought with a sense of commitment and will. In order to meet the threat of corruption to good governance, the following steps are necessary:

i.   Breaking the nexus between politicians, bureaucrats and criminals.

ii. Ensuring a cost- effective administration of justice.

iii. Setting up of Public Interest Litigation Courts at the national, state and local levels.

iv. Making Right to Information more effective.

v.   Strengthening law enforcement agencies in terms of autonomy, skills, attitudinal change and awareness of the social problems.

vi. Forfeiture of the properties of the corrupt immediately after the charges are framed. Such a property can be released only after the person is proved innocent.

vii. Improving bureaucratic functioning by way of simplification of rules, regulations and procedures of works.

viii. Mobilizing the society to support the system of rule of law.

ix. Putting an end to the system of patronage and nepotism from government organizations.

Population Growth

Good governance is concerned not merely with effective laws, procedures and practices, but also concerned with mobilization and utilization of country's social and economic resources in a manner that benefits all the members of the society. However, one finds that development efforts have failed to eliminate poverty, unemployment and illiteracy and to secure to all citizens equitable access to even primary education and health, food, water and a house. From a population of about 35 crores at the time of India's Independence to more than 120 crores now is a cause for concern. Though some states in India such as Kerala, Tamil Nadu, Goa and Manipur have

already achieved population stabilization, there are still some states like Uttar Pradesh, Madhya Pradesh, Rajasthan and Bihar which will take a long time to stabilize their population. The phenomenal growth in numbers requires resources to sustain them. There is an increasing demand on land, air and water resources. Providing adequate educational and health facilities, food, shelter and employment to the growing numbers is a difficult task before any government in India. Look at our large cities where concentration of a very large population poses many problems of health and sanitation, water supply, roads and electricity. In fact, in many respects cities like Mumbai, Kolkata and Delhi are increasingly becoming ungovernable. The rapidly increasing population is, in fact, a means to a breakdown of good governance. Population can be stabilized through spread of education, awareness, health education, people's involvement and development etc.

Culture of Violence

Resort to illegal force is considered to be a law and order problem. But when one looks at it from the point of view of the principles of good governance, it becomes clear that peace and order is the first step to development. Strikes, riots, terror attacks one rant of this harmful culture of violence. At present, the Indian state is facing a serious challenge to its authority from lawless elements. The *jehadi* terrorism in Jammu and Kashmir and its adhoc but frequent spread to other parts of India, the insurgency in the North-East and rapidly expanding base of Naxalite or Maoist movement in mainland India constitute grave challenge to democratic governance. The government can focus on economic, social and political development if it is free from the concerns of threat to public safety and security in terms of life and property.

Moreover, terrorism is also the greatest threat to the rule of law because terror replaces the law or seeks to subvert the law. Terrorism is a hindrance to progress. No industrialist would be willing to invest in an area, which is affected by violence and terrorist activities. This produces an adverse impact on employment, health, education and the provision of other services to the people in the long run. The social life also comes to a halt and people become almost in house

prisoners or suffer from mental agonies of different types if they live under the shadow of violence and terrorism. The issue of human rights also comes to the fore. Terrorists seldom respect the human rights of the common man. But when the government uses brutal force to contain terrorism, at times human rights of common citizens are violated by the state police. It requires a clear vision, courage, and understanding to deal with this menace through dialogue with the violators of law, redressal of their genuine grievances, involvement of the neighbours and wider international governments in the fight against terrorism.

Fortunately, one sees national consensus against *jehadi* terrorism and it is for the Indian state to deal firmly with this menace. Insurgency in India's North-East is largely confined now to Nagaland, Manipur and Assam and these are being tackled by democratically elected state governments with full support from the centre. Of late, one sees a political resolve to deal with Naxalites as well. Dialogue process alone would provide the final answer but in every eventuality the state has to be continually firm in order that it discharges its basic responsibility of protecting life and property of its citizens.

Other Problems

The other problems to good governance are discussed briefly as follows:

i.   Lack of awareness is one of the biggest problems that come in the way of good governance. Due to inadequate literacy, lack of information from the government side, and the failure of civil society institutions, there is a lack of awareness among people about the process of governance, and development initiatives. The sense of apathy among people also compounds the problem.

ii. Civil society bridges the gap between government and governed, and checks the growth of unethical practices. But, when there is an absence of civil society institutions, or when they are weakened, the gap between people and the government gets widened. Good governance is badly affected by weak civil society institutions.

Creating the conditions for Good Governance

Given the notion, characteristics and the major problems of good governance, it is needed that governments must create and sustain the conditions necessary for good governance. A few conditions for good governance are as follows:

i.   Create and adapt basic legislation and institutions that guarantee political and economic freedoms as well as strive to meet a broader range of basic human needs like food, housing, health and medicine, education etc.

ii. Build infrastructure to ensure that organizational capacity is available to handle the growing needs for services, increasing demands for better and more responsive services, and creating conditions for economic progress and social cohesion.

iii. With the improvements in access to education brings the challenge of rapid changes in many knowledge area therefore government must institute an ongoing development programme for its human resources to ensure that they are equipped with the necessary skills.

iv. State-sponsored development programmes must aim at reduction in poverty and improvement in productivity levels of workers. Towards these, poor people need to be directly involved.

v.   Public expenditure review meets should be organized periodically at village, sub-district and district levels to ensure proper utilization of funds and ownership of development programmes by the people.

vi. Civil service should be given clear responsibility for delivery of services in respect of approved schemes and held accountable.

vii. Freedom from distortionary incentives – through corruption, nepotism, patronage or capture by narrow private interest groups.

viii. Accountability of politicians and civil servants to ensure that the power given to them through the laws and regulations

they implement, resources they control and the organizations they manage is used appropriately and in accordance with the public interest.

ix. One third of seats in Assemblies and Parliament should be reserved for women.

x. Persons chargesheeted by a competent court for heinous offences and corrupt practices should be debarred from contesting elections.

xi. Partial state funding of elections should be commenced urgently.

xii. MPLADS and MLALADS schemes should be abolished.

The effective functioning of governance is the prime concern of every citizen of the country. The citizens are ready to pay the price for good services offered by the state, but what is required is transparent, accountable and intelligible governance system absolutely free from bias and prejudices. It is true that a multi-sectoral approach to governance that serves the cause of growth as well as equity alone can help in achieving the goal of good governance. It is precisely here that NGOs, self-help groups, Women's groups, legal assistance organizations and several other civil society instruments can play an influential role. Just as the government regulates the market from committing misuses that are detrimental to society as a whole, the role of the civil society is to ensure that government is not only accountable and responsive to the citizens but it also performs its essential role as the guarantor of social justice.

In the present era when India is progressively moving towards development and prosperity, there is a need is to reformulate our national strategy to accord primacy to the Gandhian principle of "*Antodaya*" to restore good governance in the country. In such circumstance, when the nation or state machineries become more efficient and accountable, the citizens can enjoy higher per capita income, wide spread literacy, adequate health facilities with longer average life.

After all, the good governance in the country can thrive only when every Indian citizen would ignite themselves in the flame of

patriotism adhering to truth, peace and non-violence as means to perceive India of our dream. At this movement, every Indian should swear that the moral principles of our life should never be waved out by the money and muscle power. Let our moral strength succeed over material strength. Let's learn from our past Indian heritage. Being responsible citizens of the country it is our foremost duty not to pledge a vote for deviants to ruin our nation rather to vote for the honest and upright citizens who can be good administrators and reformers to bring positive transformations and can lead our nation under their dynamic leadership.

References

1. Avasatthi ,Prahaladrai P. (2015). "Today India needs priority of Good Governance" in *South Asia Politics,*vol.13, No. 12, April, New Delhi, pp.9-16.

2. Biswas Anil (2013). "Corruption , Participatory Development and Good Governance" in *Yojana*, vol.57, January, pp.39-40.

3. Chakraborty, Shiladitya (2013). *Public Service Reforms in India :A Fight Against Corruption,* Towards freedom, Kolkata,ch.5,pp.262-63, and ch.6, pp.305-15.

4. Dab, Jayanta Kumar (2015). "Dynamic of corruption and its Negative impact on overall Economic Development in India: A critical Review" in *Jamshedpur Research Review,* Jharkhand, Year-III, vol-III, Issue –IX, December 2014 – Feb. 2015, pp42-50.

5. —— (2014). "The faces of Aggression and violence in the present day society: An overview" in *South Asia Politics,* vol. 13, No.8, December, pp 14-22.

6. —— (2014). "The Menace of criminalization of politics: Challenges to Indian Democracy" in *Edulight*, West Bengal,vol. 3, issue-5, May, pp.180-91.

7. Das, Samir Kumar (2008). "Violating Rights or Righting violations? Notes on a critique of Democratic Governance in contemporary India" in *The Calcutta Journal of Political studies*, vol.5 and 6, No.1 and 2 , April 2005 – March 2007, Dept. of Political Science, Calcutta University, pp.33-43.

8. Godbole, Madhav (2003). *Public Accountability and Transparency : The Imperatives of Good Governance,* Orient Longman, New Delhi, pp. 50-94

and 324-29.

9. Hazra, Nirupam (2013). "RTI : A Right to Good Governance" in *Yojana*, January,vol.57,pp.55-57.

10. Kashyap,Subhas, C. (1998). "Towards Good Governance: Need for Political Reforms" in *Indian Journal of Public Administration,* vol. XLIV,No3, pp.318-27.

11. Krishnamurthy, T.S. (2009) ."Electoral Corruption " in *Yojana*, January,pp.29-31.

12. Kumar, Avneesh (2013). "Combating Corruption in India" in *South Asia Politics*, vol.12, No.3, July,pp.48-52.

13. Lakshminarayan, S.and Sharma, S.D. (2006). "Good Governance: Conceptual Framework and Reforms Strategy" in *Management in Government* ,3(2), pp. 1 - 16.

14. Mander, Harsh and Asif Mohammed (2004). *Good Governance: Resource Book*, Books for Change, Bangalore, pp.13-14, and 117.

15. Mathur, Kuldeep (2009). *From Government to Governance : A Brief Survey of the Indian Experience,* National Book Trust, New Delhi, ch. I and II.

16. Mehra, A. K. (2009) "India: Crime and politics" in *The Statesman,* 25th January.

17. Mendiratta , S. K. (2009). "Criminalization of Politics "in *Yojana,* January, pp.32-35.

18. Prakash, A. Surya (2015). "Good Governance: Style and Substance" in *Yojana*, vol. 59, July, PP.53-56.

19. Sakthivel, P.(2013). "For Clean Politics: Supreme Court Verdict and Attempt to Undo its Impact" in *South Asia Politics*, Vol.12, No.5, September, pp. 48-49.

20. Sen, Sankar (2006). "Corruption among the public servants in India" in R. J. May and Binayak Ray (eds.*), Corruption, Governance and Democracy in South Asia,* Towards Freedom, Kolkata, pp.103-25.

21. Singh, Joginder (2014). "Corruption and sting operations" in *South Asia Politics*, vol. 12, No.10, February, pp.5-6.

22. Singh, Rajkumar (2014). "Good Governance and participatory Democracy "in *South Asia Politics*, vol. 12, No.9, January, pp.40-41.

23. *Times of India*, July 13, 2013, p. 11.

P.S. Bawa

Invisible and Hidden Positives of the RTI Act

In common parlance, the Right to Information Act, secured after a lot of effort by the civil society, is considered to be a tool for seeking information form public authorities. Normally such information is invoked in case of unjust response of government, delay in securing a service, a blank refusal to a right to an entitlement, deviation from a due process, seeking explanation for wastage, leakages, or corruption. Though the main thrust of the Act pertains to a right to get information, the institutional framework to enable the right, the duties of information officer, appointment of the Information Commission, exemptions, the procedure for appeal, etc., yet the Act has a deeper meaning that ought to be appreciated in a wider context. Therefore, the unsaid part of the Act is equally important as the stated one. Here are some of the 'hidden' positives of the Act that have started bearing results in the ordinary course without making it obvious.

