

The Journal of Governance

Volume 23

July 2021



IC Centre for Governance
NEW DELHI

The Journal of Governance
IC Centre for Governance
3, Palam Marg, 3rd Floor, Vasant Vihar, New Delhi-110057

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The IC Centre for Governance has been set up 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 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.

THE JOURNAL OF governance

Vol. 23

July 2021



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The Journal of Governance is printed and published by Mahesh Kapoor on behalf of the IC Centre for Governance, New Delhi-100057

Publication Coordinator - Nandita Sinha

Printed at Rakmo Press Pvt. Ltd. C-59, Okhla Industrial Area, Phase I, New Delhi-110020

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CONTENTS

Editorial PRABHAT KUMAR	1
Consultation Process in Law Making & Policy in a Democracy YOGENDRA NARAIN	5
Representing Us or Self: Party Switching In India BHASKAR KUMAR KAKATI	19
The Truth about Farm Laws VIVEK K. AGNIHOTRI	37
Ministry of Railways' 30-year Strategic Plan RAGHU DAYAL	49
An Imperative of Dignity PARAMJIT SINGH BAWA	81
The Ballot Option of the Least Undeserving Candidate AKSHAY BAJAD	104
Role of Civil Society Organisations in Governance <i>The Prayas Experience</i> AMOD KANTH	108
Community of Ethics in Public Service NANDITA SINHA	138
Fixing India's 3E's MANISH SABHARWAL	149

COMMENT

Blockchain and Governance OBULAPATHI NAIDU	161
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BOOK REVIEW

Prasanth Nair's 'Collector Bro'
PRABHAT KUMAR

167

OUR CONTRIBUTORS

OUR CONTRIBUTORS

170

EDITORIAL

The Union will go, you will not have a united India if you do not have good All-India Service which has the independence to speak out its mind, which has sense of security that you will stand by your work... If you do not adopt this course, then do not follow the present Constitution. Substitute something else... these people are the instrument. Remove them and I see nothing but a picture of chaos all over the country.

-Sardar Vallabhbhai Patel in the Constituent Assembly

The civil servants by convention and training are supposed to stay faceless. During decades of experience in government, I have also seen them remain voiceless in public space even at the cost of assaults on its members by the political and media communities. They have resolutely refused to stand collectively against perceived victimisation.

But of late, the retired civil servants have begun to speak. They are raising group voices against the political set up on varied issues. Open letters are being written. They are joining issues of public interest in the print and social media.

Recently, some of them publicly expressed approval of the conduct of a Chief Secretary of a State for faithfully following the orders of his Chief Minister to show disrespect to the Prime Minister in a meeting regarding the assessment of damage by the cyclone Yaas. According to them, since the officer was serving the State, he was bound to obey the commands of the Chief Minister. They have condemned the action taken by the Union Government against the IAS officer as crass victimization. They are of the view that such action 'takes away the faith of the civil service in the rule of law'. Three very senior officers of the All India Services including a former cabinet secretary and a former home secretary have labelled Union Government's action as an assault on the integrity of the IAS. They are of the view that this would demoralise IAS officers.

There are some other retired civil servants who have questioned

the conduct of the Chief Secretary and called it an insult to the constitutional authority of the Prime Minister and an affront to country's federal structure. According to them, it was the duty of the Chief Secretary to stay back and make the scheduled presentation to PM and push a case for larger assistance to the State. The officer, they say, breached the protocol by leaving the meeting and this was a direct insult to persons holding high constitutional office. It is because of such officers that IAS and IPS have lost much of their reputation and the public views them as sycophants of political leaders.

We have a penchant of jumping to a judgment on the basis of our experience and mental inclination. None of us is free from bias. I ask myself as to why did the Chief Secretary act in the way he did. What was going on in his mind when he left the Prime Minister's meeting without discussing the damage caused by the cyclone to the State? Did it occur to him that his refusal to discuss the matter with the central government would adversely affect the quantum of grants to the people of the State?

Much has already been written on the subject of politicisation of the IAS. But I was wondering if 100 randomly selected IAS officers were asked the question whether they would have acted the same way as the Chief Secretary in the same situation, what would be the response of the majority. Obviously, some like the retired officers mentioned above, would respond in the affirmative. But I believe that the majority of IAS officers would abide by the values of the service and not applaud the conduct of the Chief Secretary.

Like many other professional groups, there are subsets of the IAS too. For example, there is a small breed of officers with a thin skin who look for a fight with their political masters at the drop of a hat. They stand for irrefutable integrity and sense a scandal in every political decision; they do not hesitate from making a noise in the media about it. They revel in being transferred forty times in twenty years. Their exploits make a good copy for the journalists hungry for spice and sensation.

Then there are black sheep who have consciously chosen to

align themselves with unscrupulous political leaders to snatch their own pound of flesh. They have been there since the fifties and will continue to prosper in a parliamentary democracy. They wallow in the political antics being played by rival political gangs over their actions. I sometimes suspect that they become adept at the game of power craving and excel in grabbing their share from political slugfests. They will always be willing to do whatever the chief minister or the minister wants.

Fortunately, however, being in a minority, both these subsets do not define the IAS. For most of the officers, life in the IAS teaches them when to accept directions of the political boss and when to stand up and speak out their mind. They form the bulk of the service and it is because of them that the service retains its relevance to the nation. It's a pity that an officer with thirty-four years of service has failed to learn this lesson.

The genesis of the All India Services was that they would serve both in the States and in the Union Government thereby maintaining a pan Indian outlook besides promoting national integration. MN Buch, a celebrated IAS officer writes:

“The reason why we provide for an All India Service in a quasi federal constitution, apart from the need to have continuity in the administrative set up in India after we became independent, was Sardar Vallabhbhai Patel's clear understanding that India had major fissiparous tendencies which needed to be controlled and countered by building into the Constitution centripetal features which would hold the country together.

Sardar Patel was firmly of the opinion that if the executive government of the States and the Union was carried out through officers of All India Services, who were protected and immunised from arbitrary action by the political class, then not only would we have a nonpartisan administration where officers work without fear or favour but a united India would also be ensured through these civil services whose ultimate rule making control is vested in the Central Government. Hopefully this would eliminate political whimsicality

from the administration.”*

There may not be any written rule for officers to behave in each situation, but senior officers like a Chief Secretary are not born yesterday. They are not ignorant of such situations and cannot be absolved of lapses of behaviour. Merely saying that he was serving the State government and had to obey all reasonable and unreasonable orders of the Chief Minister is not enough.

Whatever the facts of the case, the whole affair leaves a bad taste for the bureaucracy. That the Chief Secretary was acting on the expressed will of the Chief Minister and the minions in the Department of Personnel were acting under instructions of the Prime Minister is not in doubt.

Nobody comes out of it smelling of roses.

Prabhat Kumar

*How All India Are The All India Services?<https://iascharisma.blogspot.com/2013/09>

Yogendra Narain

Consultation Process in Law Making & Policy in a Democracy

In a parliamentary democracy, law making is left to the legislators. It is often the end result of an election manifesto, or a commitment of the ruling party to its vote bank or more often than not, to keep pace with the challenges of new technology, which the country has imbibed in its systems. Laws are also made to implement court decisions or to override them. Once a law is made it applies uniformly to all the citizens of the country, irrespective of caste, colour or creed as well as political affiliations.

A recent phenomenon that has erupted are the mass agitations against laws duly passed by the legislature. A group of protesters get together and demand that certain laws be scrapped, because the affected parties have not been consulted. This is an extra constitutional demand which finds no mention in our Constitution and which tends to weaken one arm of the national polity i.e. the legislature. By definition our elected representatives represent the will of the people. Each of them represent the views of their constituency and the sum total of the will is represented as the will of the House to which they have been elected. So when a Bill is passed, it represents the will of the legislature, the only body which can make laws as per provisions of the Constitution. Similarly, as far as policy making is concerned, it is the prerogative of the Prime Minister and his Council of Ministers to draw out and frame policies. This is the scheme of things in any constitutional democracy. If a group of people feel that the law or policy so framed is against the Constitution and/ violates some Fundamental rights, they are free to go to the Courts

In recent months this issue has cropped up in four legislations/policies of the Central Government:

1. The recent three Farm Laws
2. The Central Vista Project
3. New Education Policy
4. The Science, Technology and Innovation Policy draft.

FARM LAWS

Three laws were passed by Parliament:

- The Farmers' Produce Trade and Commerce(Promotion and Facilitation) Act 2020
- Farmers(Empowerment and Protection) Agreement on Price Assurance and Farm Services Act 2020
- Essential Commodities(Amendment) Act 2020

Several bodies of farmers said that the Government should have consulted the farmers before passing the Bills.

The Government on its part came out with a lengthy history of how the bills were framed after extensive consultations with experts and the States. It stated:

- The Ministry of Agriculture had set up an Expert Committee on 19th December 2000 under Sri Shankar Lal Guru to study how to strengthen the commercial and marketing set up of agriculture products. This Committee gave its recommendations in 2001.

The Committee recommended that the Essential Commodities Act should be abolished, there should be free and open markets, 50 mega markets should be established which should work as National Exchange Centres, open commerce, expanded channels for commercial marketing, involvement of private sector and Spot and Forward linkages. Based on this the Central Government prepared a model APMC Act and sent it to the State Governments.

- In 2007, model regulations under the Act were also prepared and sent to the States.

- In May 2010, a working group was set up under the former Chief Minister of Haryana, Sri Bhupendra Singh Hooda as well as the former Chief Ministers of Punjab Sri Prakash Singh Badal, Chief Minister of West Bengal and Bihar.

This Committee recommended that all restrictions on the marketing of agriculture products should be removed and there should be no monopoly of APMC Mandi's or corporate Mandi's. Spot electronic markets were recommended to be developed, along with private sector investment and Terminal Marketing Complexes with the help of the private sector.

- To ensure implementation of these agriculture marketing reforms as well as to consider further reforms in this sector, another Committee was set up under Sri Harshvardhan Patil, Agriculture Minister of Maharashtra, which included Ministers of ten other States. This Committee gave its recommendations in 2013. These recommendations included reforms in the APMC Act, provision for contract farming and its simplification, infrastructure development for the post harvesting product, and open and free National markets without any restrictions.
- On the demand of the States for a model Act, a Committee was set up under Dr. Ashok Dalwai, Additional Secretary of the Agriculture Ministry and the representatives of the Governments of Odisha, Bihar, Rajasthan, Telengana and Uttar Pradesh. This Committee, after detailed discussions, formulated a model APMC Act in April 2017, which was then circulated to the States for consideration.
- Seeing the difficulties faced by the farmers during the Covid lockdown, the Central Government on 4th April 2020 wrote to the States to allow farmers to market their produce directly. So far, 26 States/Union Territories gave permission to the farmers to sell their products directly outside the Mandis. 22 States/Union Territories have also permitted the direct sales of horticultural products including fruits, flowers and vegetables.

The Government considered all these reports as well as the comments of the States. Thereafter, the three farm laws were formulated in June 2020 and in view of the non-convening of Parliament because of coronavirus; ordinances were promulgated and these laws came into force. Initially, as per press reports, these ordinances were welcomed by the same farm leaders who now want these laws to be rolled back. These farm leaders now say that they should have been consulted before these laws were enacted.

What does consultation mean when laws are enacted? Government says it consulted experts as well as the State Governments while formulating the laws. They say they also consulted farmers organisations as well as individual farmers. There are hundreds of farmer organisations in this country. The farmers' Unions that are now opposing these three laws are about forty farmer unions mostly from Punjab, Haryana and Western UP. A large number of farmers are sitting in dharna at three entry points to Delhi. Except for the shameful incidents which occurred on 26th January 2021, when the farmers deviated from the permitted routes and indulged in violence on the streets of Delhi as well as the Red Fort, the agitation has been peaceful so far. The Government Ministers as well as the leaders of the Sanyukt Kisan Morcha have held more than 13 rounds of discussions with no end results. The Supreme Court has also set up a Committee of people having domain expertise and knowledge to hear the representatives of the farmers and suggest amendments in the three laws, wherever they think it suitable to do so. It is noticed that while these 40 odd organisations of farmers doing dharna at the gates of Delhi, have declared that they will not appear before the Supreme Court appointed Committee, there are several other farmer organisations that are doing so. This complicates the idea of "consultation". Should the Government consult all the farmer organisations of the country or only the 40 odd Farmer organisations doing dharna at the gates of Delhi? The agitating Unions are refusing to discuss the provisions of the three farm laws which should be amended but are insisting on the repeal of all the three laws, before starting any discussions. The Central Government has refused to do so, because, inter alia if they succumb to the pressures here, similar pressures

would be applied for rolling back other laws, whenever a mob of people demand to do so.

In a large country like India, it is not possible to have direct democracy in the nature of referendum where everybody can vote and decide whether a particular policy should be adopted or rejected. Neither does our Constitution have any provision for the same. Even if on any particular issue, if the Government ever decides to know the opinion of the voters, the majority opinion will have no legal binding, in the absence of any law for the same.

Consultation on any law or policy, will only serve as a feedback to the Government. It is the Government that will take a final decision as to what to accept and what to reject. In Parliament, many Bills are referred to the Departmental related Committees (or to select Committees) for examination. The Committees have to submit their recommendations within three months, which are then placed on the table of the House. Here, again, it is for the Government to decide which recommendations to accept and which to reject. Parliamentary Committees submit their reports after hearing the experts, concerned stakeholders, field visits, written submissions submitted by individuals, field visits, previous reports on the particular subject etc. Notices are issued and published in the prominent newspapers of the country concerning the subject under examination, and suggestions are invited from the general public. It is after hearing all of them and examining witnesses that the Committees finalise their reports. But under the Rules of Parliamentary procedure, all these recommendations are advisory in nature and it is for the executive Government to decide on all of them. In effect, it means that irrespective of the consultative process, the Constitution leaves everything in the hands of the Government as far as formulation of laws and policy is concerned. Consultation only benefits the Government in letting it become aware of different viewpoints but final decision making is to be with the Government.