Change in power relationship; Supremacy of 'We, the People'

The Act fulfills the mandate of the Preamble to the Constitution that declares the people to be the source of all aspirations, goals, methods, and obligations. It is the first law that has people at the centre stage.

All accountability hitherto had been to the law, the verticals in the administration, and the judiciary. The RTI Act is the first law that makes all wings of administration accountable to the people so far as information is concerned. It makes no distinction between legislation, executive, and judiciary. Information can be had from them except that covered under exemptions (Sec.8). Whereas each wing of the administration is not free to seek information from each other, unless

provided for in law or procedures, citizens can obtain information from all. So this is the first law that has given substantial power to people in proper sense, else 'We, the People' was just a decorative symbol and had no practical significance.

The locus of power had vested in the State in order to manage the citizens. It has undergone a change. It is no longer completely invested in the bureaucracy. An individual can interrogate those in power and seek compliance to rules that was not possible earlier. There is no longer an imposition of power, but also a reversal of roles and positions. Power is no longer unidirectional. It is no longer a top-down phenomenon. Power circulates and is embedded in interstices of a vast spectrum. It is now the turn of the powerless subjects to make the powerful subject of their interrogation[1]. The Act is a revolutionary step that enables the citizen to manage the State by asking questions that he would not have dared earlier as the State was considered paternalistic so as to commit no evil.

The information that was earlier denied under the Official Secrets Act is now available to all. The correspondence of the government was often labeled as 'confidential', or 'secret' which meant that this was not for the common man as he was not supposed to know. Even the public officials were not eligible to know if it was not their concern or they were in the chain. The Act has brought about a marvelous change in the system and permits the individual to penetrate into depths of power. There is a definite transformation of power relations that circulates. It is a case of surveillance in reverse. It is no longer the prerogative of the government to keep a watch over individuals. The individuals too can get into the logic of decision making and find out the basis of dynamics of power.

There are two significant empowerments in this law. One, anyone can seek information. The principle of locus standi has been done away has been done away with. Sec. 6 (2) contains: 'An applicant making request for information shall not be require to give any reason for requesting the information or any other personal details except those that may be necessary for contacting him'. Two, the Act has raised the stature of the ordinary citizen to the level of an elected representative as the powers of both to seek information are

at par. In spite of the 'exemptions' the Act lays down in Sec.8 (1) that 'the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person'. This is a big leap forward. Now none has to curry favor with elected representatives for seeking information as had happened earlier in the Cash-for-Query case.

Supremacy of the Constitution

The Act is vocal in its endorsement of the fundamental right to 'freedom of speech' Art 19). The preamble to the Act mentions that it is intended 'to provide for setting out the practical regime of right to information for citizen to secure access to information under the control of public authorities, in order to promote transparency and accountability in the working of every public authority'. The Act has gone beyond the Article which merely uses the words of 'freedom of speech and expression'. The Act is therefore an extension of the intention of the Constitution and is based upon principle of creative interpretation contained in decisions of the Supreme Court. There are decisions of the apex court, besides the campaign of the civil society especially the Mazdoor Kissan Snagharsh Samiti, followed by legislation that led to the culmination of the Act.

Though the right to information is not stated as such in the Constitution, it stands concretized in the Act. The seed was planted in *Raj Narain* [2]. While examining the claim of the government in claiming privilege under Sec 123, and a related Sec. 162, Indian Evidence Act with regard to 'affairs of State' the Supreme Court acknowledged the prerogative of the State to withhold information relating to national security, including foreign relations, in other matters it was held that 'the executive is not the organ solely responsible for public interest… Once considerations of national security are left out, there are few matters of public interest which cannot safely be discussed in public'. It further held that 'In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can but be few secrets. The people of this country have a right to know every public act, everything, that is done in a public, by their public functionaries. They are entitled to know the

particulars of every transaction in all its bearing. The responsibility of officials to explain and to justify their acts is the chief safeguard against oppression and corruption'. (Emphasis added)

Similarly, in *SP. Gupta*[3], the Supreme Court held that 'the concept of an open government is direct emanation from the right to know which seems to be implicit in the right of speech and expression guaranteed under Art 19(1) (a). This case also known as *Judges case* 'was significant not only for liberalizing the rule of *locus standi* but also for circumscribing the government's privilege to withhold disclosure of documents'[4] . The Mathew Commission sought the amendment of Sec. 5 of the Official Secrets Act, 1923, which was a great impediment of the right to know. Two significant decisions of the Supreme Court were delivered in the *Association for Democratic Reforms* and the *People Union for Civil Liberties* cases[5] that established the voters' right to know the antecedents of the candidates contesting elections so that the electorate could make an informed choice. The phrase 'freedom of speech and expression' is interpreted to include a fundamental right to know the background of candidates like their education, assets and liabilities, and criminal record, if any.

The Act is, therefore, a culmination of the decisions of the Supreme Court. The seed planted in the decision in *Raj Narain* case fructified in the form of the Act.

Exception to exemptions

The exemptions from disclosure of information under Sec. 8 and Sec.24 pertaining to 'certain organizations' are rational and based upon 'reasonable restrictions' under Article 19 of the Constitution[6]. The right to information is not absolute. This is reinforced by a decision of the Supreme Court wherein details relating to the Vohra Committee Report were withheld on grounds of security[7].

However, some exemptions are also overruled in the Act under five circumstances. The '**public interest**' is paramount in the scheme of things. One, Sec. 8(1) (e) permits sharing of information available to a person in his 'fiduciary relationship' if 'the competent authority is satisfied that the larger *public interest* warrants the disclosure of such

information'. Two, Sec. 8(2) of the Act subordinates the provisions of the Official Secrets Act and exemptions under this Act. It empowers public authority to 'allow access to information, if *public interest* in disclosure outweighs the harm to the protected interests'. Three, Sec.8 (1) (j) provides for disclosure of 'information which relates to personal information the disclosure of which has no relationship with any public authority or interest, or which would cause unwarranted invasion of privacy' if the authority is 'satisfied that the larger *public interest* justifies the disclosure of such information'. The High Court of Delhi has directed the CPIO, Supreme Court of India, to 'release the information sought by the respondent applicant about the declaration of assets … made by the judges of the Supreme Court'[8]. Four, Sec. 11 allows access of third party information 'if the *public interest* in disclosure outweighs in importance any possible harm or injury to the interests of such third party'. Five, even though the Act shall not apply to intelligence and security organizations under Sec. 24 an specified in The Second Schedule like the Intelligence Bureau, Research & Analysis Wing, Central Bureau of Investigation, etc., yet 'information pertaining to *corruption and human rights violations* shall not be excluded' Sec 24 (1)&(4) (Emphasis added). These stipulations give primacy to the discourse of human rights which is the cornerstone of the Constitution. The Act pierces through the exemptions in exceptional cases were public interest is involved or matters pertain to corruption and violation of human rights.

Maturing of Democracy

The Act is the first conscious effort of the legislature that seeks to strengthen he discourse on democracy. The preamble of the Act contains an important aspect by stating that 'democracy requires an informed citizenry and transparency which are vital to its functioning'. This is a bold statement designed to achieve the desirable. This was necessary, especially in view of diffusion of power and participation of people at the ground level in the context of the Panchayati Raj. The *Association of Democratic Reform* and *Peoples Union of Civil Liberties* judgments that required the candidates to declare their background like education, assets and liabilities, and criminal record, etc., so

that the electorate could exercise a proper choice had preceded the passage of the Act.

Democracy is always in the making. It has never been perfect and therefore seeks improvements. In India, it has so far been an exercise of a voter after five years. The electorates are forgotten soon after and have no leverage to seek fulfillment of promises made by the elected candidates or the party. The Act has conferred power upon a citizen to participate in the process by seeking information of the promises made and the action taken on these. Thus rather than an exercise the right to vote once in five years, the Act has enabled a continued interest in not only democracy but also issues of governance. A citizen can now participate in the process without waiting for the next election.

Democracy can hardly be a success unless people are properly trained in the habits of democratic life. It would be meaningless unless the government encourages the people to develop 'responsible citizenship'. Nothing was done to teach the enfranchised people in political matters. But the Act has the potential to do so. One of the duties of the government under Sec. 26 is also to develop and organize educational programs to advance the understanding of the public, in particular the disadvantaged communities as to how to exercise the rights contemplated under this Act'. Voting is not merely a gift of citizenship. More important is the use to be made of the gift so that it is not frittered away.

Beginning of the benign legislation

Most of the legislation pertains to prohibitions and permissions. It generally contains the empowerment of enforcement agencies. However, this Act is the first legislation that has empowered those outside the power structure. The Act has triggered demand for other rights also. This has led to two trends. One, the subsequent legislation like the Protection of Women from Domestic Violence Act, 2005, the Welfare and Protection of Senior Citizens Act, 2006, the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, the Food Security Act, Right to Service Act, etc., have widened the range of beneficiaries that favor of the disadvantaged sections of society.

One of the important aspects of these legislations is the elimination of judicial jargon as these are rights based enactments. These are meant for the common people who could derive the benefits by invoking these. These are obligations on the part of the government that did have the right intention but not the sanctions for non-action. These laws have empowered people to seek fulfillment of the obligations of the government to them.

Two, the involvement of civil society in the implementation of these Acts is an acknowledgment of the capacity of the people to participate in the implementation of people-centric and socially-oriented laws as well as the introduction of the human touch that can cater to the emotional content of the situation.

Three, social audit is a method of transforming the responsibility to a wider range of suppose functionaries. 'It gives the people at the bottom of the pyramid the access to the various development schemes'[9]. There is a rights-based approach too poverty reduction and growth.

Four, there is now a wider consultation with people and civil society when a new legislation is contemplated. It gives the comfort of being consulted and taken serious note of by the public. It is an effort at involvement rather than imposition by the legislature.

Five, the civil society activists are now being inducted in the Information Commissions and the Human Right Commissions. This too is an acknowledgment of the importance of the role of civil society.

The 'subaltern' can speak

Gayatri Spivak in her monumental essay 'Can the Subaltern Speak'[10] mentions that he 'can't'. The subaltern refers to the lowest rank in the army. In sociological terms, he is characterized by economic disability, illiteracy, and deprivation. Such a person has neither the capacity nor the confidence to question the authority of the State.

Most of the people are harassed by the lower bureaucracy for the reason that they are illiterate, without support of anyone, depressed,

and unable to raise voice against inequities. The Act has given voice to such people who, if they are literate, can directly seek grounds of denial, or can seem support of others for getting their claim. The subaltern can speak now. There is nothing to prevent him from expressing dissatisfaction in seeing information on an item in which he is hurt. He can speak directly or through the agency of someone, civil society or a well-wisher, who can procure information on denials or delays with regard to rights of the individual. The hegemony granted to the government under the Official Secrets Act would not be available to the public official to deny information.

The only way open to the people earlier was protest that could be controlled by the State. The individual had no opportunity to articulate his demand and had no dissenting voice that could be heard by the authorities. There was no channel of communication with the government. The individual could only 'talk' and express his anguish in a soliloquy but not 'speak' as there was none to be spoken to who could 'listen'. The State was not ready to listen to his anguish. Now the individual can make noise and be heard. He is no longer a 'mombatti' in comparison to the State as 'laltain', to borrow the words of Arundhati Roy, signifying the 'big man' and the 'small man'[11].

People, through legislation and with the help of civil society activists, gave themselves the power to speak to the government. The individual can no longer be silenced and his voice muffled by the long arm of government.

Fight against corruption and impunity

Besides the Prevention of Corruption Act, this is the first law that proclaims in the preamble that the Act that its object is also 'to contain corruption and to hold Governments and their instrumentalities accountable to the governed'. This has been proved by the fact that a lot of scams have been unraveled on the basis of information received under this Act. The 2G, the Commonwealth Games, the Adarsh scam[12], etc., have all been revealed by activists seeking information under the Act. The activists sought information under this Act to get the names of the approved members of the society. They were able to get the names of ghost and unauthorized members.

Similarly, there are many instances in which 'RTI has changed the functioning of government, officals'[13]. The author had sought information of ministers foreign trips, bureaucrats foreign trips, ministers, officers, and judges assets, information regarding personal staff of members of parliament and ministers, IT returns of political parties.

Similarly, by obtaining information under the Act from the prisons regarding the number of inmates lodged there, time taken for decision of cases, and the inability of the tribals not able to get released for want of money to pay for it, the civil society has been able to uncover the injustice with those who have been arrested casually as 95% of such persons were acquitted by court[14]. A query under the Act revealed that the canteen in the Parliament was subsidized to the tune of Rupees 60.70 crores during five years. The parliamentarians were privileged to get food at incredibly low rates even in the midst of spiraling prices of food items. The query was a trigger for the decision by the Speaker to abolish su4sidies, raise the rates and permit the canteen to run on no-profit no-loss basis[15].

Tool of good governance

In the body of the Act there is no indication that it is designed to usher in good governance. All that it speaks of is the need for transparency and other desirable things. Yet, unwittingly, the Act, if followed in letter and spirit, can usher in governance that is efficient, accountable, and responsible. Sec. 4 that deals with suo motu information, an obligation with the public authority to share information regarding the department, if read in between the lines, makes it clear that it is a reminder of what the department is expected to do. It contains all that is in the books on management declaring all that is required to done by good practices. In other words, it makes for a check list for the department to find out what is missing in its functioning. This while revealing information, the department can be conscious as to what is expected and what is missing.

There are seven important aspects for a good management. These are contained in Act as items for which information is required to be made public. These consist of, firstly, efficient and modern maintenance

of records. The Act even espouses the responsibility of the government to provide equipment and support for this activity. Secondly, there is reference to particulars of the organization, functions and duties of its officers and employees, 'norms set by it for the discharge of its functions', etc. Thirdly, there ought to be clarity of procedures so that people are not in doubt and not taken for a ride by the petty officials who can exploit their illiteracy and incapability to their advantage. Most of corrupt practices are due to the service demanders not knowing the procedures. Fourthly, there is a lot of talk of 'public participation' in administration. But it is never articulated anywhere. Normally, one is not aware of the boards, councils, committees and other bodies that are open to public and whose minutes are accessible for public. Similarly, the 'arrangement that exists of consultation with, or representation by, members of the public in relation to formulation of its policy or implementation thereof' have to be in public domain. Fifthly, there is need for transparency in financial dealings with regard to the budget allocated for all plans, proposed expenditures and reports on disbursement, the manner of execution of subsidy programs, particulars of recipients of concessions, etc. Sixthly, all orders of any public authority shall 'provide reasons for its administrative or quasi-judicial decisions to affected persons'. In other words, all orders have to be 'speaking', containing the reason and basis of arriving at a decision. And, seventhly, 'channels of supervision and accountability' have to be specified[16].

Taken together, the above measures can bring about efficiency with the organization. Therefore, while fulfilling the mandate of the Act, the department can discover loopholes in its functioning and mend these. The Act provides an opportunity for rectification of the gaps in practice.

Notes

1. Michel Foucault: *Power/Knowledge*: *Selected Interviews and Other* Writings, *1972-77,* ed. C. Gordon; Brighton; Harvester; 1980. 'Power must be analyzed by which circulates, or rather as something which only functions in the form of a chain. It is never localized here or there, never in anybody's hands, never appropriated as a commodity or piece of wealth. Power is employed and exercised through a net-like organization. And not only do individuals circulate between its threads; they are always in the position of simultaneously undergoing and exercising this power'.

2. *State of U.P vs. Raj Narain*: AIR 1975 SC 865;

3. *S.P Gupta vs. President of India* ; AIR 1982 SC 149

4. Sathe S.P.; *Judicial Activism in India*; Oxford University Press, New Delhi; 2002

5. *Association for Democratic Reforms v. Union of India;* AIR 2002 SC 2112; *People Union for Civil Liberties* v. Union of India; AIR 2003 SC 2363

6. Reasonable restrictions as per Art 19 are 'interests of sovereignty and integrity of India, the security of the state, friendly relations with foreign States, public order, decency or morality or in relation to contempt of court, defamation or incitement to an offence'.

7. *Dinesh Trivedi v. Union of India*; (1997) 4 SCC 306; see Note 2 also.

8. *The CPIO, Supreme Court of India v. Subhash Chander Agarawal & ANR.;* W.P. © 288/2009; The High Court of Delhi

9. Das Sudhansu Kumar in *Right to Information (RTI) and Rural Development in India*; Ed. Sudhansu Shekhar Mishra, Sudhansu Kumar Das, Ranjan Kumar Sahoo; New Century Publications, New Delhi; 2009

10. Gayatri Spivak: in *Marxism and Interpretation of Culture*; Ed. Nellson & Grossberge; New York; Methuen; 1087

11. Arundhati Roy; *The God of Small Things*; India Ink; New Delhi; 1997

12. *The Times of India*; 'Crucial RTI boost lifted Adarsh case'; January 17, 2011.

13. Shyamlal Yadav in *The Indian Express*; '10 ways in which RTI has changed the functioning of government officials'; October 28, 2015

14. *The Hindustan Times; January I, 2016;* 'Now, MPs to Pay More for Canteen Food'

15. *The Economic Times*; 'Justice System Works against Tribals in Bastar; January 8, 20216.

16. Bawa P.S.: *Right to Information Act – A Tool for Good Governance;* Journal of Governance; IC Centre for Governance; New Delhi; Vol. 1; June 2010

Social Media

Relevance to Law & Order and Security

The world today is changing very rapidly. The world has become a cauldron of rapidly developing scenarios, situations and possibilities. The changes are so sweeping and all encompassing that sometimes it becomes even difficult to comprehend their scale, size and rapidity.

Little known facts about the changing world:

- 28% of the population in India with the highest IQ's is greater than the total population of North America.

- China will soon be the #1 English speaking country in the world.

- The US Department of Labour estimates that today's learner will have 10-14 jobs by the age of 38.

- 1 out of 4 employees have been with their current employer for less than 1 year.

- 1 in 2 has been for less than 5 years.

- The top 10 in-demand jobs in 2013 did not exist in 2003.

- We are currently preparing students for jobs that do not exist yet.

- Using technologies that have not been invented.

- In order to solve problems that we do not know are problems yet.

- For first time in history we have four generations working side by side – TRADITIONALIST; BOOMER; GEN & MILLENNIAL.

- Who are very different in the way they grew up communicating – TRADITIONALIST: Write me; BOOMER: Call me; GEN X: email me; MILLENNIAL: Text me.

- Every day 61% seniors (50-65 years) & 46% very senior (+65 years) use email.

- Every day 20% seniors (50-65) & 13% very senior (65+years) visit social networking sites.

- Over 2.4 billion people use the internet now.

- Wikipedia is in 270 languages having in excess of 3.7 million articles in English and + 15 million articles in languages other than English.

- Candy Crush has 7.6 million user per day and 225 million per month and earns U$$85-,000 per day and U$$230 Million per year.

- There are 100 Billion searches on Google every month.

- You Tube is the second largest search engine I the world – every minute 24 hours of video are uploaded on you Tube.

- 175 Million users are connected at each moment to FaceBook.

- 50% of all mobile internet traffic in the UK is for FaceBook.

- 1 in 6 couples married in the USA met online.

- 1 in 5 divorces are blamed on FaceBook.

- Age of visual data – Instagram vs Pinterest

- Netflix – 22 Million hours of TV shows and movies watched daily.

- Pandora – 19 Million hours plus of music streamed daily.

- Zynga – 1 Petabyte plus of game contents processed daily.

- More than 400 new books are published every day.

- It is estimated that a week's worth of New York Times contains more information than a person was likely to come across in a lifetime in the 18th Century.

- 3.5 Zeta bytes of unique new information will be created worldwide this year.

- Amount of new technical information is doubling every 2 years.

- Third generation fiber optics have been recently separately tested by NEC Japan & Alcatel – that carries 10 trillion bits per second down a single strand of fiber

- 50 Billion devices will be connected to the internet by 2010 – Internet of Things.

- By 2049 a single U$$ 1,000 device will exceed the computational capabilities of the entire human species.

The snippets give the actual situation in the world regarding the data and economy in which we are living and existing today. In a famous book written in the 1980's called "Future Shock" the celebrated writer Alvin Toffler had coined the phrase "Information is Power".. in those days nobody took him seriously little understanding that in a little over three decades the prediction of this prophet will come true and today Information is real Power. The more a person or system has access to information the more powerful he/she or it is.

Former President of India Dr. APJ Abdul Kalam (late) has put the present scenario very succinctly in his book entitled "India 2020. In this he has written a very startling and pertinent fact – "The world has not changed in the past 50,000 years as much as it has changed in the past 5000 years. It has not changed in the past 5000 years as much as it has changed in the past 500 years. It has again not changed in the past 500 years as much as it has changed in the past 50 years and finally it has not changed in the past 50 years as much as it has changed in the past 5 years".

Taken together this means that the world has not changed in the past 50,000 years as much as it has changed in the past 5 years. This is something stupendous and unimaginable. These changes are more

like upheavals and they encompass all aspects of human survival – be it information, communication, education, employment, relations, health, entertainment, social networking, commercial sector and even crime. The natural corollary to this is that when the world is changing in all aspects so fast and unabated then we should change with the changing times. This means that we have to change our practices, our efforts, our mindsets, our intentions as well as our procedures to keep pace with the digitally charged and changing world of today. The sooner we do so the better to guarantee our personal and professional excellence.

It is necessary to enumerate the factors that are fuelling this rapid change and mind boggling transformation.

1. **Technology:** Rapidly changing technology is the biggest engine for the changing world. It poses serious challenge to policing the cyber space too. Due to regular changes in technology cyber crime is said to have a shelf life of three moths. This definitely impedes proper training and equipping the law enforcement officers dealing with cyber crime detection and investigation.

2. **Gadgets:** New, connected and more powerful gadgetry are another major factor push factor for the changing world.

3. **Internet:** Deeper penetration of the internet into hitherto unconnected and disconnected areas also contributes towards this rapidly changing world.

4. **Social Media:** Ever growing social media and communication is a prime factor in bringing bout rapid, permanent and sweeping changes in the world.

As social media is one of the prime engines of change in today's world, it is an important that its effects viz a viz law & order and security are analyzed, so that the threats posed by it and the opportunities afforded can be clearly identified. Based on this, measures to limit the threats and utilize the opportunities can be suitably devised.

Wikipedia defines social media as – "As a computer mediated tool that allow people to create, share or exchange information, career interests, ideas, and pictures/videos in virtual communities and

networks". According to Nielsen, internet users continue to spend more time with social media sites than any other type of site. Social media technologies take on many different forms including blogs, business networks, enterprise social networks, forums, micro blogs, photo sharing, product/service review, social bookmarking, social gaming, social networking, video sharing & virtual worlds.

Indians are very active on different social networks and 88% of users share content on their social profiles and as well as increasingly spending time on various social networking sites. Facebook is the most browsed social network on social media with a large based of 100 Million users, clearly it is not fading away anytime soon in India. More than 80% of those users access Facebook via their mobile phone. Total Twitter users in India are 33 Million and from this base 76% of users access it via their mobile phone. LinkedIn has 26 Million India users, of the total 300+ Million users. Of the total chunk of 70 Million total users in Pinterest, 5.5 Million comprise from India. Instagram the usage is more dominated by men in comparison to women; ratio being 75/25. It shows only 1/4th of the women population in India are on Instagram, looks like selfies are more appreciated by men than women! The most shared type of videos is film or movie trailers.