In recent years, consultation with different stakeholders prior to Budget formulation is done. People, representing various business and commercial interests, are called to give their opinion on taxation

and other fiscal measures to improve the economy of the country. This helps the Finance Minister and his/her team to fine tune taxation policies. It gives an opportunity to the Government policy makers to understand the problems of the captains of industry as well as startups and smaller establishments like medium and small-scale industries. The Government then examines the suggestions received from its own perspective, its finances as well as international commitments and then finalizes the Finance Bill. All suggestions cannot be accepted.

It is not possible to have consultations in all matters. For example, when demonetization was done, it had to be done in a confidential and secret manner to prevent hoarders from taking advantage. This policy was adopted in consultation with experts. Later on, because of the difficulties that arose post demonetization, a number of other economic experts criticized the policy. This brings to the forefront another issue involving consultation. Domain experts may be divided on the same issue. How should the Government decide? In a country as large as India, consultation can only bring to the forefront various aspects of an issue but there is no way to decide what is the majority opinion and which is the minority opinion. Even in the case of the farm laws a number of farmers associations are against the law and a substantial number of farmers unions are either indifferent to the laws or in favour of it. There is no way to decide majority opinion in a population of 70 crore farmers.

Furthermore, it is a moot point whether on a subject like farm laws, only farmers should be consulted or others like arhthiyas, corporates doing contract farming, water experts, the fertilizer and seed industry, cooperatives, owners of cold storages roller flour mill owners, the citizen consumers , etc. should also be involved. Each is in some way or the other, being affected by the farm laws. There can be no end to consultations!

It is also a moot point that if the election manifesto of the ruling party includes certain commitments like farm laws and the ruling party has got elected on the basis of the election manifesto, then whether the implementation of the promises made should be further subjected to consultations.

CENTRAL VISTA PROJECT

The Central Vista Project envisages the construction of a new Parliament Building as well as the construction of a new Secretariat complex, apart from the construction of new residences for the Prime Minister and the Vice President. Certain buildings will be demolished to pave way for these new constructions. The Project seeks to improve infrastructure for the Government, including retrofitting and refurbishing some heritage buildings to make them functional and safe for future use.

Many conservationists and historians criticized the project for “robbing” Delhi of its heritage and an attempt to erase India’s colonial history. Others have disputed labelling this transformation as an erasure, but rather recognition of the sentiment that India can no longer be defined by colonial symbols. The architect executing this project has assured that colonial symbols will neither be destroyed nor appropriated but simply remain. He has called the project a triumph of “common sense” with a simple and functional design.

Some former civil servants and opposition parties questioned the need to spend money on the project during a pandemic. Some said that the Central Government should have consulted environmental experts before embarking on this project. But on the whole, there was a mixed reaction. Would it have helped to have consultation with the general public? Was the general public aware that the present strength of Members of Parliament is based on the 1971 census and as per the latest census we need more than 900 seats for the Lok Sabha members with corresponding accretions in the Rajya Sabha, if the ratio between the population of a constituency and the elected legislatures has to be maintained? There are some decisions which the Government has to take itself without consultation with the general public. Yes, as far as environmental clearances are concerned the Government will have to go through the entire process which also involves public consultation.

Environmental clearance envisages the following steps:

- Screening the entire Project

- Scoping
- Public hearing and consultation
- Approval

Thereafter, the Expert Appraisal Committee gives environmental clearance.

The Public hearing is a mandatory step in the process of environmental clearance for certain development projects like the Central Vista Project. This provides a legal space for people of an area to come face to face with the project proponent. Involvement of the public is one of the fundamental principles of a successful EIA process. It brings about transparency in the environmental clearance system. Public consultation refers to the process by which the concerns of the local people regarding the adverse impacts of a project are ascertained and taken into account. The public consultation process ensures an equitable and fair decision making process resulting in better environmental outcomes. Public consultation helps allay the concerns of the local community.

In the Central Vista project this was done. Also since there were some heritage buildings involved, the clearance of the legally constituted Heritage Committee was also taken. Some Heritage architects were opposed to the project but after giving them a hearing, the Heritage Committee cleared the Project.

NEW EDUCATION POLICY

The New Education Policy 2020 replaced the National Policy on Education of 1986.

In January 2015, a committee under former Cabinet Secretary T.S.R. Subramanian started the consultation process for the New Education Policy. Based on the Committee report, and further inputs from the Ministry of Education, a fresh panel was set up in 2017 under Dr. K. Kasturirangan, to prepare a final draft of the New Education Policy. The draft NEP was submitted in 2019 to the Minister of Education, Sri Pokhriyal

The consultations process undertook an extensive, time bound, participatory bottom up approach. Citizens, parents, teachers,

administrators, field practitioners, industry, academicians and experts were requested to give their suggestions. The Government's citizen engagement platform, My Gov, played a critical role in enabling the inclusive consultations. Consultations were thereafter held with state education ministers, state education secretaries, some district magistrates and sarpanches, occasionally using the medium of video conferencing. 33 themes were selected and focused discussions took place on these themes.

Rajya Sabha debated the issues and a special education dialogue was organized in which 48 MPs from all parties participated. Consultations were held at Tehsil, district and State level. Several in-person and in depth deliberations across the country were also held. Over 29000 citizens submitted their recommendations. Over 15000 students also submitted their suggestions on education in India utilizing the CBSE's portal.

Thus, in finalizing the New Education Policy, the Government consulted a very large number of citizens and today it has found wide acceptance. However, certain NGO's still felt that wider consultations with NGO's should have also been done.

SCIENCE, TECHNOLOGY AND INNOVATION POLICY (DRAFT)

The Department of Science and Technology and the Principal Scientific Adviser to Government of India have been jointly spearheading the formulation and Consultation process for the 5th National Science, Technology and Innovation policy (STIP). They have also adopted the same process of consultation as in the formulation of the New Education Policy. The process of formulation began with over 100 rounds of deliberations of 21 Thematic Groups during June-July 2020, involving nearly 150 experts drawn from government, academia, R&D, industry, diplomacy, policy, administration. NGOs, etc. from across the country. Based on the report of these 21 Thematic Groups, a draft policy document was prepared.

With this, began an extensive consultation process by mid July 2020, involving a large number of stakeholders such as

representatives of science and line ministries, States and Union Territories, R&D organisations, academic institutions, NGOs, Civil Society organisations, Industry leaders, women organisations, students, researchers and young scientists, and many others.

In addition, apex level meetings with Secretaries of Science and line ministries, S&T Ministers and Chief Secretaries of States and UTs and some eminent members of Indian diaspora were also held.

As many as 300 rounds of formulation and consultation meetings, involving over 40,000 experts and stakeholders from across the country and abroad were held.

After these extensive consultations, a draft STIP was finalized and placed on the website of the Department of Science and Technology for public consultation. After that, a Post Draft STIP consultation with high level Thought leaders was held to obtain their views and suggestions for improvement of the draft Policy.

The STIP policy has not yet been finalized, but the intricate process of consultative process is worth emulating in all sectors of administration.

PRE-LEGISLATIVE CONSULTATIVE POLICY IN INDIA

In February 2014, based on the decisions taken in a meeting of the Committee of Secretaries, the Government of India in the Ministry of Law and Justice, came out with the following policy on pre legislative consultation:

Every Department should proactively publish the proposed legislations both on the internet as also through other means; the detailed modalities of such publication may be worked out by the Department/Ministry concerned.

The Department/Ministry concerned should publish/place in public domain the draft legislation or at least the information that may inter alia include brief justification for such legislation, essential elements of the proposed legislation, its broad financial implications, and an estimated assessment of the impact of such legislation on environment, fundamental rights, lives and livelihoods of the

concerned/affected people. Such details may be kept in the public domain for a minimum period of thirty days for being proactively shared with the public in such manner as may be specified by the Department/Ministry concerned.

Where such legislation affect specific group of people, it may be documented and disclosed through print or electronic media or in such manner, as may be considered necessary to give wider publicity to reach the affected people.

As a matter of practice, a provision regarding the previous publication of rules should be made in all new principal legislations.

Every draft legislation or rules, placed in public domain through pre legislative process should be accompanied by an explanatory note explaining key legal provisions in a simple language.

The summary of feedback/ comments received from the public/ other stakeholders should also be placed on the website of the Department/Ministry concerned.

The Department/Ministry concerned might, in addition to placing the proposal in public domain, also hold consultations with all stakeholders. However, the degree of participation and mode of consultations may be decided by the Department/ Ministry concerned and may vary according to the nature of the subject and the potential impact on those who will be affected by such legislation.

The Bill should be referred to the Ministry of Law and Justice for vetting after the pre legislative consultation as well as inter-ministerial consultations are over. The Ministry of Law and Justice shall also, at the time of examination of the draft legislation or rules, ensure that the concerned Department/Ministry has complied with the process of pre legislative consultation.

The Department/Ministry concerned should include a brief summary of the feedback received from stakeholders (including Government Departments and the public) along with its response in the note for the Cabinet along with the draft legislation.

The summary of pre legislative process should also be placed

before the Department related Parliament Standing Committee when the proposed legislation is brought before Parliament and is referred to the Standing Committee.

If the Department/ Ministry concerned is of the view that it is not feasible or desirable to hold pre legislative as detailed above, it may the reasons in the note for the Cabinet.

It is not known whether this procedure is being strictly followed and to what extent but the policy as laid down in the Government order is very clear.

CONSULTATIVE COMMITTEES OF PARLIAMENT

The question of acquainting members of Parliament with the working of the various Ministries/Departments led to the formation of Consultative Committees for each Department. Members from both Houses of Parliament are nominated on the Consultative Committee by the Minister of Parliamentary Affairs on the basis of preferences indicated by the Members themselves or by the Party leaders. The Minister concerned is the Chairman of the Committee.

The Consultative Committees provide a forum for informal discussions among the members, Ministers and senior officers of the Government on the problems and policies of the Government and the working of administrative Ministries/Departments in a manner which is not practical on the floor of the House. The agenda for a meeting of the Consultative Committee may consist of subjects suggested by the members or by the Ministry. Where there is unanimity of view in the Committees the Government normally accepts the view subject to certain exceptions e.g. if it has financial implications.

Parliamentary Standing Committees

Each Department has a Parliamentary Standing Committee which examines subjects within their mandates and present their Reports to the Houses. They also follow up with the Government the implementation of the recommendations contained in their reports and thereafter present action taken reports to the House.

They also scrutinize the Budgets of each Department and give their comments.

CONSULTATION PROCEDURE IN UK

The United Kingdom has a well-established culture of open consultation aimed at maximizing transparency. The framework for promoting public consultation on regulations via the Code of Practice on Consultations is well established and promotes a very open approach. Government departments are expected to consult widely and freely.

The first stage is informal discussions with stakeholders. Once informal consultation has resulted in potential policy proposals, they are published as a Green Paper to allow a wide range of interested bodies and stakeholders to comment. The consultation on a Green Paper is followed by a White Paper setting out how the Government intends to proceed.

CONCLUSION

Democracies all over the world encourage pre legislative consultations with stakeholders. The International Covenant on Civil and Political Rights includes citizens' participation in the conduct of public affairs. Taking advantage of technology, in India we should put new policy proposals including proposals for legislation at least for sixty days on the web site and invite comments from all stakeholders. The February 2014 circular on pre legislation procedures should be strictly followed except of course in matters of immediate importance.

However, the most important activity is in the Parliament. Even if there is absence of pre-legislative scrutiny in the initial stages, the events leading to the passage of the laws and their fallout should come out in parliamentary debates. Parliament represents diverse interests and ideally, legislation that goes through its scrutiny should cover all angles. The process lowers the probability of poorly designed laws and also provides an outlet for counterviews. It is the duty of elected representatives to scrutinize legislation in detail and seek explanations from the bureaucracy. Parliamentary standing

committees carry out this function if the Bills are referred to them. The non-functioning of Parliament or introducing laws in haste and passing them without discussions will lead to democratic disaster.

Representing Us or Self: Party Switching In India

Abstract

Party switching is a common phenomenon in India. Representation of a considerable number of such switched leaders in the different parliamentary systems of India is the outcome of the number of such switched leaders getting tickets to contest in elections. Cost-benefit, ideology, etc., are some of the driving factors of party switching, but in the case of India, it has been observed that the majority switched parties because of denial of the party ticket. An attempt has been made to understand the trend of party switching in India considering the 2019 Lok Sabha election with references to NDA and UPA.

Introduction

Election 2019: Setback for XXX (party name) in XXX (name of the state) as sitting MP joined XXX (party name). This is one of the common headlines of the majority of the newspapers during any election held in India observed in the last few decades. In fact, party-switching in India is not a new phenomenon. "Aaya Ram Gaya Ram" in fact, the turncoats, used in Indian politics to refer to party switching since 1967 when then a member of the legislative assembly of Hassanpur of Haryana Gaya Lal changed parties three times in a day (Siwach 2011). "Conventional wisdom suggests that party switching is not common and is largely restricted to newer democracies" (Fell 2014: 32). However, recent studies (Heller & Mershon 2005) show that the practice of party switching is highly observed in Western European democracies (Heller & Mershon 2005). Further, this practice is also more common than expected in

many other non-western countries, including Japan, India, Nepal, Philippines, Brazil etc., (Desposato 2006; Mershon & Shvetsova 2008; Klein 2019). "Despite its manifestation across countries and continents, party-switching remains an understudied phenomenon. That is not to say that students of legislative and party politics have neglected it entirely but rather that they have underestimated the breadth and depth of its significance" (Heller & Mershon 2009: 4).