In the period between July 2014 – August 2015 growth in the number of actual social media users in India was a healthy 26% (+28 million). The average daily use of social media in India via any device is 2 hours & 36 minutes. Total number of actual social media users in India is a huge 134 million that is 10% of the total population. Total number of actual users accessing through a mobile is 97 million that is 8% of the total country's population. The largest social media use is of the Facebook social networking platform, where 53% of all users in India are connected to it. This is followed by the social messenger service WhatsApp to which 44% are connected.

Digital media, Internet and the World Wide Web have transformed the way we collaborate, communicate and share information with each other. The online communication is not bound by the geographical limitations and is entirely in virtual world. Internet exists with sites which offer facilities for interaction, uploading information, pictures

and videos for sharing. Also plays crucial roles in various fields like business and commerce, personal relationships, leisure activities, political usages, speech and expression, etc. This is the reason why social media websites like Facebook, Twitter, LinkedIn, etc are very popular world over. Mobile connectivity and smart phones have added a new dimension to this new development called social media networking or Web services 2. Children and younger generation have been quick to choose, follow and use technology. What is the public implication of involvement of the socio-technological change for law enforcement organizations? The broad acceptance of social media and the increasing effect that the adaptation has in police work requires police organizations to define and employ strategies for social media acceptance. India has a significant population that is attached to various social media or social networking websites. According to a survey by internet and Mobile Association of India (IAMAI) and IMRB International, India will have 236 million Mobile Internet users by 2016 (IAMAI-2015). According to research firm eMarketer, India will have the world's largest Facebook population by 2016, India is increasingly logging into their Facebook and other social accounts, with the country recording the highest social networking growth of 37.4% (2013). According to another study, 83% of Facebook users in India are less than 34 years old (Nayak-2014). This has given rise to a unique law enforcement and regulatory challenges before the countries around the world.

This social media has become such an important tool of networking, communication and information gathering in India that it is ever present and omnipotent. These platforms and networks were formed with the noble objective of getting likeminded people on one platform; to enable them to make new and lasting relationships and friendships; to have healthy exchange of ideas and issues amongst such friends; as a result of such interactions the evolution of some new and beneficial ideas. The social media today is definitely fulfilling the objectives defined above but it has also become a hot bed of crime and criminal activities. All sorts of crimes are today reported on such platforms like – cheating, embezzlement, defrauding, impersonation, breach of contract, blackmailing, threatening, stalking, bullying,

invasion of privacy, conspiring, indecent representation of women, morphing, child pornography, trafficking in contraband items (like drugs, wildlife parts, weapons), terrorism – the list is almost endless. In addition certain offences occur offline after individuals form friendships through this media with unknown persons online. They go to meet such "friends" offline due to a variety of reasons and become victims of such heinous offences like kidnapping, abduction, murder and rape. Thus it is imperative that the citizens of the country are made aware regarding the proper and safe use of social media so that they do not cause harm to themselves and others by its unrestrained and unsecured use. At the same time police officials also need to be equipped with the exact knowhow regarding crime and criminal activities prevalent in the social space ad how best to deal with it.

In addition to this ever increasing threat of crime on the social media it has also become a repugnant source of social unrest. It provides an easy means for individuals to connect and accumulate for a cause. If the cause be good then it has a positive effect on the society at large (i.e., the Anna Hazare stir against corruption). But if the people start connecting for a reason that may cause harm and fissures in the society (i.e., the reservation stir in Gujarat), then such social movements can take the form of social unrest and cause untold harm and misery to the society. Such social networked movements can take such proportions that even Governments cannot control their fall out and have to bow down before their fury and unity. The series of movements in what is called the "Arab spring" led to the downfall of well established and long serving Governments in countries like Egypt, Tunisia, Libya and Algeria. Hence the emphasis here too has to be in educating the public at large, regarding the limited and restrained use of the social media – one which is for the benefit of the society and which does not result in fractures and conflicts. The police as the premier law enforcement agency should be also equipped with the relevant tools and training to analyze the social media traffic and prevent any build up to serious law and order situations. Such tools to analyze traffic in the public domain have been developed and they should be provide to each and every district police to do a better job at monitoring the social media space.

Cyber is a digital beat, which now needs to be patrolled by police just like a physical and real beat. Numerous legal and illegal activities are taking place in the cyber world. Criminals commit crime activities using social media for sale of smuggled items, organizing terrorism, selection of targets and victims, committing cyber frauds, defamation, bullying, hacking, social engineering, spreading malware etc., Sex offences associated with Facebook, Twitter and other social media users have increased in India in the last many years. Molesters are increasingly logging onto the social networking sites to target children (Mirror-2015). There have been different cases of using social networks in human trafficking, trade in arms, drugs and other illegal activities. Taking advantage of the Facebook and Twitters posts and the location and positioning information, robbers and burglars have committed theft knowing that house occupants are outside town. Using the personal identifiable information available on them social media, facebook and internet, it is possible to create a detailed profile or fake profiles of an individual, which can then be used by cyber criminals to commit crimes such as spamming, impersonation, identity theft, phishing, vishing (phone based phishing), cyber stalking and bullying, online harassment, online grooming of children for sexual exploitation. There are around 83 million fake profiles on Facebook to commit new and disturbing crimes (CNN, 2015)

Law enforcement agencies (LEA) can afford to ignore social media beat only to its insecurity. If monitored effectively, social networking sites and technical media can provide resourceful, economical and effective plan of action and actionable intelligence. Social networking media are now one of the most productive and crucial sources of criminal evidence. Social media monitoring, case study and analysis has been in use by business organizations to find the market trends, sentiments, likes and dislikes of customers. 4.5 billion like generated daily till May 2013 which is a 67 percent increase from August 2012 (Facebook) and 5.75 billion pieces of accumulated content shared daily as of May 2014 which is a 94 percent increase from August 2015. (Facebook).

Law enforcement agencies can use social networking as a source of information, event and pattern recognition, analyzing public status

and trend. Researchers have shown that social media can be utilized to forecast prevailing psychological state and future outcomes. Real time monitoring, studies and analysis of social media can be very useful in mental expectancy and predicting regular demonstrations. Monitoring social media also enables. Police to identify provocative, objectionable and offensive contents so that they can be blocked under provisions of Section 69 IT Act and affiliated rules. Although law enforcement agencies have been advanced to realize the opportunities offered by social networks and media, many police organizations have started working in this direction.

Federal Bureau of Investigation (FBI) in 2012 launched a 'Freedom of Information and Privacy Act' to explore and cast about solutions for automated search and monitoring of social media, generation of real-time alerts and information for legal action, based on selected parameters / Keywords (FBI-2012). In our country, some remarkable intelligence agencies and Mumbai Police have already set up social media monitoring labs. Delhi Police is also cogitated such as crime Cell and has drifted expression of interest for implementation of "Open Source Intelligence (OSINT)" solution that refers to any uncategorized intelligence and includes thing freely available on the Web. Central Bureau of Investigation (CBI) has recently proposed that "Investigating agencies should exploit social networking sites for their " open and cover" look into by digging out photos, status messages and following the users and their activities". Indian Computer Emergency Response Team (CERT-India) is a government Organisation under the Ministry of Communications and Information Technology also deals with Cyber Security. Social media monitoring can be undertaken by Tech Intelligence agency such as National Technical Research Organization at the national level and state intelligence departments at the state level can do so.

In the diversified and rapidly changing crime and terrorism outlook in digital society, Cybercriminals use social networking not only to commit crime online, but also for carrying out real world crime owing to "over-share personal information" across the social platforms. Crimes like Child Abduction, Child Sex Tourism, Global Human Trafficking, Missing Children, Pornography, Sexual Exploitation; The Sex Trade over social media has become well-

known committing an offence against citizens. Sexual predators find new ways to exploit growing obsession with social media. When young age girls accepts Unknown friend's requests out of curiosity and is quickly smitten by the other side man's smooth online flattery. Both exchange phone numbers, and attention increases with rapid-fire texts over online chats. The predator convinces young girls to meet him in a mall, and girl found him just as charming in fake profile over social media. "We are racing against time, and the tech frenzy over Facebook is a trend among teenagers". The 27 social media related criminal act reported to the commission during 2013 has reflected a starred tend of increasing incidence every year. It has been getting worse as trafficking rings become more widely distributed and hi-tech and then underage children are more easily targeted.

"Police should be swift and act rapidly, or many more girls will become victims."

Law enforcement uses social media to evaluate criminal activities experiences a significant increase in 2014 compared with the survey report 2012. The second most commonly utilized social media activity, following crime investigations, and currently more than 51% monitor social media activity for possible criminal activity. Two-thirds witness social media a valuable tool in evaluating crimes. Law enforcement personnel using social media tools are successively increasing unique and effective ways, from locating criminals and evidence to communicate directly to the community about public safety matters.

Effectively employed Social media in various ways:

Criminal Activity Investigation and Obtain Probable Cause for a Search Warrant. Author a search warrant on Facebook accounts and locate evidence that shows commission of a hate crime. Facebook updates and photos prove the suspects committing the crime. It led to suspects arrest on multiple types of felonies". Collection of Evidences used to match marks left during the assault". Acknowledge Location of Criminal and Identify date and day of related activities. Social media Identifying Networks of Criminals and helps by identifying suspects that were friends or associates of other suspects in a crime.

Use dedicated Social media page for Public Safety Awareness to alert our citizens about what is going on. Put out advisories, warnings and details of crime. Also use Facebook for public service announcements.

Indian law enforcement agencies need to stay ahead of their opponents and criminals by adopting new strategies and tools. There are already many unofficial policing social media sites trying to fill the gap in the absence of official social media presence by most of the Police organizations in our country, India. At the moment, the use of mobile applications and social media by Indian law enforcement agencies is only at observational stage. Few police departments in India have placed together a system to harness the possibilities of social media. Even those people who are using it have done it partially in a restricted manner. Police in Delhi, Hyderabad, Bangalore, Gurgaon, Kolkata, Mumbai, and Chandigarh have taken important steps in the use of social media to broadcast information to public. Social media sites and resources are another tool in the toolbox of law enforcement investigations and should be used in a manner that agrees to the same principles that govern all law enforcement activities (Global Justice Information Sharing Initiative, 2013). The police leadership in India needs to be made aware of the leveraging role of social media and mobile applications in policing. The law enforcement agencies must develop a comprehensive strategy to leverage social media to its advantage by integrating it with their functioning. It must also be ensured that while doing so the privacy and civil independence of individuals are not offended. On the lines of "Social Media the Internet and Law Enforcement" (SMILE) Conference, Bureau of Police Research and Development, MHA can initiate a similar annual conference where law enforcement officers of the country can discuss and share experiences, best practices, tools and technologies about use of social media in law enforcement activities. In the digital world where everyone is becoming online and connected, law enforcement agencies in India cannot afford to miss the social media bus by falling prey to 'Digital Evolution".

We can conclude by resorting to the "Two Dangers Theory" which can be pictorially represented below:

Two Dangers Theory
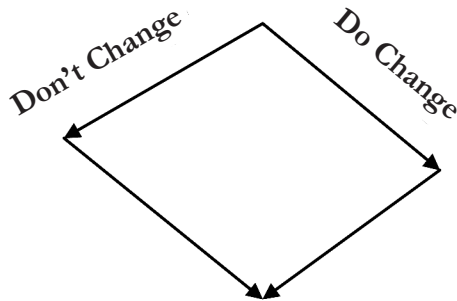
Damned if you Do & Damned if you Don't

This clearly represents the fact that if we "Do not Change" with the rapidly changing world then we will be left behind and will become outdated. But if "We Do Change" with this rapidly changing world without changing our perceptions, efforts, procedures and performance we are exposing ourselves to extreme risk and harm. So we come to the epitaph – "Damned if you do and damned if you don't"! Thus the motto of today has to be that we DO CHANGE with the changing world but with a rapidly changing mindset and performance, only then can we be safe and secure.

Thus, the social media has to be looked at from a similar point of view. It can be an extremely important friend as well as an implacable foe to the law enforcement agencies of India. If analyzed and monitored in a proper manner it can be a treasure trove of information regarding the state of security in the region as well as provide vital indicators to the prevalent law and order situation. At the same time crime and criminal activity on the social media can be brought under control by:

- Training Police personnel to deal with crime emanating from the social media interactions and relations.
- Monitor the criminal patterns and techniques being employed by present day cyber criminals.

In conclusion it can be stated that the police today has to gear up to change with the rapidly changing times. It has not only to become

tech-savvy and gadget friendly but also connect to the people and problems more and more through the use of the internet and internet based applications.

They also have to start using the social media as an effective tool to combat crime and criminal tendencies and regulate law and order situations. Even problems related to traffic management, social disorders, societal evils and crowd management can be addressed with the clever and pointed use of the social media. Monitoring traffic of social media can provide brilliant intelligence to the local law enforcement agencies in tackling and battling a host of situations. It is time that the police seriously thought in this direction and adopt the social media as their major, most effective, cost neutral and trusted tool of enhanced performance. The results will not only be rewarding but also extremely encouraging. The best part is that it will be greatly appreciated by the public at large and especially the youth of this young country.

Apoorva Shankar

Role of Private Sector in Higher Education*

There are three levels of education; elementary, secondary and higher. The first two are imparted at the school level, whereas higher education is imparted at the college and university level. There may be two types of providers of education: public and private. Private institutions may be partly funded by the government (aided) or entirely self-funded (unaided). Public institutions are established, funded and managed by the government. Private providers of education often step in when the government has limited resources to provide universal access to education. In most markets, the private sector is characterised by a profit-motive. However, when it comes to education, the private sector is required to operate on a not for profit basis (1, 2). Some experts are of the view that certain private providers of education dilute the quality of education due to a lack of regulatory oversight and restrict access due to charging high fees from students. On the other hand, some consider private involvement to be necessary to enhance investment and quality, as a result of increased competition, in higher education.3,4 The Standing Committee on Human Resource Development is currently examining the subject "Role of Private Sector in Higher Education." In this context, we present an analysis of the role of the private sector in providing higher education in India. This note maps out the regulatory framework and highlights key issues with regard to private higher education.

Regulatory framework

Constitutional provisions

Education falls under the Concurrent List of the Constitution

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(5). This means that both the centre and states can enact laws related to education. In addition, the mandate of determining standards of higher education and research lies with the centre, as this falls under the Union List (6). Further, states have powers to incorporate, regulate and wind up universities as a subject under the State List (7).

Administrative framework

At the centre, the Ministry of Human Resource Development (MHRD) formulates policies, and implements laws and schemes related to education in the country. Under the Ministry, the Department of Higher Education is responsible for the higher education sector. At the state government level, Departments of Education carry out similar functions. Institutions offering specialised professional disciplines in sectors such as health, agriculture, etc, are regulated by their respective ministries.

Regulatory bodies.

The main regulators for higher education are the University Grants Commission (UGC) and the All India Council for Technical Education (AICTE). In addition, there are 15 professional councils regulating various professional courses. These are statutory bodies established by Acts of Parliament such as the Medical Council of India, Bar Council of India, Council of Architecture, etc.

Types of higher education institutions

Table 1 shows various kinds of higher education institutions that may be established (8):

Table 1: Types, examples and number of higher education institutions in India

Universities			
Parameter	**Universities**	**Institutes of National Importance**	**Deemed Universities**
Setting up	Set up by an Act of Parliament or state legislature.	Declared as such through an Act of Parliament.	Status given by the central government on the recommendation of the regulator, the UGC, which bases its recommendations on the findings of an

Universities			
Parameter	**Universities**	**Institutes of National Importance**	**Deemed Universities**
			expert committee. In case of declaring technical institutions as deemed universities, the AICTE advises the UGC.
Nature and scope	Empowered to award degrees and affiliate colleges. Private universities cannot affiliate colleges.	Empowered to grant degrees. The Constitution provides for institutions imparting scientific or technical education, financed by the central government, to be declared institutions of national importance (9). Each institute is governed by their Act.	Empowered to grant degrees. They can institute campuses in the country (in parts other than where the first campus was set up) and outside. These institutions offer advanced level courses in a particular field or specialisation, with a focus on post graduate studies.
Nature and scope	Delhi University is a public university and Amity University in Uttar Pradesh is a private university.	All India Institute of Medical Sciences (AIIMS), Indian Institutes of Technology (IIT), National Institutes of Technology (NIT), etc, which are governed by the AIIMS Act, 1956, IIT Act, 1961 and NIT Act, 2007, respectively.	Tata Institute of Social Sciences was granted the deemed university status in 1964.

Universities			
Parameter	**Universities**	**Institutes of National Importance**	**Deemed Universities**
Number	As per All India Survey on Higher Education (AISHE), there were a total of 665 universities in the country in 2014.	Presently, there are 73 such institutes in the country.	
		Colleges	
	Colleges	Stand-alone Institutions	Autonomous Colleges
Nature and scope	These may be public or private institutions that do not have the power to grant degrees. To be able to grant degrees, they are required to be affiliated with public universities.	These are institutions or colleges (not affiliated with universities) which cannot award degrees and may run diploma level programmes.	Determines own curricula, teaching, assessment, examination strategies, etc. Remains under aegis of a university for the purpose of granting degrees. Status of autonomous college is conferred by UGC, on the recommendation of an expert committee, in consultation with state government and university concerned.
Example	St. Stephen's College, Delhi.	District Institutes for Education and Training.	St. Xavier's College, Mumbai has been an autonomous college since 2010. It grants degrees under the aegis of Mumbai University.
Number	According to AISHE, there were 36,812 colleges in India, in 2014.	Currently, 11,565 stand-alone institutions are functional.	There were 487 autonomous colleges in India, till December 2014 (10).

Sources: "AISHE 2013-14 (Provisional)", MHRD, 2015; "Report of the Central Advisory Board of Education (CABE) Committee on Autonomy of Higher Education Institutions", MHRD, June 2005; UGC; AICTE; PRS.

Establishment of Private Universities

A university must be a trust, society, not for profit entity or should be run by one. There are two routes to establish a private university. Primarily, it may be set up through an Act of Parliament (central university) or an Act of a state legislature (state university). Till date, no private university has been set up through an Act of Parliament. The other route is by being declared a deemed university. Currently, 229 universities are privately managed (11). States may differ in the land norms and other procedural steps required in setting up a private university. However, an analysis of laws in some states such as Rajasthan, Madhya Pradesh and Gujarat shows that largely these requirements are similar across states (12). An example of the requirements for setting up a private university in the state of Haryana is provided as indicated below:

Requirements for setting up private universities in Haryana: Case study

Unlike some states, in Haryana, a separate law need not be enacted when setting up a private university. The principal Act for establishment of private universities is amended by the legislature each time a new private university is to be set up (by appending the university to the Schedule to the Act). In Haryana, private universities are required to be self-financed and maintain an endowment fund with a minimum amount of Rs 3 crore. Before a university can be established, the sponsoring body is also required to hold a minimum of 20 acres of land, if outside the municipal limits, or a minimum of 10 acres, if within the municipal limits.

Procedure to establish a private university:

Project report or proposal

- Project report/proposal with five years expected cash flow statement, letter of intent and initial sum of money submitted to the government.

- Proposal contains: objectives of the university, types of programmes of study, deed of the institution (which is a trust/society/non-profit entity under Section 25 of the Companies

Act, or is being run by one), fee structure, admissions format, composition details of board of governors, availibility of academic research and training facilities, building plan and land deed, etc.

Setting up the university

- Once the proposal is approved, the state government tables the Bill for the establishment of the private university, for passage by the state legislature.

Regulation

- The university shall maintain standards as prescribed by the relevant regulator (UGC, except in the case of technical, professional courses: AICTE or other councils).
- It shall get accredited by a body such as the National Assessment and Accreditation Council, within a stipulated period of time.

Other routes to establish a private university through the central government: (13)

An existing private institution/college may be conferred the title of a deemed university in the general or "de novo" category. Under the general category the institution should: (i) have been in existence for at least 15 years,

  (ii) be engaging in areas of specialisation and not conventional degrees such as engineering, management, etc.,
  (iii) have undergone external accreditation and assessment,
  (iv) possess the necessary infrastructure for quality research and have modern information resources, etc.

Symbiosis International University, Pune has been declared a deemed university through the general category. Under the "de novo" category, the institution must be devoted to unique and emerging areas of knowledge, not being pursued by existing institutions. The Ministry may notify the institution as a deemed university under the de novo category on completion of five years of the institution as such. The Energy and Research Institute (TERI) acquired the deemed university status through this route.

Funding for universities remains unchanged once they are declared deemed universities. Deemed universities may be allowed to operate beyond their approved geographical boundaries and start off campuses (additional campuses within the country) or off-shore campuses (outside the country). They may also conduct joint programmes with other universities, or deemed universities, in India and abroad. Note that no institution has been declared a deemed university since 2009. The centre derecognised 44 universities in January 2010 as they were found to be deficient on several counts such as lack of infrastructure, disproportionate increase in intake capacity, high fee structures, little evidence of efforts in emerging areas of knowledge, etc. The centre's move was appealed to the Supreme Court by the universities (14). However, the Court did not reverse it and left the final decision with the UGC.

Regulation

The UGC has powers regarding the recognition, functioning and de-recognition of deemed universities. It is also empowered with disbursing grants to other universities for their maintenance and development, and with regulating fees charged by universities. Failure to comply with UGC standards may result in withdrawal of grants or termination of affiliation of a college to a university, if the college does not comply with fee and other regulations (15). Private universities offering technical courses such as engineering, town planning, management, etc, and receiving funding from AICTE, are required to comply with its academic standards and regulations (16).

It may be noted that in 2002, the state of Chhattisgarh passed an Act to enable the establishment of universities. The Act allowed the state government to establish universities with specific jurisdiction and location, by means of a notification to the Act. In response to two Public Interest Litigations, the Supreme Court struck down the relevant provisions of the Act, stating that the legislature had to pass an Act for establishment of universities. Subsequently, all such universities ceased to exist. (Prof. Yashpal & Anr. vs State of Chhattisgarh & Ors., February 11, 2005.)

Key issues and analysis

In this section, we analyse a number of issues that exist within the higher education sector in India, with a special focus on the role of private players.

For-profit educational institutions and private players

Private providers are typically driven by a profit motive, but over the years, the Supreme Court of India has interpreted the nature of educational institutions to be charitable and not for profit. Therefore, supernormal or illegal profits cannot be made by providing education. If a revenue surplus is generated it is to be used by the educational institution for the purpose of its expansion and education development (1,2).

The National Knowledge Commission (NKC) was set up in 2005 to give recommendations on building a knowledge base in India, including reforms required in the education sector. NKC did not encourage for-profit educational institutions (3). The Yashpal Committee was set up in 2008 to recommend changes to the higher education sector. It also suggested that private providers of higher education should not be driven by the sole motive of profit.4 However, both NKC and Yashpal Committee recommended that it is essential to stimulate private investment in higher education to extend educational opportunities. This aspect is further discussed in detail in the issue of access, under fee structures. There are many private, not for profit higher education institutions that have been operating in countries like the USA for many years such as Stanford University, Massachusetts Institute of Technology, etc. Alternatively, the University of Phoenix in the US is private and for profit. The UK higher education system is also characterised by many private providers, which operate on a not for profit basis.

Recommendations:

Modes of Public-Private Partnership envisioned by the UGC

UGC has recommended the following four models of private sector participation in Indian higher education: (i) Basic \Model: the private sector invests in infrastructure and the government

runs the operations and management of the institutions, making annualised payments to the private investor; (ii) Outsourcing Model: private sector investor invests in infrastructure and runs operations and management, and the government pays him for the specified services; (iii) Equity/Hybrid Model: investment in infrastructure is shared between government and private sector and the responsibility of operation and management lies with the private sector; and (iv) Reverse Outsourcing Model: government invests in infrastructure and the private sector looks after operations and management. Source: Higher Education in India, UGC, December 2003.