Although party-switching raises lots of questions on the loyalty of the political leader yet in some cases, it can be acceptable when someone switched over to a like-minded party. However, in the context of India, it does not always happen. We have examples of many politicians who served in a particular party for more than decades and switched over to a party with opposite ideology and status. Further, some politicians even have filed criminal cases on the rival party leader and suddenly switched over to that rival party. Therefore, switching political parties may raise many questions over the issue of party switching.

Understanding of switching is critical as "switching provides a unique window on politicians' underlying preferences, including their incentives for belonging to political parties" (Desposato, 2006: 62). Party switching not only reflects the changing party system but also "party switching can be viewed as a consequence of changing nomination practices" (Fell 2014: 32). On the other hand, it should be kept in mind that "parties are the basic building blocks of democratic governance" (O'Brien & Shomer 2013: 112) and "party identification is deeply rooted social identity similar to ethnic and religious identities that are relatively impervious to outside forces" (Donald Philip Green and Palmquist (1990) as cited by (Killian & Wilcox 2008: 561). Even then, politicians change their party. What forced them to switch their party? Is it mainly determined by power or ideology?

Party Switching -Analysis of Existing Literature

Earlier studies have identified several distinct strategies of party switching while discussing the nature of party switching (Heller & Mershon 2009; Mair 1990). Party switching, according to them, may lead to switching of a single individual from one party to another,

leaving no change in original party and new party or switching of groups leading to change in both parties (Heller & Mershon 2009; Mair 1990). Moreover, party switching is also different, such as from the different forms of parties to different parties.

It is generally said that people change the party to maximise their expected career utility (Desposato 2006). Thus, party switching is a weapon of maximising the influence over the political outcome by the leader who switched the party (Riker 1962). On the other hand, a few scholars (Hix & Noury 2018) considered that ideological differences drive party switching. Further, expected vote share after joining of switching candidate plays an essential role for welcoming switching candidate by the receiving party. It has two implications: with the joining of switching leaders, the vote share of the receiving party not only increases but also decreases the vote share of the party from which the switching candidate switched to the new party.

Existing research studies show two determinants of party switching– parliamentarians' motivation and political institutions (O'Brien & Shomer 2013). As defined by Muller and Strom, the first determinants of party switching are parliamentarians' motivation (Müller & Strom 1999). They found that the primary objectives of each politician are three-fold, such as maximising the electoral vote, serving the office, and implementing ideological goals of the party by shaping policy outcomes. These three-fold goals of political leaders work as motivation for some of them to switch their party. A politician may switch party to enhance his/her probability of reelection. In such a case, the politician who believes that he/she will not be reelected under the current party or will get a ticket from a current party is more likely to seek alternative options such as switching to another party (Aldrich & Bianco 1992; Shabad & Kazimierz 2004). Beyond reelection, the politician also expects to progress within their party. In such a case, the politician may change party if he/she believes that he/she cannot advance within the party hierarchy or cannot change his/her portfolio (Kam 2009). Based on Muller and Strom (1999) party-switching determinants, other scholars (Herron 2002; Desposato 2006; Heller & Mershon 2009) argue that a politician's policy-seeking also influences a politician to

switch a party. A politician may switch to another party if his/her ideological goals are closer to other parties.

Beyond parliamentarians' motivations, various institutional arrangements such as regime type, electoral systems and candidate selection process also motivate politicians to switch the political party (Herron 2002). However, some studies reveal that regime type does not affect party switching (O'Brien & Shomer 2013). In fact, the "institutional arrangements have only a limited direct effect on switching" (O'Brien & Shomer 2013:130).

Analysis of existing studies shows that to discuss the issue of party switching, the existing literature has to mitigate various challenges such as the definition of party switching, typologies, measuring process (Heller & Mershon 2005); reason for party switching (Muller & Strom 1999) and consequences of party switching (Fell 2014). Therefore, the existing party-switching literature mainly engages with the debate over whether politicians are mainly motivated by considerations of policy, voters or office (Müller & Strom 1999). Considering the theoretical context of existing literature and existing data based on the 17th Lok Sabha, my focus in this study is to understand the pattern of party switching in India. Key questions to be addressed include (1) inter-administrative zoneⁱ variation of party switching in India and (2) motivating factors of party switching. This study used the data source available in Parliament of India: Lok Sabha to locate the sitting MPs and their party affiliationⁱⁱ. For the member details, I used newspaper reports of both English and regional daily and profiles of sitting MPs.

Discussion:

Status of Party Switching in 17th Lok Sabha

The 17th Lok Sabha was formed after the Indian general election in 2019, conducted from 11th April to 19th May 2019 in seven phases. The 17th Lok Sabha of the Indian Parliament has 543 elected members. These 543 members belong to 37 various national and regional political parties. Further, 04 members represent their constituencies independently. In the 2019 general election, five major

alliances contested in the election, such as National Democratic Alliance (NDA)ⁱⁱⁱ, United Progressive Alliance (UPA)^{iv}, Federal Front^v, Mahagathbandhan^{vi}, and Left Front^{vii}. Further, more than 640 registered and non-registered parties contested the election independently. The Yuvajana Sramika Rythu Congress party, Biju Janata Dal, Telangana Rashtra Samithi etc., are some of such parties that contested independently.

Out of total sitting Members of Parliament (MPs), 135 sitting MPs were members of more than one party and switched to the present party at a different period. Therefore, 24.86 per cent of sitting MPs of the 17th Lok Sabha have a record of switching party. Interestingly, out of 135 such MPs, 35 MPs have switched to the present party just before the 2019 general election. So, the 17th Lok Sabha has 6.45 per cent sitting MPs who switched their party in 2019.

Analyses of sitting MPs of different alliances show that politicians have not only changed their parties but there is a record of changing parties more than six times. However, the majority of sitting MPs of the present Lok Sabha switched one party only.

Table-1: No of party switching by sitting MPs

Alliance	More than one times	More than two times	More than three times	More than four times	More than five times	More than six times
NDA	65	18	5	4	0	0
UPA	8	3	1	0	1	0
Federal Front	8	0	1	1	0	0
Mahagath bandhan	3	0	1	1	1	0
Left Front	0	0	0	0	0	0
Non-Alliance parties	11	1	1	0	0	1
Total	95	22	9	6	2	1

Similarly, the switching did not occur at a point in time, but it took place over a period. To analyse the period of party switching

of sitting MPs, this research divides the period into four different phases such as before 2003, between 2004-2013 during the period of the Indian National Congress (INC) regime, between 2014-2018, during the regime of present prime minister Shri Narendra Modi and 2019. Existing data shows that the majority of switching MPs switched their parties during 2014-2018 and 2019. Eighty-two sitting MPs who switched during this period managed to win the elections. Among the alliances, NDA showed the highest victory rate during this period under the leadership of the present prime minister. The majority of switching MPs of Mahagathbandhan and UPA were victorious in the elections who switched in 2013 or before.

Table-2: Details of Year Wise Party switching

Alliances	Before 2003	2004-2013	2014-2018	2019
NDA	9	24	36	23
UPA	3	5	3	2
Federal Front	3	2	5	0
Mahagathbandhan	2	2	1	1
Left Front	0	0	0	0
Non-Alliance parties	0	2	3	9
Total	17	35	48	35

The type of political party that the politician switches to also plays a significant role in the victory of the election. State parties, which played a significant role since the 1980s, had a great setback in the 2014 Lok Sabha election. Thus, the "electoral trends reveal a surprising degree of stability in the balance of power between national and regional parties" (Vaishnav 2015:1). Accordingly, many politicians switched over to the national party. Out of total switching MPs of 17th Lok Sabha, 80 such MPs (59.26 %) have switched to national party either from national or regional party, whereas only 37.78 per cent (51) sitting MPs switched to regional party either from national or regional party. Interestingly, switching from national party to national party is the highest trend.

Table-3: Trend of Party switching among the sitting MPs

To National Party (NP)				To Regional Party (RP)			To Independent	
Total	From NP	From RP	From Independent	Total	From NP	From RP	Total	From NP
80	58	20	2	51	33	18	4	4

The trend of Party switching in India

This research found primarily two types of party switching while analysing the details of sitting switching MPs of 17th Lok Sabha. These include inter-alliance and intra-alliance party switching. There are six types of the trend found in inter-alliance party-switching such as switching from regional party to national party; from national to national party; from national to regional party; from regional to regional party; from national/regional to independent; and from independent to regional/national party. These are major trends of inter-alliance party switching. These trends also lead some politicians to switch from one party to another party, then switch to the first party from the second party. Sometimes switching also leads to the formation of a new party or merger with another party. For example, sitting MPs of the Nationalist Democratic Progressive Party (NDPP) formed the party after switching from INC. On the other hand, we have cases of merging the party with other parties. For example, Haryana Vikas Party merged with INC in 2004 just before the Assembly election in Haryana (Financial Express 2004).

Intra-alliance switching is taking place when politicians switch their parties within the parties of the same alliance. Although in the 2019 general election, five alliances contested the election, the switching victorious MPs were those who switched their parties within their alliances of NDA, UPA, and Mahagathbandhan. Amongst the alliances, NDA has the highest number of sitting MPs who switched their parties within the alliance. Fourteen such MPs of NDA managed a victory, while this number is two for UPA and Mahagathbandhan each. In NDA, this type of switching took place among eight alliance parties of NDA, such as BJP, Janta Dal (United), Lok Janshakti Party, Shiv Sena, Rashtriya Loktantrik Party, Assam Gono Parishad, Apna Dal (Sonelal). Amongst these parties, seven

MPs made inward switching to BJP while six MPs made outward switching to various alliance parties of NDA. In the case of the UPA, one candidate each managed victory by switching from INC to NCP and NCP to INC. The case of Mahagathbandhan was different from both NDA and UPA. In the case of the Mahagathbandhan, both the sitting MPs managed victory from the ticket of the Samajwadi Party (SP) switched from the Bahujan Samaj Party (BSP). Therefore, a total 18 sitting MPs managed victory who made intra-alliance party switching. Interestingly, except for NDA, such switching is not reflected by other alliance during 2014-2019. In NDA, six present MPs made intra-alliance switching in 2014-18 and five made in 2019.

Inter-regional variation

Analysis of sitting MPs of six different administrative zones of India provides interesting facts about the party-switching politics of India. Here, this research observed two different types of inter-regional variations, i.e. number of sitting switching MPs and trend of party-switching among different types of political parties.

The 17th Lok Sabha has the highest number of switching MPs from the Eastern Zone, followed by the Central Zone. In fact, the proportion of switching MPs to total MPs of the respective zone is highest in Eastern Zone followed by Central Zone. On the other hand, sitting MPs who switched the party in 2019 is highest from Southern Zone followed by Western Zone. However, the proportion of switching MPs of 2019 to total MPs of the respective zone is the highest Western Zone.

Table-5: Administrative Zone wise number of sitting MPs switched to different Political Parties

Zone	Total MP	Overall Switching MPs	No of the MPs switched in 2019	Percentage of Switching to total MPs		Proportion to total switching candidates	
				Overall	Switched in 2019	Overall	Switched in 2019
Northern Zone	66	10	1	15.15	1.52	7.41	2.86

North Eastern Zone	25	6	0	24	0	4.44	0
Central Zone	125	34	8	27.2	6.4	25.19	22.86
Eastern Zone	117	38	7	32.48	5.98	28.15	20
Western Zone	78	21	9	26.92	11.54	15.56	25.71
Southern Zone	132	26	10	19.7	7.58	19.26	28.57

The trend of party switching in the various administrative zones is also important to understand the variation of party switching. In all entire zones, except the Southern zone, the majority of sitting switching MPs switched to national parties either from national or regional parties. On the other hand, in Southern Zone, the majority of such MPs switched to regional parties. However, it does not impact national parties as most such incidents occur among the regional parties in Southern Zone, primarily between YSR Congress Party and Telegu Desam. Interestingly, five such MPs managed victory after switching to the YSR Congress party from Telegu Desam in 2019.

Table-6: Zone wise trend of party switching

Zone	To National Party (NP)				To Regional Party (RP)			To Independent	
	Total	From NP	From RP	From Independent	Total	From NP	From RP	Total	From NP
Northern Zone	7	6	1	0	2	1	1	1	1
North Eastern Zone	5	4	1	0	1	1	0	0	0
Central Zone	20	17	3	0	13	10	3	1	1

Eastern Zone	24	15	9	0	13	11	2	1	1
Western Zone	14	8	4	2	6	5	1	1	1
Southern Zone	10	8	2	0	16	5	11	0	0

Motivating factors of Party Switching

Before discussing the motivation of party switchers, let us see some of the comments (justifications) made by different sitting switching MPs to justify their switching to other parties. Below are some of such comments collected from various newspapers and their interview:

1. I am originally XXX (party name) soldier. I had worked under PM XXX (name of the minister) and XXX (party name) president XXX (president name). I am leaving XXX (party name) because of infighting. I have realized that only XXX (party name) can ensure people's wellbeing.
2. The XXX (name of the party) did nothing for Dalit and backward. Its government functions unconstitutionally and is conspiring to end reservation. I will ensure the defeat of the XXX (party name) in my constituency and am ready to campaign wherever my party sends me.
3. The XXX (party name) does not have leadership.
4. I have thoughtfully taken this decision after observing that XXX (party name) has done much work for the poor, Dalits, farmers, youths, unemployed people, women, and the elderly. Today, I am whole-heartedly joining the XXX (party name).
5. The country again needs an influential prime minister. Many leaders from different parties are joining the XXX (party name) after being influenced by the public policies of the XXX (name of the Prime Minister) government.
6. I joined XXX (party name) as there is a need for XXX (party name) to come to power there to fulfill people's aspirations.
7. XXX (name of the leader) leadership is not acceptable to people.

With XXX (name of the leader) at the helm, nobody listens to us. He has anyways outsourced the entire party to XXX (leader name) overnight.