Enrollment:

Low enrolment: The total population of India is currently 121 crore.17 Gross Enrolment Ratio (GER) is calculated as a percentage of total number of students enrolled in a specific level of education (higher education in this case) divided by the total population within the relevant age group (18-24 years). In 2013, the GER for higher education ranged from 14%-24%. The GER for higher education differs on the basis of two official reports for the same year, the Ministry's All India Survey on Higher Education (24%) and the Standing Committee report examining the Demands for Grants of the Department of Higher Education (13.6%) (11,18). In India, GER in higher education has more than doubled over a period of 11 years, going from 9% in 2002-03 to 24% in 2013-14. The Rashtriya Uchchatar Shiksha Abhiyan is a centrally sponsored scheme launched in 2013, mainly to provide funding to state higher educational institutions. The scheme's objective is to achieve 30% GER in higher education by 2020. While GER has increased, it reflects that currently only 24% of people who should be enrolled in universities (as per target age-group of 18-24 years) are actually enrolled. This is fairly low compared to other countries such as the UK and USA, as seen in figure 1.

Expected increase in demand for higher education:

The GER for elementary education is over 100%. For secondary education, this ratio is over 50%. As enrollment in elementary education has been maximised, and enrollment and drop outs in

secondary education are being addressed, the pool of students seeking higher education opportunities will increase over the next few years. Therefore, there will be a greater demand for university education. The NKC recognised that government financing cannot be enough to support the massive expansion in the scale of higher education.

It may be noted that over the past 10 years, the central government expenditure on higher education, has been fairly constant around 1-1.5% of its total expenditure (19). While various committees have observed the importance of private sector investment in higher education to raise this expenditure, there is no data available on private sector spending in this sector. Currently, India spends 1% of its GDP on higher education. In contrast, USA spends about 3% of its GDP on higher education, Canada 2.5%, Chile 2%, Russia 1% and Brazil 0.5%. USA, Chile and Korea also show high proportions of private expenditure on higher education (between 1.7% to 2.1% of GDP) (20).

Data indicates that currently the private sector is playing a significant role in addressing access to higher education. As on 2014, there were a total of 36,812 colleges. Of these, 20,390 colleges were private and 6,768 were public colleges (11). It may be noted that these numbers (and data represented in figure 2) are not reflective of the number of seats available in public or private institutions, and how many seats are filled or vacant. In addition, regulatory requirements to set up universities may vary across states. This could be another factor for some states having higher enrollment in public/private institutions as opposed to the other (in table 2).

At the state level, Andhra Pradesh, Karnataka, Maharashtra and Tamil Nadu are states with the maximum number of colleges, followed by Uttar Pradesh and Gujarat. These states also consist of the highest number of private colleges. Details of all states can be found in the Annexure.

Types of disciplines:

With regard to the types of disciplines studied, in the Indian higher education sector, most students at the under graduate level

are enrolled in the arts stream (33.79%), followed by engineering & technology (18.89%) and commerce (14.51%). Whereas most students opt for management studies at the post graduate stage (20.64%), the leading stream at the M. Phil level is social science (24.07%). At the Ph. D. level, most students chose science in 2013 (22.15%) (21).

The NKC observed that in disciplines such as engineering, medicine and management there has been a rise in privatisation of education such that two-thirds to three-fourths of these seats are in private institutions. A UGC report in 2012 noted that the distribution of public and private institutions in India is skewed. This is because enrollment in public universities is largely concentrated in conventional disciplines (arts and sciences) whereas in private institutions, more students are enrolled in market-driven disciplines (engineering, management, etc) (22). A British Council report focusing on India, in 2014, suggested that the latter types of disciplines are typically more employable and that majority of firms hire engineering and management graduates (23).

The Yashpal Committee also pointed out that while private investment is high in the emerging areas of engineering, medicine and management; majority of enrollment is still taking place in the traditional disciplines like arts, etc. The Committee said that the private sector should not confine itself to the commercially viable sectors such as management, accountancy, medicine, etc. Therefore, the responsibility of maximising enrollment currently stays with the government.

Reservations:

In the past, the Supreme Court has stated that private unaided educational institutions have full autonomy in their administration. The Court has also stated that the principle of merit should not be sacrificed, i.e., students should be admitted on the basis of their academic capability or merit. The management of a private institution can exercise its discretion for quota in admitting students, subject to satisfying the test of merit based admissions. This meant that the government could not mandate its reservation policy on a private

unaided educational institute. Reservation is affirmative action for socially and economically backward classes, scheduled castes (SCs), scheduled tribes (STs), etc. The justification for disallowing reservations in these institutions was the encroachment of their right and autonomy in determining admission procedures, etc. Such reservation was only possible if decided mutually by the institution and the government (2, 24). The Constitution (93rd Amendment) Act was enacted in 2005, inserting Article 15(5) in the Constitution. This empowered the government to mandate reservations in private (aided and unaided) educational institutions, except in minority educational institutions, for socially and educationally backward classes of citizens, SCs, STs, etc. This was challenged in 2008, wherein the Court upheld the constitutional validity of Article 15(5). It said that if reservations were imposed on these minority institutions, they would lose their minority character and would fail to be brought on the same platform as non-minorities. However, the Court left the question regarding applicability of reservations to private unaided institutions unanswered, as this aspect had not directly been challenged (25). In 2014, this issue was challenged in Supreme Court in context of the Right to Education Act, 2010. The Act mandates 25% reservation in elementary schools (including private unaided) for economically weaker sections of society. The Court reasoned that the law mandates the government to reimburse the cost of such education to private institutes, and is in line with the constitutional goal of equality of opportunity. It held Article 15(5) constitutionally valid with regard to reservations in private unaided educational institutes (26).

Fee structure:

Private higher education institutions are often accused of charging capitation fees (any amount in excess of fees charged for the course of study) from students, in turn making them unaffordable. Fee structures of private institutions may be one reason for inaccessibility of higher education. According to the Yashpal Committee figures in 2008, capitation fees in private institutions ranged from Rs 1-10 lakh for engineering courses, Rs 20-40 lakh for advanced courses in medicine, Rs 5-12 lakh for dental 8 In order to make accreditation mandatory for all higher educational institutions, the National

Accreditation Regulatory Authority (NARA) for Higher Educational Institutions Bill, 2010 was introduced in Parliament in May 2010. It established a National Accreditation Regulatory Authority to register and monitor accreditation agencies. As per the Bill, only government agencies could accredit higher education institutions. The Bill lapsed with the dissolution of the 15th Lok Sabha. Sources: The NARA for Higher Educational Institutions Bill, 2010. courses and Rs 30,000-50,000 for courses in arts and science (4).

The Standing Committee on Human Resource Development, while examining the Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010 (lapsed with the dissolution of the 15th Lok Sabha) stated that many private institutions charge exorbitant fees. In the absence of well-defined norms, fees charged by such universities have remained high (27). UGC Regulations currently regulate fees for courses offered in deemed universities, to an extent. They state that the fees charged shall have a reasonable relation to the cost of running the course and the institution shall ensure that there is no commercialisation of education (13).

In 2002, the Supreme Court ruled that the fees charged by private unaided educational institutes, could be regulated. Also, while banning capitation fee, it allowed institutes to charge a reasonable surplus (2). In 2003, the Court ruled that the fee structure in professional courses shall be approved by a committee in order to curb profiteering and charging of capitation fees. Post this judgment, some states such as Madhya Pradesh, Andhra Pradesh and Karnataka set up these committees. However, cases have been cited where some committees have determined the fee structure not by taking into account the financial viability of the institutes, but by how much students can afford to pay (1). Private institutions claim that certain other factors contribute to revision in fee structures: (i) sudden increase in charges, or levying of additional fee by the affiliating universities, sometimes requires the increase in fee structure, (ii) escalating maintenance of institutions, administrative expenses (maintenance of lab equipment, purchase of new software and so on) due to market variations and upward revision of pay for the staff, (iii) additional fees/charges in

respect of value-added courses or services provided by the university, and (iv) other unforeseen circumstances (27).

Quality

Accreditation:

It is important to improve the quality of higher education institutions along with quantitative expansion. Accreditation is a way of measuring such quality of institutions. It is the process of assessing the performance of institutions that volunteer to be accredited, on the basis of a few set parameters. These parameters may include: (i) curriculum, (ii) teaching-learning evaluation, (iii) research and consultancy, (iv) infrastructure and learning resources, (v) student support, (vi) governance, leadership and management, (vii) innovations and best practices, (viii) students performance, (ix) improvement in attainment of outcomes and, (x) facilities and technical support, etc. Once these have been considered a final grade is assigned to the institution by the accrediting authority (28).

The objective behind such a review process is mainly to help potential students assess the quality of institutions and thereby make an informed choice. It also enables institutions to identify strengths, weaknesses and internal areas of planning. It may also be useful for providing data to funding agencies as well as enhancing employability of graduates.

In India, the National Assessment and Accreditation Council is an autonomous body established by UGC in 1994. Its main function is to ensure quality education via assessment and accreditation of institutions that volunteer for the same. The reassessment of an institution takes place after a period of five years. An institution may apply for reassessment of a grade it has been accredited with, by the Council, after one year of acquiring such a grade, but not later than three years (28).

The National Board of Accreditation was established under the AICTE Act, 1987. The Board's powers include: (i) conducting assessment or accreditation of a technical institution or programme, (ii) working with colleges and technical institutions to develop

mechanisms for quality assessment, and (iii) sharing results of the assessment process with institutions. Largely, the Board looks at programme accreditation. Both the Council and the Board, accredit public and private higher education institutions (29).

However, effective ways and strategies need to be devised to ensure that these bodies complete accreditation within the stipulated time frame. Currently, they suffer from a backlog of many applications of institutions waiting to be accredited (at the time of publishing their report in 2009, the NKC stated that only 10% of all institutions had been accredited). In addition, institutions need to ensure that post-accreditation complacency does not set in, as quality upgradation is not a one-time phenomenon. An Internal Quality Assurance Cell in institutions may continuously focus on academic excellence and administrative efficiency. Finally, accreditation bodies such as the Council may inform institutions, from time to time, where they stand in terms of standards of excellence from a global perspective (30).

In order to make accreditation mandatory for all higher educational institutions, the National Accreditation Regulatory Authority (NARA) for Higher Educational Institutions Bill, 2010 was introduced in Parliament in May 2010. It established a National Accreditation Regulatory Authority to register and monitor accreditation agencies. As per the Bill, only government agencies could accredit higher education institutions. The Bill lapsed with the dissolution of the 15th Lok Sabha. (Sources: The NARA for Higher Educational Institutions Bill, 2010).

Table 2: International comparison of systems of accreditation

Country	System of accreditation
US	Public and private agencies recognised by Federal Secretary of Education are allowed to accredit institutions or programmes
UK	Both public and private bodies can be accrediting agencies. Universities receiving public funding or having degree giving powers are accredited by public bodies. Private institutions can be accredited by private bodies such as the British Accreditation Council and the Accreditation Service for International Colleges.

Country	System of accreditation
Germany	Accreditation agencies are private non-profit entities monitored by the Accreditation Council (under Foundation for the Accreditation of Study Programmes).
Canada	Membership to the Association of Universities and Colleges of Canada is accepted as quality assurance. There are some province specific public or private accrediting agencies to accredit institutions. Some professional programmes (engineering and nursing) are also accredited by professional bodies

Sources: US Department of Higher Education; UK Border Office; Federation for Accreditation of Study Programmes Germany; Association of Universities and Colleges of Canada; PR

Refrences:

1   Islamic Academy of Education vs. State of Karnataka & Ors., Writ Petition (Civil) 350 of 1993.

2   TMA Pai Foundation vs. State of Karnataka & Ors., Write Petition (Civil) 317 of 1993.

3   "Report to the Nation: 2006-2009", National Knowledge Commission, March 2009, http://www.aicte-india.org/downloads/nkc.pdf

4   "Report of the Committee to Advise on Renovation and Rejuvenation of Higher Education", 2009, http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/YPC-Report.pdf.