8. I have come to the party that thinks for the poor. My focus is on development, not on insulting others.
9. If I am not eligible to be a candidate, then there is no need for me to hold on to the post of the party. So, I have resigned.
10. I do not see any future in the XXX (party name) as the party has diverted from its ideology.
11. I have always fought for social justice, but there was no space left in XXX (party name) to do so as they were only focusing on Hindu and Muslim. I was feeling suffocated and therefore decided to join XXX (party name)
12. I am joining XXX (party name) today. XXX (party leader's name) will announce my candidature from his rally at XXX (place name) tomorrow.

As identified by existing literature (O'Brien & Shomer 2013), both parliamentarians' motivation and political institutions act as major determinants of party switching. The above statements of politicians reflect the same. This research found five major factors that motivated the politicians to switch their parties based on the above statements. The majority of politicians switched their party to ensure the well-being of people (see statement no- 1,2,4,6 and 8). Two politicians directly indicated that they switched their parties as their present parties denied them the ticket (see statement no- 9 and 12). Switching of parties because of denial of the ticket is a common phenomenon mainly observed in developing countries as party politics in developing countries is driven by “the sheer motivation of capturing or sharing political power” (Diwan 1979: 292). Although political parties' objective is to capture power in democratic counties, all of them have some ideology or principle. Capturing power without ideology or principle can not be a usual method of capturing power in democracy (Diwan 1979). Therefore, they are not representing the people; instead, they are representative selves. So, the party-switching is taking place as “politics becomes

more personalised and the power of parties over individual politicians erodes" (Hix & Noury 2018: 20).

However, the above statements also show that we have politicians who switched parties because of ideological reasons (see statement no-10 and 11). Ironically, the number of such politicians is very few. Further, party leadership acts as one of the major motivating factors for switching. The above statement shows that three politicians (see statement no-3, 5, and 7) switched their parties because of party leadership. The numbers of sitting switching MPs in the 17th Lok Sabha also prove this statement. It is observed that leadership, along with party culture and party popularity, also motivate the politicians to switch their party. For example, switching MPs of NDA performed better results in the 2019 general election than other alliances. Furthermore, BJP, who contested the election under the present prime minister, has the highest inward switching sitting MPs. Interestingly, out of total 73 inward switching sitting MPs of BJP, 24 switched from INC. Similarly, 36 switching sitting MPs of NDA switched from different parties of UPA, accounting for 39.13 per cent switching sitting MPs of NDA.

Table-4: Details of Inward and outward party-switching

Alliance	Inward Switching	Outward Switching
NDA	92	20
UPA	13	53
Federal Front	10	4
Mahagathbandhan	6	19
Left Front	0	1
Non-Alliance parties	14	38
Total	135	135

CONCLUSION

Political parties play a significant role in democracy as they play the roles of aggregating and articulating the societal interests, structuring the votes, mobilising the electorate, and recruiting members (Heywood 1997/2002). In fact, "the modern democracies are essentially party democracies" (Diwan 1979: 292). On the other

hand, political parties are equally helpful for an ambitious politician during elections. Parties can provide workers who may campaign for the candidate, financial support to carry out the campaign, and, most importantly, a well-developed policy brand name (Desposato 2006). Thus, “they bring people together behind political agendas and candidates, thus reducing political fragmentation” (Barrow 2007:167). The study found that party switching can influence the patterns of party competitions and decrease party legitimacy (Mainwaring & Scully 1995).

Although switching parties is not a new phenomenon in India and we have members in parliament who have switched much before 2000, this study found that most such switching reflects the opportunistic nature of politicians, which is a serious threat to Indian democracy. In fact, it has a negative impact on politicians too. It is generally said that people lose confidence in those political leaders who frequently switched parties, as mentioned by Vice-President of India M. Venkaiah Naidu (The Hindu 2019). Similarly, this study also found that people lose confidence in the leader who frequently switched parties. Further, "party-switching politicians may serve parties' short-term interests, in the longer-term party-switching may further erode citizens' confidence in these important institutions" (Barrow, 2007:172). Interestingly, in the 2019 election, NDA gained sympathy for switching candidates as compared to UPA, but in the real sense, it was not towards the switching candidates but towards the issues and political propaganda on which this alliance fought in this election. So, it is rightly said that "voters' choices are expressions of sympathy for particular parties' ideals and policy positions and not simply for candidates" (Barrow, 2007:170).

As discussed above, one fifth sitting MPs of 17th Lok Shaba are switching members, some of whom have changed more than six different political parties. There is much evidence of returning to the earlier party by party switching politicians, which is considered home returning. Further, there are cases of forming a new party by switching politicians rather than joining a new party. However, mostly, to gain more popularity, these politicians contest in the election under the banner of earlier parties or a big party. Giving

tickets by members of the alliance to the switching candidates who have switched over from a party of the same alliance is another most strange feature of party switching in India. For example, A and B are the members of alliance C. There is an example of a switching candidate getting a ticket from alliance C who has switched over to B from A. Therefore, in here it can be said that there is no control of the alliance over the selection of candidates of the different party for contesting elections. Accordingly, we have an example of the number of candidates who have switched over the party within the alliance getting party tickets in the 2019 election. This situation mostly occurs when the allied party is given seats to contest.

"Representatives have expectations of the parties with which they are affiliated. They are especially likely to leave these organisations if their vote or policy-seeking aims are jeopardised" (O'Brien & Shomer 2013:131). Unlike European party-switching, where ideological congruence plays an important role (Hix & Noury 2018), in India, it has been observed that party switching is mainly influenced by power where party switcher switches party only to get the party ticket. So, in the context of India, politicians' action of switching political parties is mostly determined by their desire to maximize their influence over political agenda and getting power. This is dangerous for Indian democracy as the switchers are not only disloyal to the party but also to the masses, as they only contest the election for their own selfish interests.

Although party-switching is one of the primary political science debates, it has been neglected in Indian literature. This study is an attempt to fill up this gap. This study tried to analyse the trend of party switching in India empirically. However, this study is not above limitations but reveals scope for further research. For example, it is important to understand voters' reaction towards the party-switching candidates, which will require extensive fieldwork and analysis of contemporary development in Indian politics.

India is divided into different administrative zones. Northern Zone consists of Chandigarh, Delhi, Haryana, Himachal Pradesh, Jammu and Kashmir, Punjab, and Rajasthan. North East Zone consists of eight states of North East India, such as Arunachal

Pradesh, Assam, Meghalaya, Manipur, Mizoram, Nagaland, Sikkim, and Tripura. Central Zone comprises Chhattisgarh, Madhya Pradesh, Uttarakhand, and Uttar Pradesh. Bihar, Jharkhand, Odisha, and West Bengal falls under Eastern Zone. Dadra and Nagar Haveli, Daman and Diu, Goa, Gujarat, and Maharashtra come under Western Zone. Southern Zone consists of Southern states of India such as Andhra Pradesh, Karnataka, Kerala, Pondicherry, Tamil Nadu, and Telangana. Although Andaman and Nicobar Island and Lakshadweep do not fall under any zone, they are the special invitees of the South Zone. For further details, see, Second Administrative Reform Commission (2009): State and District Administration: Fifteenth report. New Delhi: Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances & Pension, Government of India.

ⁱ For details, see <http://loksabhaph.nic.in/Members/AlphabeticalList.aspx>

ⁱⁱ It was the alliance of 12 parties under the leadership of the BJP. Other members were Shiv Sena, Janata Dal (United), All India Anna Dravida Munnetra Kazhagam, Shiromani Akali Dal, Lok Jan Shakti Party, Apna Dal (Sonelal), Rashtriya Loktantrik Party, All Jharkhand Students Union, Nationalist Democratic Progressive Party, National People's party and Mizo National Front.

ⁱⁱⁱ It was the alliance of 10 political parties under the leadership of the Indian National Congress. Other members were Dravida Munnetra Kazhagam, Nationalist Congress Party, Janata Dal (Secular), Jharkhand Mukti Morcha, Indian Union Muslim League, Revolutionary Socialist Party, Kerela Congress (M), Jammu & Kashmir National Conference, and Viduthalai Chiruthaigal Katchi.

^{iv} It consists of three parties, i.e., All India Trinamool Congress, Aam Admi Party and Rashtriya Lok Dal.

^v Bahujan Samaj Party, and Samajwadi Party formed this alliance.

^{vi} The Left Front consisted of the Communist Party of India (Marxist) and the Communist Party of India.

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Vivek K. Agnihotri

The Truth about Farm Laws

“That which has been done well has been done quickly enough.”

-Augustus (Emperor of ancient Rome)

On 22 January 2021, the prolonged dialogue on the Farm Laws between the agitating farmers’ associations and the ostensibly patient government ended in a stalemate. Or is it a checkmate? Again, what happened on the Republic Day, 2021, was it part of the strategy of the movement launched on the Constitution Day, 2020? Only time will tell.

For the time being, the government has offered to put the laws on hold for a year and a half; but the farmers will settle only for repeal, and nothing but repeal, of the three laws, namely the Farmers’ Produce Trade and Commerce (Promotion and Facilitation) Act, 2020 (Promotions and Facilitation Act hereafter), the Farmers (Empowerment and Protection) Agreement on Price Assurance and Farm Services Act, 2020 (Empowerment and Protection Act hereafter), and the Essential Commodities (Amendment) Act, 2020. These Acts, initially promulgated as presidential ordinances on 5 June 2020, were passed by the parliament in September 2020 and received the President’s assent on 27 September 2020. The three Acts are collectively referred to as “Farm Laws”.

The Vision

The Farm Laws form part of the Atmanirbhar Bharat package

*Note: An earlier version of this article was published in Director Today.

and offer three basic freedoms to farmers. The Promotion and Facilitation Act allows farmers to sell their harvest outside the notified APMC mandis without paying any State taxes or fees. The Empowerment and Protection Act facilitates contract farming and direct marketing. It gives freedom to make forward contracts, transferring the risk to businesses. The Essential Commodities (Amendment) Act, 2020 deregulates the production, storage, movement and sale of several major foodstuffs, including cereals, pulses, edible oils and onion, except in case of extraordinary circumstances. Freedom from the constraint of stocking limit, would act as an incentive for setting up cold storages, among others.

At present the farmers are required to sell crops through licensed commission agents (known as ‘arhatiyas’ in the Punjab and Haryana) at designated ‘mandis’ (agri-markets) regulated by the State Governments under their APMC Acts. Commission agents earn 1.5-3% of the sale value for services, including cleaning, sorting, displaying and auctioning crops, while States earn mandi fees paid by the crop buyers. Government agencies buy produce meeting their quality standards at the MSP during the procurement season that lasts 60 to 90 days. Thereafter, private traders buy the produce through commission agents at market price. About 6% of farmers benefit from MSP.

The government hopes that the Farm Laws will provide farmers with more choice and competition, leading to better prices as well as ushering in a surge of private investment in agricultural marketing, processing and infrastructure. Thus, these Acts seek to provide an ecosystem for farmers and traders to sell and buy outside the designated mandis as well as a framework for contract farming, besides exempting certain agricultural commodities from the purview of the Essential Commodities Act.

Farmers’ Apprehensions and Government’s Response

Various farmers’ organisations, a large number of them from Punjab and Haryana as well as certain parts of Rajasthan and Uttar Pradesh, have been camping on various roads bordering Delhi to protest against the three Farm Laws since 26 November 2020 and asking the government to repeal them.

The major concerns of the farmers, expressed formally as well as informally, and the remedial steps proposed by the government, as reported, are listed in the table below:

TABLE: Farmers’ Apprehensions and Government Response

SL No.	FARMERS’ APPREHENSIONS	GOVERNMENT’S RESPONSE
1	MSP regime for procurement will be scrapped.	Will give written assurance that MSP will continue.
2	APMC mandis will be closed / abandoned in favour of private mandis.	<p>APMC mandis will continue. Government is making investments to modernise mandis.</p> <p>State governments can frame rules to register private mandis and levy tax or cess on them on par with APMC mandis.</p>
3	Anyone can trade outside APMC mandis.	<p>States will be empowered to register all traders.</p> <p>Farmers can sell in APMC mandis or outside, as per their choice.</p>
4	Only SDMs, who are already over-burdened, have been authorised to deal with grievances. There is no right to approach civil courts in case of a dispute.	Will provide for appeal to courts.
5	Big corporates will take over farm lands. Land can be seized in case of breach of contract.	<p>The agreement will be for crops, not for land.</p> <p>There will be no transfer of land by way of sale, lease or mortgage (section 8 of the Empowerment and Protection Act).</p> <p>The legislation will be further strengthened to remove doubts.</p>

6	Cannot register agreements under contract farming law.	States have the right to register such contracts.
7	Contractors can rescind agreement on flimsy grounds to avoid making full payment.	The price of the produce will be part of the agreement. Buyers must pay on time or face legal action (section 5 of the Empowerment and Protection Act). Farmers can annul contracts without penalty.
8	There has been no contract farming earlier.	Many states have contract farming; some of them have laws regarding contract farming.
9	There have been no consultations before enacting of laws.	There have been consultations for two decades before the laws were passed.
10	Not to alter the current practice of subsidy under the proposed Electricity Amendment Bill, 2020.	There will be no change in tariff subsidy regime for farmers.
11	Solution on penalty for stubble burning in the Ordinance on air quality management in Delhi and NCR.	Will adequately resolve farmers' concerns.

While 11 rounds of talk between representatives of farmers and the government over a period of about 60 days failed to yield any concrete result, all eyes were on the hearing of the Supreme Court on a batch of petitions challenging the blockade of main entry points to Delhi, among others. The Supreme Court, after an initial hearing in December 2020, had ruled that right to protest is part of a fundamental right and can be exercised so long as it does not result in damage to life and property of other citizens. The court had also suggested formation of an impartial and independent committee of experts in agriculture to hear both sides and make its recommendations. The Court had also asked whether the implementation of the Farm Laws can be put on hold in order to facilitate negotiations.

After further hearings in January 2021, the Supreme Court issued a series of orders. First and foremost, somewhat surprisingly, it stayed the implementation of the Farm Laws until further orders. It also ordered the formation of a four-member committee comprising Bhupinder Singh Mann (Ex-MP Rajya Sabha and National President of Bharatiya Kisan Union), Dr Pramod Kumar Joshi (former director for South Asia, International Food Policy Research Institute), Ashok Gulati (former chairman of the Commission for Agricultural Costs and Prices) and Anil Ghanwat (President of Shetkari Sanghatana) to submit a report on the Farm Laws to the Court after hearing all the parties and stakeholders. However, Bhupinder Singh Mann has recused himself citing the prevailing sentiments and apprehensions amongst the farm unions and the public in general. While setting up the committee the court said: "We are forming a committee so that we have a clearer picture. We don't want to hear arguments that farmers will not go to the committee. We are looking to solve the problem. If you (farmers) want to agitate indefinitely, you can do so."

The Supreme Court refused to pass any orders on the Delhi police's application seeking for an injunction against the tractor rally proposed to be carried out by farmers in Delhi on the Republic Day to show their protest against the contentious farm laws, while allowing it to be withdrawn.

The Context

It is important to contextualise some of the major concerns of the agitators. First and foremost, the farmers want legislation for continuance of MSP. Government announces MSP for 22 mandated crops, and fair and remunerative price (FRP) for sugarcane. The mandated crops are 14 kharif crops, 6 rabi crops and two other commercial crops. Typically, 36% of the production is procured under the scheme, most of which relates to paddy and wheat. Even then barely 12% of paddy growers, for example, benefit from the procurement at MSP. Further, most of the farmers, of whom 86% fall in their small and marginal category, are not benefited from MSP. Again, according to a press release issued by the central government

on 8 December 2020, during kharif season of 2020 three States, namely Punjab (57.9%), Haryana (16%) and UP (8.3%), accounted for nearly 82% of total paddy procured. Government procures more than 75% of rice and wheat produced in Punjab and Haryana. These were the only two states where the contribution of rice and wheat to total farm output exceeded 45% 2019.

As regards APMCs, they are physical markets (mandis) regulated by the state governments under their respective APMC Acts. There were, however, only 6630 mandis in 2019, where procurement under MSP is done. On an average, one APMC covers a geographical area of 496 km². Most of the small and marginal farmers, given their small marketable surplus, do not find it economical to bear the cost of transport to take their harvest to mandis. Thus they end up selling their harvest to a village trader even at a lower price. The freedom to sell outside mandis already exists in many states. 18 states have allowed the establishment of private markets outside the APMC; 19 states have allowed direct purchase of agricultural produce from farmers; and 13 states have allowed the establishment of farmers' markets outside APMC. However, no significant private investment has flowed in to establish private markets because of high transaction cost in produce collection and aggregation. In May 2020, a working group on agricultural produce, headed by Bhupendra Singh Hooda, former CM of Haryana, and including CMs of Punjab, West Bengal, and Bihar, had recommended the elimination of monopoly of APMC mandis.

As far as contract farming is concerned, it has been in practice for a long time in the crops of tobacco, cotton and sugarcane. The Punjab government had passed the Punjab Contract Farming Act in 2013 to provide for improved marketing of agricultural produce through contract farming of 108 commodities listed in the Schedule and to regulate the development of efficient of contract farming system.

States' Reactions

The ostensible legal argument against the Farm Laws, articulated particularly by the government and the trade of Punjab, is that

agriculture and markets are part of the State List of the Seventh Schedule of the Constitution of India and, therefore, there should be no tinkering with the MSP and APMC, which form the backbone of the existing trading arrangements. The economic reason for the vociferous agitation is that mandi taxes on wheat and paddy fetch the State Government around Rs. 5000 crore a year, apart from earning fat profits for the middlemen (arhatiyas).

Be that as it may, on 21 October, 2020 the Punjab State Assembly passed three eponymous laws amending specific sections / clauses in the Parliament's legislations and added new provisions to suit its requirements. Thus no sale of wheat and paddy shall be valid unless the price paid is equal to or greater than the MSP. Section 3 of the Essential Commodities Act has been tweaked inter alia to provide that the State Government too will have the power to impose stock limits on food items.

Rajasthan Legislative Assembly too, following the lead provided by Punjab, passed a slew of legislations on the same lines to stall the central legislation. Chhatisgarh had a limited go at them by amending its APMC Act in order to ensure MSP and protect its farmers.

But these three States do not appear to be on the same page. For example, as far as guaranteeing MSP to their respective farmers is concerned, Punjab Acts provide cover only to wheat and paddy crops. Rajasthan Acts refer to MSP guarantee only in case of contract farming. The Chhatisgarh Act is somewhat vague on the issue of giving legal cover to MSP.

The reaction in the southern States has been by and large muted, except for Kerala, where on 31 December 2020 the Legislative Assembly passed a resolution demanding the repeal of the Farm Laws since they lacked the teeth to protect the interest of farmers.

According to the Agriculture Secretary of Tamil Nadu, his State was among the first in the country to have passed a Bill on contract farming in 2019. The Chief Minister of Tamil Nadu has said that his party supported the Farm Laws as they benefitted them.

Supporting the Farm Laws, the Chief Minister of Andhra Pradesh was critical of the Congress party for the system of

middlemen. V. Vijaysai Reddy, an MP of YSR Congress, said that the new Acts will end the monopoly of APMC. “By allowing contract farming, a farmer is assured of sale price for his produce at a pre-determined price and the risk is transferred from the farmer to the buyer”, he added. In the undivided Andhra Pradesh, way back in 1993, the Oil Palm (Regulation Of Production and Processing) Act made provision for contract through a tripartite agreement between the producer, processor and the government.

The Chief Minister of Karnataka told the protesters that they should wait for 6 to 12 months to know how the Farm Laws will help them.

The Counter Arguments

The current forms of price support distort the market, cause overproduction of certain foodgrains and are environmentally harmful. The ideal mechanism would be to replace the entire system of subsidies with an all India income support plan. Other alternatives include price compensation scheme that makes up for the difference between the market price and MSP. Government stocks of rice and wheat are already thrice what are needed for buffer stocking. MSP may be retained but must be linked to world prices. It can be a benchmark but not a legal right, since the government cannot pick up the entire produce at a guaranteed price. Moreover, it will increase prices and lower demand. At the same time, farmers should be encouraged to diversify into high-value fruits, vegetables and dairy products which will need much less water than wheat-rice rotation and reduce stubble burning.

As far as APMCs are concerned, the history of regulated markets is instructive. The first such market for cotton was created in 1897, so that textile mills in Manchester could get pure cotton from India. From then till nearly a century later, regulated markets multiplied to close to 7,000 because they offered standard weights, the grading of produce, transparent pricing and so on. The system deteriorated because of poor management practices. Controlled by vested interests, price manipulation, excessive fees and taxes and exploitation of small farmers set in.

India, of course, needs an increase in the density of mandis. However, we need not just more mandis but also better mandis. APMC need internal reform in order to facilitate entry of new players, reduce trader collusion and link them up with national e-trading platform [electronic National Agriculture Market (eNAM)]. The fear of big business taking over agriculture can be countered by farmers organising themselves into cooperatives or farmer-producer organisations (FPO) like Amul. The Paddy Procurement Automation System of Odisha is another example of how steady growth in procurement can be sustained on a decentralised basis without relying on the complex web of traditional mandis, middlemen and commission agents.

The central government's reform package is a sincere attempt to improve private participation in the farm trade. Hopes of doubling farm incomes rests on the success of these fledgling reforms and other initiatives like direct benefit transfer, cold chain network and crop diversification schemes. Centre and state governments, therefore, must work together to hand hold farmers through this big shift, which can prove just as momentous and fruitful as the Green Revolution of yore.

The Way Forward

But the new order is already under challenge. The Bharatiya Kisan Union (Bhanu) has moved the Supreme Court for the repeal of the laws. It has argued that the Farm Laws were passed hastily by the Parliament. The implementation of the Acts in their current form will spell disaster for the farming community by opening a parallel market, which is unregulated and gives enough scope for exploitation of the farmers. Rather than expecting a poor and illiterate farmer to strike a hard bargain and sell his produce to a multinational, the government should infuse more funds into the APMCs and effectively manage the MSP for the welfare of the agriculture sector.

The constitutional wrangle, however, ultimately boils down to interpretation of the relevant provisions of the Seventh Schedule. According to the Statement of Object and Reasons accompanying the Punjab Bills, the Government of Punjab has contended that

it was well within its powers to pass the Farm Laws as agriculture, agricultural marketing and land are primarily legislative domains of the State and fall under entries 14, 18, and 28 of List II of the Seventh Schedule. Further, “production, supply and distribution of goods” is also a State subject under entry 27 of List II read with entry 33 of List III (Concurrent List).

The Central Government has not thought it fit to spell out constitutional provisions which empower it to legislate on the subject matter of its two primary legislations in the Statements of Objects and Reasons accompanying the Bills. However, the Parliament seemingly derived legislative competence under entry 33 of the Concurrent List, which deals with “trade and commerce in and the production, supply and distribution of” certain commodities, including “foodstuffs”, coupled with the definitions of “farmers’ produce”, and “farming produce” in the Acts, which borrow and expand on the provisions of the said entry.

According to the experts, the State Acts are ultra vires as the States legislatures do not have the power to alter or modify any central legislation framed under the Concurrent List. Therefore, until the Governor and then the President of India give their assent to these Bills, the central legislation shall prevail.

The Supreme Court has, prima facie, set up an expert committee to examine the matter. It is like to pass on the report of the committee to the government with such observations as it may deem fit.

Let us also take a call on the government offer to stay the implementation of the Farm Laws for a year and a half. It is not quite clear as to how government propose to do it in case the offer is accepted by the protesting farmers’ associations. Sub-section (2) of section 1 of each of the three Acts uniformly states: “It shall be deemed to have come into force on the 5th day of June, 2020”. Thus, the implementation of Acts is already on and it cannot be put on hold by an executive order. The Acts will need to be amended for the purpose to state that they shall come into force as and when notified. While doing so a cover for the actions already taken under the Acts would need to be provided. However, normally this is done under the section heading ‘Repeal

and savings’; but the government is averse to repealing the Acts, which complicates the matter.

If an agreement is reached for specific amendments to the Acts, in addition to the changes pertaining to the concerns voiced by the farmers, government would do well to take into account risk mitigation and market manipulation. Moreover, the government may also take note of the experience of other developing countries in this regard. At the same time, Farm Laws, at the minimum, should give the option to the States to notify various provisions at their convenience in order to facilitate gradual and calibrated implementation of reforms, because it would appear that the farmers have reservations more about the implementation of the Farm Laws than the laws per se. Another soft option available to the central government is inclusion of paddy and wheat in the Pradhan Mantri Annadata Aay Sanrakshan Abhiyan (PM-ASHAA) to make those crops eligible for deficiency price payment, which, as of now, is applicable to pulses and oilseeds.

Moving to the other end of the spectrum, since agriculture is primarily a State Subject and agriculturists have to deal mainly with State authorities, another alternative available to the central government is to propose Model Acts (like the Model APLM Act, 2017 and the Model Contract Farming Act, 2018) and let the states adopt them with local modifications. Thus, if a few states adopt the Model Acts, the farmers in other states, after watching the flow of benefits, will push their own states to adopt them. Of late, FPOs have been created all over India and many, especially in Telangana, Andhra, and Maharashtra, are doing well. One of their main jobs is sale and marketing of farm produce, particularly of small and marginal farmers. These FPOs need to be strengthened under the new Farm Laws.

A PIL has been filed in the Supreme Court by Ashwini Kumar Upadhyay, advocate, in the context of the Farm Laws, demanding that the draft of all central and state legislations should be put on the government website 60 days before they are table in the Parliament / State Legislature to invite comments and suggestions from the public.

Occasionally, one has to take one step backward in order to move three laws forward. Sometimes, going back to the drawing board too could be edifying, because the dividing line between chutzpah and hubris is very thin.

Raghu Dayal

Ministry of Railways' 30-year Strategic Plan

The plan comes amidst rampaging coronavirus pandemic turning life topsy-turvy. Aspirational and, no doubt, essential for sustainable development of country's industry, trade, agriculture, in fact, the entire mobility ecosystem, for Indian Railways to be nation's principal logistics player, the National Rail Plan signals beleaguered IR's resolve to rediscover its elan.

Envisioned "to develop Indian Railways as a world class system which shall be able to cater to the demand by keeping pace with growth and complement the economic development", India's National Rail Plan (NRP) has been released as "Draft Final Report for circulation to various stakeholders for obtaining their observations".