5   Entry 25, Concurrent List, Constitution of India.

6   Entry 66, Union List, Constitution of India.

7   Entry 32, State List, Constitution of India.

8   "Report of the Central Advisory Board of Education (CABE) Committee on Autonomy of Higher Education Institutions", Ministry of Human Resource Development, June 2005, http://mhrd.gov.in/sites/upload_files/mhrd/files/document-reports/AutonomyHEI.pdf.

9   Entry 64, Union List, Constitution of India.

10 Unstarred Question No. 1628, Lok Sabha, December 3, 2014.

11 "All India Survey on Higher Education 2013-14 (Provisional)", Ministry of Human Resource Development, 2015, http://mhrd.gov.in/sites/upload_files/mhrd/files/statistics/AISHE13-14P.pdf.

12 Rajasthan Private Universities Act, 2005, May 8, 2005, http://www.lawsofindia.org/pdf/rajasthan/2005/2005Rajasthan10.pdf;

Madhya Pradesh Niji Vishwavidyalaya (Sthapana Avam Sanchalan) Adhiniyam, 2007, May 25, 2007, http://www.highereducation.mp.gov. in/adhiniyam/PrivateUniversityACt2007English.pdf; Gujarat Private Universities Act, 2009, July 7, 2009, http://gujarat-education.gov.in/ education/Images/extra-9.pdf.

13 "UGC (Institutions Deemed to be Universities) Regulations, 2010", University Grants Commission, May 21, 2010, http://www.ugc.ac.in/ oldpdf/regulations/gazzeetenglish.pdf; UGC (Institutions Deemed to be Universities) (Amendment) Regulations, 2014, http://www.ugc. ac.in/pdfnews/1842250_deemedregulation2014.PDF.

14 Viplav Sharma vs. Union of India & Ors., Writ Petition (Civil) 142 of 2006.

15 University Grants Commission Act, 1956, Ministry of Human Resource Development.

16 All India Council for Technical Education Act, 1987, Ministry of Human Resource Development.

17 Single year age data, Population Enumeration Data (Final Population), 2011 Census of India.

18 "265th Report: Demands for Grants 2015-16 (Demand No. 60) of the Department of Higher Education", Standing Committee on Human Resource Development, April 23, 2015, http://164.100.47.5/new committee/reports/English Committees/Committee% 20 on % 20 HRD/265.pdf.

19 Demands for Grants of Department of Higher Education, Expenditure Budget, http://indiabudget.nic.in/index.asp.

20 "Education at a Glance 2010", Organisation for Economic Cooperation and Development Indicators, 2010, http://www.oecd. org/education/skills-beyond-school/45926093.pdf.

21 "All India Survey on Higher Education 2012-13 (Provisional)", Ministry of Human Resource Development, 2015, http://mhrd.gov. in/sites/upload_files/mhrd/files/statistics/AISHE2012-13F.pdf.

22 "Inclusive and Qualitative Expansion of Higher Education 2012-17", University Grants Commission, November 2011, http://www.ugc. ac.in/ugcpdf/740315_12FYP.pdf.

23 "India Employability Survey Report 2014", British Council, 2014, https://www.kcl.ac.uk/campuslife/services/careers/ StudentsGraduates/Global-Careers/India-Employability-Report-

2014--FINAL.pdf.

24 P.A. Inamdar and Ors. vs. State of Maharashtra & Ors., Appeal (Civil) 5041 of 2005.

25 Ashoka Kumar Thakur vs. Union of India & Ors., Writ Petition (Civil) 265 of 2006.

26 Pramati Educational and Cultural Trust & Ors. vs. Union of India & Ors., Writ Petition (Civil) 416 of 2012.

27 "236th Report on the Prohibition of Unfair Practices in Technical Educational Institutions, Medical Educational Institutions and Universities Bill, 2010", Standing Committee on Human Resource Development, May 30, 2011, http://164.100.47.5/newcommittee/ reports/EnglishCommittees/Committee%20on%20HRD/236.pdf.

28 National Assessment and Accreditation Council of India, University Grants Commission, http://www.naac.gov.in/.

29 National Board of Accreditation, All India Council for Technical Education, http://www.nbaind.org/views/Home.aspx.

30 "Higher Education in India: Issues, Concerns and New Directions", University Grants Commission, December 2003, http://www.ugc. ac.in/oldpdf/pub/he/heindia.pdf.

Annexure

State-wise number of private and public colleges, and enrollment:

State	No. of private colleges	No. of government colleges	% enrollment in private colleges	% enrollment in government colleges
Andaman & Nicobar Islands	0	4	0	100%
Andhra Pradesh	1423	139	91%	9%
Arunachal Pradesh	6	9	8%	92%
Assam	38	328	3%	97%
Bihar	81	452	14%	86%
Chandigarh	8	16	55%	45%

State	No. of private colleges	No. of government colleges	% enrollment in private colleges	% enrollment in government colleges
Chhattisgarh	336	294	46%	54%
Dadra & Nagar Haveli	4	2	53%	47%
Daman & Diu	4	2	20%	80%
Delhi	72	86	31%	69%
Goa	30	20	59%	41%
Gujarat	1345	476	70%	30%
Haryana	531	149	64%	36%
Himachal Pradesh	132	122	36%	64%
Jammu & Kashmir	112	107	16%	84%
Jharkhand	60	115	15%	85%
Karnataka	2442	604	71%	29%
Kerala	645	151	84%	16%
Madhya Pradesh	1200	555	52%	48%
Maharashtra	3522	769	78%	22%
Manipur	34	48	43%	57%
Meghalaya	23	14	63%	37%
Mizoram	1	28	1%	99%
Nagaland	39	21	64%	36%
Odisha	553	286	63%	37%
Puducherry	48	24	62%	38%
Punjab	330	105	63%	37%

State	No. of private colleges	No. of government colleges	% enrollment in private colleges	% enrollment in government colleges
Rajasthan 8	40	283	41%	59%
Sikkim	5	7	14%	86%
Tamil Nadu	2141	335	83%	17%
Telangana	1242	143	87%	13%
Tripura	6	39	6%	94%
Uttar Pradesh	2460	544	85%	15%
Uttarakhand	136	95	35%	65%
West Bengal	541	396	36%	64%
All India	20390	6768	64%	36%

Sources: AISHE 2014; PRS.

*Note: Figures based on actual responses received by Ministry during survey

Initiative on Nanda Devi Biosphere Reserve

This is the recount of the experience from my posting as Director of Nanda Devi Biosphere Reserve (NDBR) in the state of Uttarakhand in India from 2002 to 2004. The management of Biosphere Reserve (BR) included two national parks - Nanda Devi National Park (NDNP) and Valley of Flowers National Parks (VoFNP). NDNP (14000 ft to 18000 ft msl.) and VoFNP (13500 ft to 17000 ft msl.) have protected area status under the Indian Wildlife Law and have got World Natural Heritage Status in 1988 and 2005 respectively because of their unique biodiversity values. Both the parks are under the administrative control of the Forest Department. NDNP is spread over 624.62 Sq.Km area and VoFNP has 87.5 Sq.Km. area. NDBR has 47 villages in its buffer area of, of which, four villages lie in the immediate entrance of NDNP, while, the two villages lie in the entrance to VoFNP. The 17 peaks within NDNP have ever remained the favored mountaineering destination of the world. VoFNP immediate buffer 'the Hemkund Shrine' attracts 0.4 to 0.5 million Sikh pilgrims from all over the world over every year in a five months period.

The conservation challenges of NDNP and VoFNP were specific, diverse and diagonally opposite. The issues related here are the challenges of economic and political globalization to some extent and to a greater extent that of reinventing the government at different levels for citizen participation to bring in effective conservation governance.

Nanda Devi National Park (NDNP)

ISSUES: **NDNP** was subjected to reckless mountaineering from 1939 to 1982. Sensing impending ecological fallout, **Government**

of India closed NDNP for all anthropogenic activities in 1983 without consulting the local population. Since most of the popular peaks scaled were inside the park, the people of its immediate 4 buffer villages were deprived of their means of cash income through mountaineering services. This led to seething discontent of local public for almost 20 years. By 1998 the pressure mounted into local uprising 'Swoop and Grab movement', which, the Government subdued but the advocacy NGOs took up the cause and by 2002, it became a known conservation conflict in the national and international circle.

The fact the state of Uttarakhand was created in 2000 was out of a long standing demand for mountain responsive governance system, in the new state, the sentiments and expectations of local people had touched a new high from the Government for an early solution to this long drawn problem. From the market end in 2001, the international mountaineering lobby led by Indian Mountaineering Foundation started exerting tremendous pressure on the nascent state government for opening NDNP for mountaineering rationalizing their contribution to the economic growth of NDBR. Locals who by now had become more aware of their rights were sceptic of the move of powerful mountaineering lobby (they had got only lowly paid porters job). By 2002, this debate had arrived to a point where **market** and **environment** crossed swords with each other with powerful international mountaineering lobby and the local community desperately wanting their own stakes in the park resources and government trying to maintain the status quo conservation position. The nascent government had to strike a delicate balance to resolve this conflict. It was at this point I joined as Director of NDBR.

ALTERNATIVE CHOSEN: The conflict resolution initiative was taken through a series of intensive and extensive consultation meetings for about 6 months in 2002 with the local communities of **4 entrance** villages which culminated in the decision by the State Government for an opening of NDNP for **regulated tourism** up to 9 km inside the Park in June 2003 after 20 years of complete ban as a first step in this reconciliation process. The four villages were

linked with WFP Microplan project for livelihoods enhancement based on local resources, skills and interests from 2002 for 3 yrs in addition to UNESCO's ongoing MAB programme. **Participatory equity** was sought from villagers in every activity to create a pool fund in every village. The share of equity was relaxed for the poor. This initiative although opposed initially, became a favourite later, supporting finance to local entrepreneurs through **small loans**. The training imparted aimed to harness local resources sustainably and generate **'value addition'** parameters for promoting ecotourism activities.

A reality check on biodiversity status of the park was done in a very transparent manner by instituting an independent study on the biodiversity status of NDNP in 2003 by a panel of experts drawn from apex national institutions, wherein, local village leaders also joined in field study. The study reiterated the need to keep NDNP closed for mountaineering based on sound scientific study. This study in fact helped NDBR management to rebut the international pressure of mountaineering in NDNP and convince the villagers of the biodiversity status of the park. Director had a consistent dialogue with the advocacy NGO partner for their positive involvement in the peace process and included their suggestion while framing the proposal for opening of the park for regulated tourism.

The trek route opened for the NDNP that commanded the full view of park in a stretch 9 km from vantage points. Infrastructure such as trekking routes and camping sites inside the park and basic stay facility for visitors in 4 villages were worked out with the community after assessment of market in detail. Roster for services were worked out amongst 4 villages. Opening of NDNP for regulated-tourism posed a great challenge to NDNP community, of which, the task of changing the mind-set from that of a traditional porter to a responsible destination developer was the most challenging one. In the changed management environment, comprehending the ecotourism ethos and equity concerns at cross cutting levels needed time and effort at all levels. The NDBR management never compromised on these issues with the community.

OUTCOME: The above initiative led to **thawing of the 20 years' long park – public acrimony** which had posed a great conservation threat to the park. While allowing regulated tourism, Government held back mountaineering activity inside NDNP in the Mountaineering Guideline of Uttarakhand, 2004 **- This time it happened without the resentment of local community.** This is the first guideline of its kind in India to regulate mountaineering in an environment friendly manner.