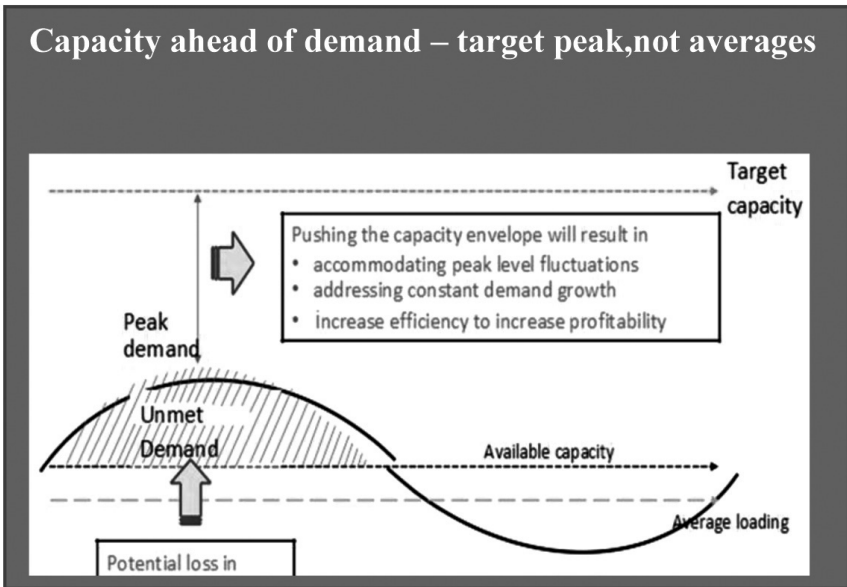
The Rail India Technical and Economic Services (RITES), mandated by Ministry of Railways to provide advisory services for formulating the National Rail Plan, assigned the study to M/s AECOM India Private Limited. With 2019 as the base year for the study, and the horizon year 2050, the NRP, almost a 1,200 page tome, lists its objectives to include: estimating the prospective demand for passenger and freight transport along with modal share for IR; assessing the level of rail capacity utilization and potential; determining the requirements to strengthen and add to rail corridors; studying the road and rail network characteristics for passenger and goods traffic, also the rail infrastructure deficiencies and suggesting ways to overcome them along with prioritized rail investment plan and implementation timelines; besides preparing a multimodal, integrated and prioritized master plan for rail network.

Besides mapping on GIS platform the entire IR network, digitized on Arc map, the Plan aims at recommending the appropriate

framework for short, medium, and long-term comprehensive railway development up to “the year 2050 as the horizon”.

Demand forecast methodology

AECOM’s primary data collection largely comprised a number of transportation surveys carried out, such as classified traffic volume counts, passenger and goods Origin-Destination surveys, freight stakeholders’ consultations. A total of 100 locations were selected for carrying out 24-hour CTVC and OD surveys, based on key parameters, inter alia, million-plus cities, state capitals and Union Territories, major centres of mineral and industrial production as well as logistics hubs, religious centres and tourism hubs.



AECOM collected extensive secondary data from various sources, including government departments and ministries, passenger ticketing and reservation systems and the Freight Operation and Information System (FOIS), responsible for optimized asset utilisation, management and control of freight movement and the generation of invoices, with which many of the large freight customers interface through an electronic payment gateway.

Seasonal correction factor: The data collected from the traffic count stations needed to be adjusted to derive annual average daily traffic, considering the variations of traffic intensity over months/ periods. The consolidated seasonal correction factors applied for major modes are seen in accompanying table:

Adopted seasonal correction factor	
Mode	SCF
Car	0.92
Bus	0.88
LCV	1.02
2 and 3 axle trucks	1.07
Multi axle trucks	1.01

For better understanding of travel pattern in the study areas and interaction with regions external to the study areas, it has been delineated into number of Traffic Analysis Zones (TAZs), the traffic zoning system developed considering the district boundaries (as of year 2011). A total of 701 traffic analysis zones (TAZs) were identified considering the district boundaries. Traffic zoning was done in two categories - internal and external, internal zones included 677 district zones and 14 port zones, while ten external zones included international regions as well.

Passenger business

AECOM collated details of rail borne passenger traffic pattern and trends, using the ticket sales data for each station provided by Centre for Railway Information Systems (CRIS), the data further classified into various TAZs based on the location of stations, then converted into Origin-Destination matrices for three segments - long distance AC (LDAC), long distance non-AC (LDNA), and suburban passengers. Globally accepted mathematical model, namely, 'Fratat Trip distribution model' has been used to distribute the forecasted trips, modelling the choice of destination zone for a particular trip originating from a particular zone. Various parameters define this choice, prominent of them being the travel distance and travel time.

Passenger Demand Forecast

Population and workforce forecast				
States	2021	2031	2041	2051
Population (million)	1380.54	1494.18	1561.38	1632.97
Workforce (million)	540.92	619.46	702.46	780.44

Estimated passenger growth rates:%					
	Projected population CAGR (%)	Projected CAGR (%) LDAC	Projected CAGR (%) LDNA	Projected CAGR (%) Suburban	Grand Total
2021-26	0.79	8.50	3.44	1.17	2.50
2026-31	0.80	9.02	3.48	1.07	2.62
2031-41	0.44	6.47	3.00	0.85	2.34
2041-51	0.45	5.43	2.81	0.64	2.28

Rail passenger forecast: No., million					
Categories	2018	2021	2031	2041	2051
LDAC	154.03	252.23	586.42	1106.3	1887.78
LDNA	3,466.40	4538.54	6411.58	8687.69	11530.71
Total	3,620.43	4,790.77	6,998.00	9,793.99	13,418.49
Sub-Urban	4,459.38	4,665.84	5,215.54	5,676.21	6,050.13
Grand Total	8,079.81	9,456.61	12,213.54	15,470.20	19,468.62

The 2011 Census of India data has been used as baseline data and population projected up to 2051, at the national level, states/Union Territories, and districts. Although separate growth rates have been estimated for all suburban systems in the country, in order to be more realistic, consultants also collected suburban system expansion data and plans from respective suburban rail corporations. For non-suburban passenger growth rates, the ratio of population growth rate and passenger growth rate for the base years was estimated, using the passenger CAGR for last 10 years for all three categories and the population growth rate since 2011. Following table describes the estimated ratio between the population growth rate and passenger growth:

Ratio between population CAGR and observed passenger growth rates			
	Passenger CAGR (%, 2008-2018)	Population CAGR (%)	Ratio
LDAC	9.1	1.11	0.12
LDNA	1.44	1.11	0.77

Future passenger growth rates have been estimated after analysing the growth trends in IR's passenger traffic, using the ratio, applied on the horizon year population growth rates for the years 2021, 2031, 2041 and 2051.

Adopted railway passenger growth rates:%					
	Projected Population CAGR (%)	Projected CAGR (%) LDAC	Projected CAGR (%) LDNA	Projected CAGR (%) Suburban	Grand Total
2019-21	1.11	7.87	9.33	1.52	5.35
2021-26	0.79	8.50	3.44	1.17	2.50
2026-31	0.80	9.02	3.48	1.07	2.62
2031-41	0.44	6.47	3.00	0.85	2.34
2041-51	0.45	5.43	2.81	0.64	2.28

Rail passenger forecast (No., million)					
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Grand Total	8,079.81	9,456.61	12,213.54	15,470.20	19,468.62

**Excludes ridership data of Kolkata Metro for the year 2017-18*

Based on the Fratar model distribution, the resultant values of annual passengers under all three categories have undergone minor adjustment. The adjusted horizon year passenger quantum which has been used in CUBE Voyager Fratar Module is listed in table below:

Rail passenger forecast after Fratar distribution (No., million)					
Categories	2018	2021	2031	2041	2051
LDAC	154.05	252.24	584.08	1,093.20	1,854.68
LDNA	3,466.19	4,529.87	6,364.03	8,555.34	11,289.18
Total	3,620.24	4,782.11	6,948.11	9,648.55	13,143.86
Sub-Urban*	4,459.38	4,665.84	5,215.54	5,676.21	6,050.13
Grand Total	8,079.62	9,447.95	12,163.65	15,324.76	19,194.00
<i>*Excludes ridership data of Kolkata Metro for the year 2017-18</i>					

Composition of passenger traffic: of the total railway passengers under reserved category, metropolitan cities constitute up to 49% share: 27% travel by sleeper class, 9% by AC-3, 6% by Second Class sitting, 3% each by Chair Car and AC-2, and only 0.25% by AC-1.

- Tier 1 cities constitute 35% of total reserved passengers travelling by rail, 22% of whom travel by Sleeper Class, 5% by AC-3, 4% by Second Class sitting, and 1.65% by AC-2.
- Tier II and Tier III cities contribute 12% share of total passengers.
- Non-urban areas account for 9% of total rail passengers.

The travel pattern of rail passengers studied for the year 2017-18 to determine the routes having maximum traffic in reserved and unreserved segments revealed: the Bengaluru-Chennai and Chennai-Bengaluru are the busiest routes accounting for around 12,000 reserved passengers daily, followed by the Chennai-Coimbatore and Coimbatore-Chennai routes, carrying around 8,700 reserved passengers daily. In the unreserved passenger segment that constitutes an overwhelming 93% of IR's total passenger journeys, the Mumbai suburban railway network has the busiest routes accounting for around 7.1 million unreserved passengers every day.

Significant flows of long-distance unreserved passenger trips are observed from Mumbai and surrounding areas to Uttar Pradesh and Bihar, as well as from Punjab to Chhattisgarh and Jharkhand. The maximum long distance passenger movement happens on Amritsar – Delhi – Kanpur – Lucknow-Prayagraj (Allahabad)- Varanasi

– Kolkata route, followed by the Mumbai-Kolkata and Kolkata-Chennai corridors.

High demand passenger corridors: IR classifies seven of its arterial routes as high density network (HDN) corridors, comprising of 16% (11,000 km) of its total network and transporting 41% of its total traffic. Besides, 11 other routes are categorised as highly utilized network (HUN) routes, which account for 35% (24,230 km) of IR's total network and transport 40% of the total traffic moving on the network. The combined HDNs and HUNs thus account for almost 50% (34,214 km) of the total IR network. Two-thirds of IR's entire non-suburban passenger traffic occurs on high demand corridors, and is expected to remain so up to the horizon year 2051.

HDN Network	
HDN	Routes
HDN1	Delhi Howrah main route via Allahabad, Mughalsarai, Gaya
HDN1B	Ghaziabad- Moradabad
HDN1C	Delhi-Rohtak- Bathinda- Suratgarh
HDN1D	Andal-Pandubeshwar- Santhia
HDN2	Howrah - Mumbai main route via Jalgaon, Nagpur, Bilaspur
HDN2A	Bilaspur-Anuppur-Kota-Ruthiyai-Kota
HDN2B	Surat-Jalgaon
HDN3	Delhi-Mumbai main route via Kota, Ratlam
HDN3A	Delhi-Rewari-Ajmer-Chittorgarh
HDN3B	Gandhidham-Bhildi-Palanpur and Bhildi – Samdari
HDN3C	Panvel – Jasai – JNPT
HDN4	Delhi-Guwahati via Rosa-Gorakhpur-Kumedpur
HDN5	Delhi-Chennai main route via Bhopal, Nagpur, Balharshah, Vijayawada, Gudur
HDN6	Howrah-Chennai main route
HDN6A	Jharsuguda, Sambalpur, Titilagarh, Vizianagram
HDN7	Mumbai-Chennai main route
HDN7A	Guntkal-Bellari-Hospet-Hubli-Londa-Vasco

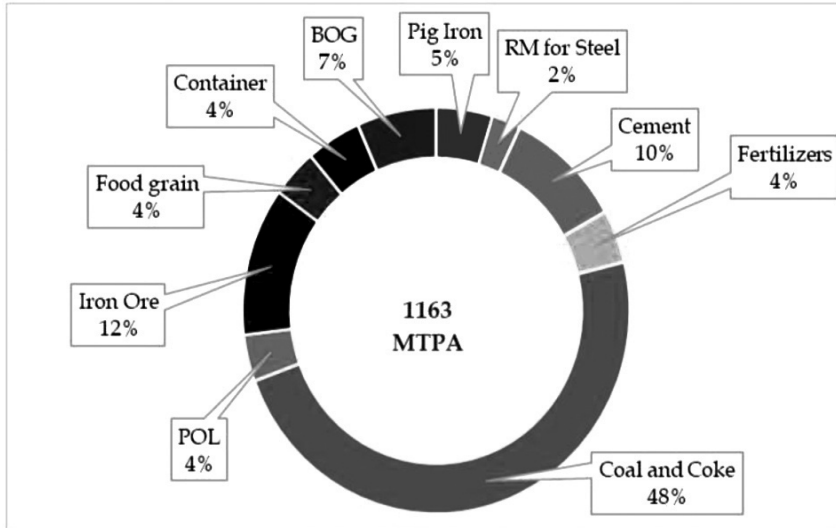
	HUN routes	Total length: Km
HUN 1	Amrit Sagar Sampark Corridor	3,049
HUN 2	Bengal Arab Sagar Sampark Corridor	3,035
HUN 3	Kathiawar Shivalik Sampark Corridor	1,685
HUN 4	Sagar Sutlej Sampark Corridor	1,529
HUN 5	Bundelkhand Tarai Sampark Corridor	2,151
HUN 6	Sagar Purvodaya Sampark Corridor	1,490
HUN 7	Sagar Chambal Sampark Corridor	2,737
HUN 8	Purv Paschim Deccan Sampark Corridor	1,501
HUN 9	Aravali Dakshin Sampark Corridor	2,803
HUN 10	Satpura Coromandel Sampark Corridor	2,232
HUN 11	Konkan Malabar Sampark Corridor	1,134
	Total	23,347

Freight business

Transport demand projections: Based on stakeholder consultations with respect to distinct commodities/commodity groups, a benchmark of 2 million tonne annual throughput on the rail system was considered. The Freight Operations Information System (FOIS) database was analysed to identify such commodities. Help was taken from National Account Statistics, Government of India, that provides goods classification based on Gross Value Added, Annual Survey of Industry, which classifies goods based on value of total output, and the Index of Industrial Production that provides comparative changes in volume of production of a basket of industrial products.

Further study/projections undertaken for the identified commodities/commodity groups provided the basis for use of railways' FOIS data representing rail freight flows as well as road surveys for mapping commodity flows in the rest of the national freight ecosystem. The base year for projections was taken as FY April 2017-March 2018. Freight movement data for the year collected from MoR was analysed to understand salient features and patterns

of freight movement, which showed broad composition (seen in the graphic below) of 1,163 m.t. of freight that IR carried.



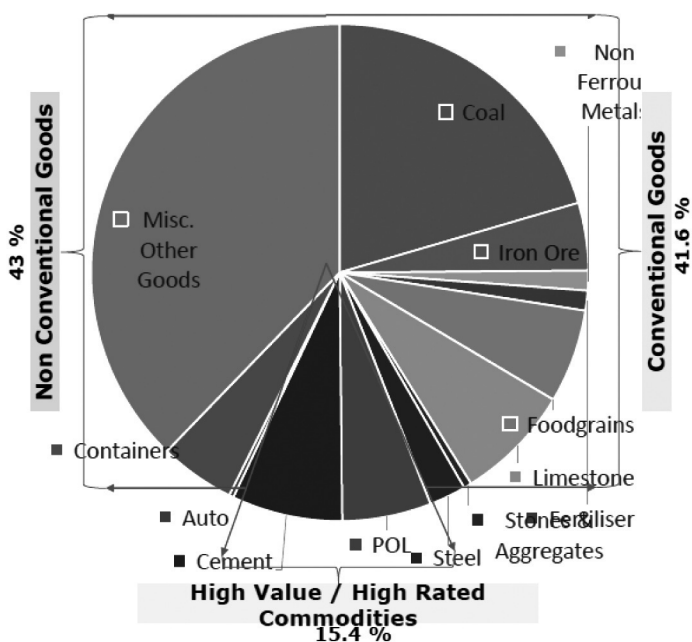
Using the base transport volumes for commodity groups, econometric modelling was undertaken to project the potential growth in future. Macroeconomic indicators identified for each of the commodity groups and potential relationships evaluated for estimating annual transport demand projections up to 2030, followed by ten-yearly projections up to 2050 included economic growth (represented by GDP), industrialization (represented by IIP), production and consumption patterns, pace of urbanization, per capita income. Other components of such modelling included: selection of relevant causal factors (independent variables); collection of historical data (long time series) to allow coverage of business cycles.

These projections as well as attendant analyses/outputs would need to be refreshed and updated periodically. Future events that cause a disruptive change (potential structural shifts in the economy, advent of new technologies, policy reforms, catalytic events and other unanticipated market trends) to the underlying relationships between independent variables and commodity transport volumes cannot be ruled out/accounted for.

Projections for national freight ecosystem

Total freight ecosystem

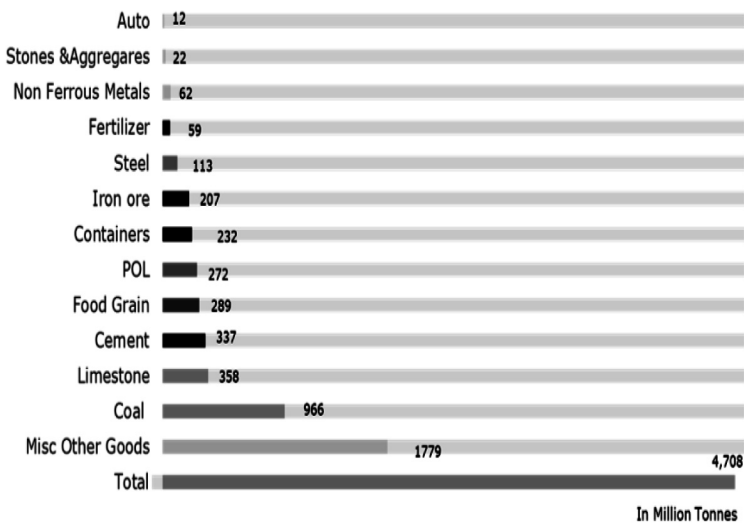
Commodity	Volume: m.t.	Percent
Coal	965	20.5
Iron Ore	207	4.4
Non ferrous metals	61	1.3
Fertiliser	61	1.3
Foodgrains	287	6.1
Limestone	358	7.6
Stones & aggregates	24	0.5
Conventional goods	1,963	41.6
Steel	113	2.4
POL	273	5.8
Cement	339	7.2
High value/high rated	725	15.4
Auto	14	0.3
Containers	231	4.9
Misc. other goods	1,780	37.8
Non conventional	2,025	43.0
Total	4,709	100



The transport requirements are projected to grow at a CAGR of approximately 5% till 2031. Over the next decade, it is projected that the commodities that presently represent about 80% of IR’s freight volumes will only account for about one-third of the total freight transport demand in the national system, emphasizing the importance of IR focusing on conventional high-value and non-conventional commodities.

Based on the national databases, a total of 27 commodities that are transported across different production and consumption centres were identified. Commodities that have been part of IR’s freight traffic were examined, 346 of them classified under 25 segments and further categorised into ten groups. While eight of these commodity groups such as coal, iron ore, steel, cement could be considered as distinct sets, a disjointed array of multiple commodities constituted the tenth group of ‘Balance other goods’ (BOG). Given the extremely fragmented nature of BOG and limitations of data availability, the group was further restructured into sub-groups: automobile, stones and aggregates, non-ferrous metals and miscellaneous other goods.

National Freight Ecosystem (MT)

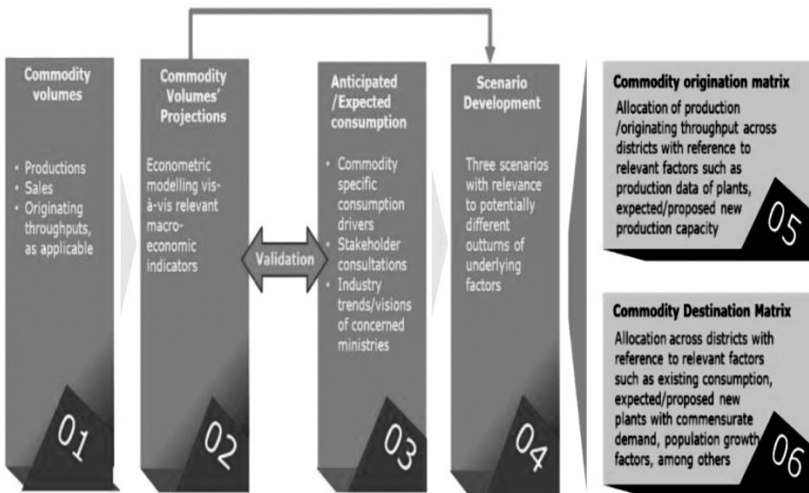


Source: Deloitte Analysis, Primary Surveys, FOIS Data, Various Statistics and Stakeholder Consultations
 Note: The commodity wise numbers represent total freight transported and may vary with total cargo generated (production + imports)

Total commodity volumes in the national freight ecosystem in FY 2018-19 are estimated at 4,708 m.t.:

Mode-wise share of total freight movement in 2017-18				
Mode	Tonnes, million	Share:%	NTKM, billion	Share:%
Rail	1,162.72	26	616.38	29
Road	2,911.76	65	1,521.04	71
Coastal shipping	234	5	N.A.	
IWT	72	2%	N.A.	
Pipeline	84	2	N.A.	
TOTAL	4,464.48	100	2,137.42	100

The mode choice model has been developed based on “the most evident factors of any goods transfer”, i.e., travel time and travel cost. The probability of a commodity to be transferred has been estimated by the Binary Logit Model, the utility equation developed by the difference of travel time and of travel cost of the same origin-destination pairs of two different modes (road and rail).



The CAGR of different commodities is indicated in table below:

Phase-wise CAGR of commodities:%					
Commodity	2019-2021	2021-2026	2026-2031	2031-2041	2041-2051
BOG	4	7	6	3	3
Cement	14	9	6	5	5
Coal	12	3	4	3	0
Containers	20	5	6	5	4
Fertilizers	14	6	5	4	4
Food grains	5	3	3	3	3
Iron ore	2	6	5	4	3
Pig iron	22	6	6	4	3
POL	17	8	5	4	4
Steel raw materials	6	6	5	4	3
Total	9	6	5	4	3

Total commodity-wise freight demand forecast is in table below.

Projected commodity demand: million tonne						
Commodity	2019	2021	2026	2031	2041	2051
Cement	339	399	601	813	1,355	2,114
Coal	965	1,052	1,237	1,502	2,081	2,136
Containers	231	316	411	546	870	1,264
Fertilizers	61	74	100	128	196	284
Food grains	287	315	362	416	541	701
Iron ore	207	221	295	377	569	798
Pig iron	113	121	164	215	322	452
POL	273	329	484	629	930	1,323
Steel raw materials	61	56	74	95	143	200
Total	4,709	4,805	6,366	8,220	11,780	15,583

Estimating rail share by scenarios

Modal share of road and rail in each of the identified scenarios has been estimated, using Binary Logit Model. The modal share probability is calculated phase-wise, i.e., for the year 2021, 2026,

2031, 2041 and 2051. Four scenarios have been considered for future growth:

1. Business as Usual (BAU): Rail infrastructure remains same, but includes sanctioned projects such as Eastern and Western DFCs, Mumbai-Ahmedabad HSR, and other projects included among IR's approved outlays. In case of roads, the Bharat Mala project is considered implemented.
2. Enhancement of average speed of railways' freight trains from 25 km/h to 50 km/h.
3. Enhancement of freight train speed from average of 25 to 50 km/h, together with 30% reduced tariff.
4. Business as Usual (BAU) with reduction in tariffs by 30%, rail infrastructure remaining same.

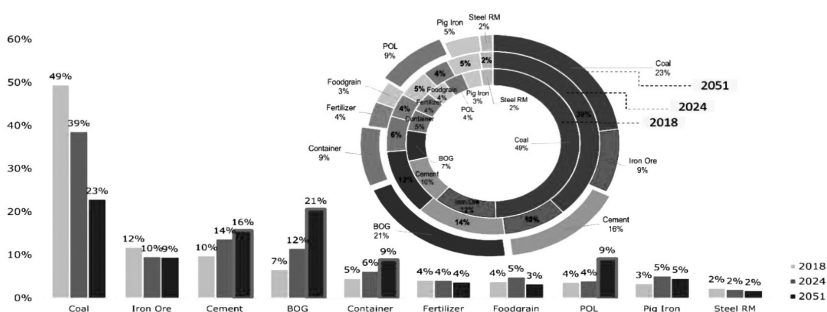
In Scenarios 2 and 3, improvement in average speed has been considered since majority of the network will be tripled/quadrupled, which will help bring the network at par with DFCs in terms of speeds. Of all the scenarios developed for estimating future rail freight share, Scenario 3 in general is based on rail infrastructure improvements along with reduction in tariffs. Within Scenario 3, 3A refers to increase in rail speed by year 2026 along with tariff reduction in all commodities; 3B refers to increase in rail speed by year 2026 along with tariff reduction in selected commodities; and 3C refers to implementation of railway projects corresponding to average freight train speed to 50 km/h gradually (year 2021:25 km/h, 2026:30 km/h, 2031:35 km/h, 2041:40 km/h, 2051:50 km/h), along with tariff reduction in all commodities. In all these three scenarios, the estimated rail share in the year 2051 is more or less similar.

The maximum enhancement of rail share will be in Scenario 3B and 3C, with a shift of +16% from road to rail by the year 2051. In case of Scenario, 3B the speed enhancement is considered right from the year 2026 and, therefore, the rail share of 44% will be achieved in 2026 itself, while, in case of Scenario 3C, enhancement of rail share is gradual (33% in 2026, 39% in 2031, 43% in 2041 and 44% in 2051) owing to corresponding gradual enhancement of average train speed. (For achieving the rail share of 44% in 2026 itself, implementation

of proposed infrastructure projects, including dedicated freight sub-network, does not appear to be feasible). Considering the pace of development of rail infrastructure and requisite shift towards rail, Scenario 3C has been adopted as a viable option. Table below presents estimated quantum of freight to be carried by rail, Scenario-wise:

Commodity forecast by scenario in 2051 (million tonne)							
Commodity in million tonne per year by rail (2051)	2017-18	Scenario 1	Scenario 2	Scenario 3A	Scenario 3B	Scenario 3C	Scenario 4
Containerizable BOG	23	28	342	429	429	429	137
Non-Containerizable BOG	54	64	789	990	990	990	315
Total BOG	77	92	1,131	1,419	1,419	1,419	452
Cement	114	809	893	1,079	1,079	1,079	1,019
Coal	575	1,307	1,577	1,622	1,577	1,577	1,426
Containerised	54	202	560	610	610	610	370
Fertilizers	49	242	256	259	256	256	250
Food grains	45	117	151	225	225	225	200
Iron ore	137	475	652	670	652	652	558
Pig iron	40	222	259	318	318	318	296
POL	43	124	583	630	630	630	185
Steel raw materials	28	110	120	123	120	120	115
Grand total	1,162	3,701	6,182	6,955	6,885	6,885	4,872

Although there is expected increase in rail freight share and also in the total commodity basket by the year 2051, the commodity mix will drastically change, as revealed in figures below.



Share of coal transported by rail is estimated to reduce from present 49% to 23%, of BOG to increase from present 7% to 21%, of Exim containers to increase from 5% to 9%. In case of Scenario 3C, since the rail freight share is increasing gradually, the commodity mix is also estimated to be different in each cardinal year.

Freight flow assessment and modal share of railways: Railways remains a preferred mode of transportation for conventional bulk commodities, which comprise majority of rail freight traffic on account of their inherent transportation characteristics such as large volumes, long leads, cargo weight and cost. On the other hand, road emerges as the preferred mode of transport for conventional high value commodities such as steel, cement and non-conventional commodities such as unitized cargo including automobiles, containers and balance other goods, mainly on account of factors such as better transit, service reliability, movement of smaller parcel sizes, shorter leads. POL moves to a large extent on the pipeline network, given its distinct logistics requirements.