Valley of Flowers National Parks (VoFNP)

ISSUES: The immediate buffer of Valley of Flowers National Park (VoFNP) and Hemkund Shrine (14000 ft msl) area shared a surmounting common conservation concern since early 70s due to want of system in place for managing mass religious tourism of Hemkund shrine in responsible manner. 0.4 to 0.5 million Sikh pilgrims traveled on foot , mules or carriers in five months' time a year through 19 Km long trek route along the narrow Bhyundar Valley, the only common access to VoFNP and Hemkund shrine. The ecosystem of the whole valley was under great duress due to accumulation of garbage from hotels and lodges, mule dung, package materials (tins, cans, tetra-packs, plastic bags), raincoats and shoes. The problem had multiplied manifold due to the ever increasing pilgrims with environmentally irresponsible behavior. Local villagers had about 400 shops in 19 km route in illegally occupied and sub-let to outsiders. But good portion of their earnings went for bribing Government officials for this act. Mighty had more illegal encroachments, poor had none. Youths from poor families were unemployed. The local county used to collect tax on mule movement without having to plough back fund for local cleanliness. Most of the esteemed foreign visitors to the Valley of Flowers from the world over used to go back with a very bad experience due to this pollution in the route.

My first informal meeting with the local community of village Bhyundar in June 2002 on depleting condition of the valley reflected that local women had utter discomfort on increasing pollution over the years, local youths confided about exploits by local Governemnt staff and wanted a dignified life. Community was made clear that

they have to stop the encroachment first to bring this change. The response was lukewarm but it became clear to me that community wanted change but were clueless who to call for? They wondered if FD could take the leadership to bring in change. Given my past experience of working with the community I was confident FD could provide this leadership but the community had to own the whole process ultimately. Coming back I discussed the issue with my team. We ultimately decided that come what may, we will take things in our stride with the community to bring in change wading through many conflicts, speculations and contradictions in doing so.

During 2002 and 2003, we evolved a multi-stakeholder participatory approach to develop responsible tourism. Existing village institution '**Eco Development Committee (EDC)'** formed in 1999 under World Bank Forestry Project was chosen by 76 families to take the lead. FD assured EDC of legal backup if needed. It started with massive voluntary labor contribution and fund contribution campaign for cleaning the valley during the winter of 2002 (Oct-Nov). The fund contribution of 1500 INR to 2500 INR depended on the size of business per household was ultimately institutionalized as Eco Fee per season in EDC. This campaign was a great success and we could collect and cart off 3000 bags (used cement bags) of garbage to road head at Govindghat before the start of the pilgrim season of 2003 (May). But the biggest polluter, the Shrine Management Committee (SMC) with the largest business share did contribute nothing despite repeated appeal by EDC and FD. Women's group 'Mahila Mangal Dal' and youth members in EDC remained the prime volunteers to initiate the campaign. This voluntary movement of EDC was sufficiently highlighted by PM to policy makers. It caught of attention of the Government in 2003. Government issued directive that 80% of the tax on mules movement raised by the local district council should be shared with EDC to maintain the whole route clean. This generated sustainable resource for EDC in addition to their own 'Eco-Fee' to manage the area in an environmentally responsible manner.

In another big move, community agreed to remove their illegal occupations to one temporary shop per family without using any

force. They formalized EDC memberships, drew strategy for operations with PM, and developed charter of regulations for shop owners and hoteliers for cleanliness and sanitation before the onset of 2003 pilgrim season. The economic analysis of their business remained the main motivator to elicit compliance. In the new order every rich and poor family was allotted space. Devising methods for equitable allotment of shop installation sites was still another challenging process but cooperation of the community maintained PM's spirit. In 2003, EDC mobilised 0.98 million INR from mule fee and 'Eco fee'. It supported removal of 50 tons of mixed garbage using 0.78 million INR. In winter 30 EDC members were sent for exposure visit to study community conservation processes in other parks on 50% individual contribution. In the year 2004, one more village (EDC Govindghat) joined EDC Bhyundar in this mission. Yet another challenge was waiting for us! We had a difficult time holding the mountain of trash (50 tons) for one and a half year at Govindghat in search of the end buyer of unsorted plastic. Eventually one buyer from Delhi agreed to pay 30000 INR for this if brought to 360 km away at Dehradun. Since EDC and PM were determined to recycle this trash, EDC cuffed off another 96,000 INR to cart off the trash till Dehradun where it was sorted for recycling. This prompted the PM to do thorough economic analysis of recycling 50 tons of waste… this came out to be 57 INR per kg.

The change did not come easily with other stakeholders - First year's (2003's) experiment led to mixed experiences. GPC opposed the steps taken by FD with EDC. They even harassed FD by lodging fake complaint in Minorities Commission of India in 2003. Police and revenue frontline staff were not happy with the change and many a time tried to sabotage the initiative in 2003. Second year (2004) was quite eventful with most stakeholder, specially the GPC understanding the importance that EDC in maintaining the cleanliness in the area.

OUTCOME: The VoFNP operation have sustained till date. The two EDCs have mobilized fund to the tune of 1.49 million INR, spend 1.16 million INR. 309.38 tons of garbage have been sent for recycling over the last five years (2003-08). EDC has constituted

different sub-committees to manage the responsible tourism. 98 local youths (2006 report) are employed by EDC for 5 months in a year. EDC participates in a number of social activities with the village council and helps the Government Departments with resources (e.g. rooms for two police booths and a veterinary clinic) to give services to pilgrims. Hindu-Sikh racial conflicts has reduced since 2002. Government staff turned from abettors in irregularities to facilitators of responsible tourism.

The economic analysis of VoFNP garbage operation led the government to understand the complexity of handling plastic waste in high hills. This led to redefine the tourism and solid waste management policy of the nascent state. The implementation of Mountaineering Guidelines of Uttarakhand -2004 by the state is the case in point. Government made operational first waste plastic densification (lumping) plant of 10 tonnes capacity per month at Srinagar (Garhwal) in Jan 2006 under public private partnership (PPP) and replications are on. This unique effort on community led conservation process was evaluated by IUCN in 2004 and this ultimately put the Valley of Flowers National Park in the World Natural Heritage Site list in July 2005. This has alleviated the heritage and conservation value of VoFNP to a new height globally.

GENERAL LESSONS - On Process Learning

In the command and control system of regulatory FD, the staff are not oriented and trained to handle the community conservation processes. So my first task was to convince my own staff why are we were following a participatory approach. It took a lot of my initial energy for this. I paid my first attention to the skeptic staff who could easily sabotage the whole participatory process in the field. This helped to create a positive team who could appreciate and understand the social and livelihood dynamics of the community that went into understanding and tackling conservation conflicts. This was followed by focused and repeated training, exposure visits and reflection workshops to equip the staff professionally to handle community initiated conservation management processes, its implementation and the art of convergence required with other

partners for livelihood support activities. The fast track learners were posted in NDNP and VoFNP where we had to resolve the conflict upfront. Social motivation is a time taking job. So although FD staff fully appreciates the participatory process, his social role found to complete with the regulatory role. Hence projects prepared after 2003 in NDBR management has kept the provision for the posts female community facilitators and coordinators from sociology background from open market to help the park staff. This is adopted by FD now in all new projects.

Good governance through facilitation of democratic processes and functioning in local institutions formed the cornerstone of all the initiative in this case. The new state with less bureaucratic hangovers and unwritten codes provided space to NDBR management to innovate institutional models on participatory conservation. Given the diverse nature of NDNP and VoFNP challenges, every initiative was undertaken sensitively and addressed the economic relations of locals with the conservation realities of the area. Involving women helped link conservation organically with livelihood agenda. Effective program convergence with other line departments, NGOs and international agencies in livelihoods promotion helped gaining confidence of the locals. Best practices from the field were documented thoroughly and immediately followed up for policy support - This created great faith in public and was the key factor to sustain the initiatives. Policy research works and high quality scientific studies went hand in hand with innovative community involvement strategy - Biodiversity Monitoring Report of NDNP, 2003; modal Catchment Area Treatment (CAT) plan for Uttarakhand (2003 – 2004); Proposal for inscription of VoFNP in World Natural Heritage List to UNESCO, (2003-04) and Mountaineering Guideline of Uttarakhand - 2004. These documents were instrumental in redefining the role of the community in the conservation governance of the NDBR and it helped to alleviate the conservation value of NDBR to a new height in the global scenario.

GENERAL LESSONS - On Existing Challenges

- o Cheaper technological intervention with viable operational models to reduce the cartage cost of the plastic waste from

inaccessible area was one major gap which has much room for improvement.

○ The issue of making companies accountable for managing their packing emerged as a critical issue which need a consistent policy knocking through concerted effort at all levels.

○ Although EDC has already started many business practices that is helping reducing pollution in the area. Such initiatives are mostly consumer focused. These also needs to be supplier, retailer and manufacturer focused. Bhyundar community catering 0.5 million pilgrims can initiate innovative environment friendly business practices with such partners to make a perceptible impact.

○ As more plastic densification plants are offing under PPP in Uttarakhand till 2008, the capacity of the Government to handle public-private partnership in solid waste management needs to be augmented.

○ The necessity for creating awareness backed by formal education on mountain environment and their fragile ecology has emerged as an important gap in the education system.

○ Monitoring of the implementation of the Mountaineering Guideline of Uttarakhand - 2004 could give vital insights in developing other policies on High Mountain Trekking and on ecotourism operations of the State.

○ Need for good interactive data along with legislative updating emerged as the gap areas which required immediate attention. Government wanted to address this gap by instituting an Environment Management Institution which could never take shape.

○ Leveraging WNH status NDNP and VoFNP by enhancing the livelihoods opportunity of the locals around the ecosystem services of NDBR through appropriate technology and market intervention is the answer to the future conservation based livelihoods of locals. The same needs to be explored proactively by the Government with open mind in changing times.

Where we are today

The community operations for nature based tourism management in NDBR and plastic waste management in VoFNP and Hemkund area initiated in 2003, continue to be effective and operational till date despite occurrence of massive flood in 2013 which swept away a large part of Govindghat settlement. The influx of nature based tourists to VoFNP reportedly shot up in numbers to 6501 during 2015 from mere 665 tourists arrival reported during 2013 and 2014 combined, thus, giving great hope for the economic recovery of the area after this massive natural calamity.

The first plastic densification plant installed at Srinagar in 2006 under PPP was not very successful after two years of operation due to some gaps in the service level agreement. Taking learning from this initial pilot, Tourism Department initiated an ambitious project in the year 2008 for collection and disposal of non biodegradable waste through recycling. Under this, four Compactor Plants were installed at Char Dham route i.e. at Janki Chatti on Yamunotri route, Sonprayag on kedarnath route and Joshimath and Badrinath on the Badrinath route respectively. The segregated and compacted waste started getting transported from these destinations to plastic recycling plants located in the foothills at a much lower cost since 2010. The success of this pilot programme led State Government to install 21 more Compactor Plants at different destinations, wherein, the Urban Local Bodies (ULBs) have been involved in the management these plants. So far 25 such Compactor Plants have been installed in the interior locations in the state and most of them are operational. The segregated and compacted plastics of different types go to different destinations to find its end use. The data made available so far from 14 Compactor Plants installed till 2014 shows a revenue generation to the tune of Rs.60 lakhs till March 2016. Of the two Compactor Plants installed during 2010 in the NDBR area, the one that was effectively functional at Badrinath got damaged by glacier in 2014 but the one installed at Joshimath has so far processed 2725 Quintals of non-biodegredable wastes and earned revenue of Rs. 22.32 Lakh from 2010 to May 2016 from the proceeds of segregated and compacted plastics. This Plant is run by Nagarpalika of Joshimath. It is due to this, a number of segregation and packaging jobs have been created for rag pickers who have mastered the skill right from plastic segregation to handling without extra burden on the local bodies. One more Compaction Plant installed at Govindghat during the beginning of 2013 is yet to be operational due to low (tourist generated) non bio-degradable waste generation in the area till year 2015 (as aftereffect of massive flood) to operationalize the Plant in a commercially viable manner. This is expected to be fully operational as tourist inflow to Govindghat, Hemkund and VoFNP increase as before in coming years.

Jyotsna Sitling

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