Existing rail freight share

In 2018-19, Railways carried 1221.5 (27%) of total freight generated		
Modes	Tonnes (Million)	Share (%)
Rail	1221.5	27
Road	2911.7	64
Coastal shipping	234	5
IWT	72	2
Pipeline	84	2
Total	4523.2	100

Rail share in traffic having leads beyond 300 km reduced from 51.5% to 32.4%		
Total traffic: m.t.	2018-19	2007-08
a) Traffic carried by road transport	2,911.7	1,558.8
b) Traffic Carried by rail	1,221.5	768.7
Traffic rail & road (a+b)	4,133.2	2,327.5
d) Traffic on road with lead up to 300 km	1,393.1	837.8
e) Traffic on rail with lead up to 300 km	493.9	2.9
Total traffic with leads up to 300 km (d+e)	1887.0	840.7

Total potential traffic moving beyond 300 km		
Rail	727.6	765.8
Road	1,518.6	720.9
Total	2,246.2	1,486.8
Rail share in potential traffic	32.4%	51.5%

Rail modal share – corroboration through modelling: A Binary Logit Model was developed to analyse potential freight movement over rail with reference to the two major parameters of overall logistics time and cost. With a combination of higher than extant average speed of freight movement (at 50 km/h) and reduction in the transport/logistics cost by 30% from extant levels, the model estimates that, based on relative cost-economics of various modes (including inter-modal transfers), railways could potentially cater to about 44% of the total freight movement. These changes in the two parameters of overall logistics time and cost could be affected by interventions targeted at improving provision, transit speeds, and reliability, etc.

To increase rail modal share: Presently, the modal share of railways in the national transport system is mainly attributable to its output restricted to only traditional bulk commodities. Projections for potential freight transport demand in the national system suggest that commodity groups like containers and BOG would contribute a very significant proportion of the total demand (48% in 2030). For enhancing its modal share, IR will need to cater to freight transport demand of other commodities (non-conventional as well as conventional high-value) through appropriate interventions, strategies and product offerings.

Over the last three decades, in particular, modal share of railways has been falling. Roadways have catered to increasing freight movements on account of factors like evolution in the industrial and consumption landscape changing the dynamics for freight transport towards need for faster transit, service reliability, smaller parcel sizes, besides enhanced road infrastructure and initiatives like GST, electronic toll collection, increasing axle loads of commercial vehicles, etc., leading to a change in the relative competitiveness of road transport as a mode vis-à-vis rail.

In view of the climate change challenge, India has communicated its intended nationally determined contribution (INDC) in response to COP decisions 1/CP.19 and 1/CP.20 for the period 2021 to 2030 – including reduction in emissions intensity of its GDP by 33-35% by 2030 from the 2005 level. As part of its mitigation strategies and interventions, India identified ‘reduction of emissions from transportation sector’ as one of the priority areas. India articulated its focus on low carbon infrastructure and transport systems like the DFCs and energy-efficient railways, in fact, endeavouring to increase railways’ share in total land transportation to 45%.

Constituted by Government in 2010 to formulate a long-term transport policy, the National Transport Development Policy Committee (NTDPC), in its India Transport Report: Moving India to 2032 (January 2014) recommended a market share of 50% for railways by 2032 (end of Plan XII). Implied in these projections, the report underscored the need for focus on major sectors like coal, steel and cement in addition to capturing significant share of containerisable cargo, and better addressing segments like automobiles transport, and the need to provide services to meet customers’ requirements and expectations, focusing on improving transit and cost-efficiencies. Similarly, IR’s Visions & Plans (2017-19) identified a target modal share of 37% in 10 years through a number of interventions including policy reforms, new service offerings, and infrastructure augmentation.

Capacity utilization and bottlenecked sections

Existing capacity utilization was calculated as per the line capacity data. Some of the salient findings include: 74% of entire network is operating below 100% capacity utilization, 25% of it between 100% and 150% capacity, and 1% of the network 1.5 times the capacity.

- The HDN network has the highest utilization: 20% of entire HDN network operates below 100% capacity utilization, 2% below 70% utilization; 58% between 100% and 150% capacity utilization, and 22% with capacity utilization higher than 150%.
- In case of HUN, 52% of the HUN network is operating

below 100% capacity utilization, 35% between 100% and 150%, and 13% 1.5 times the capacity.

It has been estimated that, by 2051, 33% of IR's entire network will be operating below 100% capacity, and 24% below 70% of utilization, whereas 11% of the network will be operating between 100% and 150% of capacity utilization and 57% will exceed 1.5 times its capacity. By 2051, none of the HDNs will be operating with capacity utilisation of less than 100%, while 92% of network will be operating on capacity utilisation higher than 150%. Likewise, 8% of the HUN network will be operating below 100% capacity, 14% of it operates between 100% and 150% capacity, and 82% will exceed 1.5 times its capacity by 2051.

Network requirements:

Dedicated Freight Corridors (DFCs): In addition to the ongoing eastern and western DFCs, three additional DFCs have been identified under National Infrastructure Pipeline (NIP), (as also elaborated by Finance Minister in her general budget speech on 1 February).

- (i) The 2,328 km East-West DFC (cost: Rs 1,61,000 crore) between Howrah (Andal/Kamarkundu near Dankuni) and Mumbai (near Palghar). It would start from Palghar (on Western DFC, near Vangaon station); on the Eastern end, one route would end at Andal (on Eastern DFC station) and the other route at Kamarkundu (new station on Eastern DFC, near Dankuni).
- (ii) The 2,327 km North-South DFC (cost: Rs 1,671,00 crore) from Pirthala (on Western DFC, near Palwal station) to Arakkonam. One connection is proposed towards Chennai at Trubalangadu station, and another connection with Melapakkam towards Bengaluru side.
- (iii) The 1,114 km East Coast DFC (cost: Rs 74,800 crore) from Kharagpur to Vijayawada.

Again, HSR (high speed rail) corridors proposed as part of National Infrastructure Pipeline (NIP) have been reviewed with a

view to enhancing the HSR network and increasing connectivity to cities of importance. To judge the extent of demand for high-speed rail between any city pairs, each of the two cities is required to have population of at least 1.0 million, and the pair separated by a distance of 300-700 km, besides complying with the criteria of city GDP, high levels of density, and passenger flow by AC rail/air.

Corridors having rail AC passenger share of more than 50% have been identified. The corridors are more or less same as proposed in NIP. Certain extensions/new corridors have been proposed:

1. Delhi-Chandigarh-Ludhiana-Jalandhar-Amritsar HSR Corridor recommended to be extended to Jammu via Pathankot
2. Delhi-Agra-Kanpur-Lucknow-Varanasi HSR corridor recommended to be routed via Ayodhya
3. Delhi-Agra-Kanpur-Lucknow-Varanasi corridor also recommended to extend to Patna and Kolkata.
4. Additional HSR line from Patna to Guwahati via Katihar and New Jalpaiguri
5. Additional HSR line between Hyderabad and Bengaluru.

All major towns of North, West and South India are recommended to be connected with at least one HSR corridor. An additional HSR line is proposed between Nagpur and Varanasi by extending the Mumbai-Nashik-Nagpur HSR corridor; it will connect Mumbai with Varanasi, which will further connect with Delhi-Varanasi-Patna-Guwahati HSR corridor.

Network improvement

- **for seven HDN and 11 HUN routes,**
- **for port connectivity** (2,722 km), which includes part of HUNs and HDNs.

Rail connectivity with industrial corridors: The National Industrial Corridor Development Programme aims at developing new industrial cities as "Smart Cities". Government of India is developing 11 Industrial Corridors, involving development of 30 projects in four phases up to 2024-25.

Multimodal freight terminals: The projected potential growth of freight traffic will perforce need additional capacity of multimodal logistics parks (MMLPs)/freight terminals.

Multimodal passenger terminals: There are around 24 terminals (station clusters), each of which handles more than 200,000 passengers per day. These 24 station clusters are proposed to be taken up for upgradation. In case there be any constraint such as of land availability/acquisition to expand any station to meet the demand, directional terminals for the main station may be considered in the same district. In due course, more terminals will be added.

Additional stations have been identified for upgradation where a multimodal integration is required with other ancillary rail links such as HSR, RRTS, etc. There are 13 stations that overlapped with the proposed HSR corridors. The list of stations to be upgraded has been revised to include those that will involve multi-modal integration. A total of 90 stations qualify for upgradation.

Rolling stock requirement

Locomotives

	2026	2031	2041	2051
Coaching locomotives	3,494	4,782	8,687	13,498
Freight locomotives	13,305	15,957	22,894	32,519
Total locomotives	16,799	20,739	31,581	46,017

Wagons

Type	2018	2026	2031	2041	2051
BCN	84,128	157,456	212,727	279,539	354,684
BOXN	131,573	147,738	171,242	222,115	259,050
BCACBM	-	6,523	10,221	14,293	19,754
BLC	30,073	48,162	73,525	1,15,135	1,65,333
BRN	20,622	29,671	35,243	47,895	68,413
BCFC	290	4,158	7,979	21,074	57,413
BTPN	13,189	14,062	34,288	79,020	1,43,483
Total	279,876	407,769	545,225	779,071	1,068,130

Coaches

Type	2018	2026	2031	2041	2051
AC	4,074	8,311	11,546	19,067	30,685
Non-AC	39,343	52,430	60,569	87,360	1,21,824
Total	43,417	60,741	72,115	106,427	152,509

Mainline electric multiple units (MEMUs): MEMUs will carry around 50% of the total Non-AC passenger demand on the network, providing only seating, and the average trip length being less than 200 km. Accordingly, total number of MEMUs required are:

	2018	2026	2031	2041	2051
Total MEMUs	653	1,284	1,487	1,767	2,045

Mainline electric multiple units (MEMUs): Infrastructure across the golden quadrilateral and golden diagonal will be developed to allow train-sets to operate at 160 km/h on these corridors. These train-set as AC chair cars will cater for journeys with average trip length between 200 and 700 km.

	2018	2021	2026	2031	2041	2051
Train-sets	42	70	100	144	214	306

Costing and phasing

To serve the multi-fold demand of projects to be taken up and completed as per the NRP timelines, including the DFCs, HSR corridors, semi high speed routes, multi-tracking, improvements in signalling, passenger and freight terminals, as also procurement of rolling stock, substantial investments will be needed. Till 2031, capital expenditure requirements in track infrastructure and signalling works account for 66% of the amount; for rolling stock 29% of the total amount, the balance 5% will pertain to development of terminal infrastructure.

Similarly, of the total capital expenditure requirements estimated beyond 2031, i.e., till 2051, the amount for track infrastructure will constitute 60% of the total, for rolling stock 39%, and the balance for terminal infrastructure.

NRP: estimated costs							
		2021-26	2026-36	2031-41	2014-51	Grand Total	
DFC Corridors	1		East coast DFC Kharagpur to Vijayawada	North-South DFC to Chennai via Nagpur and Vijayawada	North-South DFC Palwal to Itarsi		
			1,265 km	1,206 km	751 km		
			Rs 50,600 crore	Rs 48,240 crore	Rs 30,040 crore		
	2		East - West DFC Palghar to Dankuni and E DFC connectors				
			2,013 km				
			Rs 80,520 crore				
	3		Eastern DFC Sonnagar to Dankuni				
			515 km				
			Rs 20,600 crore				
	DFCs: Total						
	Length: km		3,793 km	1,206 km	751 km	5,750 km	
	Cost: Rs crore		1,51,770	48,240	30,040	2,30,050	
HSR							
HSR Corridor	1		Delhi Varanasi via Ayodhya	Hyderabad to Bengaluru	Mumbai to Nagpur		
			855 km	618 km	789 km		
			Rs 1,71,000 crore	Rs 1,23,600 crore	Rs 1,57,800 crore		
	2		Varanasi to Patna	Nagpur to Varanasi	Mumbai to Hyderabad		
			250 km	855 km	709 km		
			Rs 50,000 crore	Rs 1,71,000 crore	Rs 1,41,800 crore		
	3		Patna to Kolkata		Patna to Guwahati		
			530 km		850 km		
			Rs 1,06,000 crore		Rs 1,70,000 crore		
	4		Delhi-Udaipur-Ahmedabad		Delhi to Amritsar via Chandigarh		
			886 km		485 km		
			Rs 1,77,200 crore		Rs 97,000 crore		
	5					Amritsar-Pathankot Jammu	

72 / Ministry of Railways' 30-year Strategic Plan

					190 km	
	6				Rs 38,000 crore	
					Chennai to Mysuru via Bengaluru	
					462 km	
					Rs 92,400 crore	
Total HSR corridors						
	Length: km		2,521 km	1,473 km	3,485 km	7,479 km
	Cost: Rs crore		5,04,200	2,94,600	6,97,000	14,95,800
Network						
HDNs	All HDNs	Rs 19,244 crore	Rs 25,846 crore	Rs 18,487 crore	Rs 23,825 crore	Rs 87,402 crore
HUNs	All HUNs	Rs 43,717 crore	Rs 37,797 crore	Rs 87,583 crore	Rs 76,703 crore	Rs 2,45,800 crore
Others	Other than HDN/HUN Network	Rs 65,813 crore	Rs 17,254 crore	Rs 1,17,960 crore	Rs 82,647 crore	Rs 2,83,674 crore
Ports	Port connectivity	Rs 11,858 crore	Rs 1,978 crore	Rs 4,923 crore	Rs 14,351 crore	Rs 33,110 crore
Total Network	Overall	Rs 1,26,914 crore	Rs 71,358 crore	Rs 2,21,456 crore	Rs 1,81,967 crore	Rs 6,01,695 crore
Flyovers and by-passes						
Flyovers: No.	178	Rs 71,200 crore				FRs 71,200 crore
By-passes: No.	58	Rs 8,700 crore				Rs 8,700 crore
	Total	Rs 79,900 crore				Rs 79,900 crore
Terminals						
Terminal development: cost	Passenger terminal development: cost	Rs 54,316 crore	Rs 16,175 crore	Rs 9,325 crore	Rs 4,041 crore	Rs 83,857 crore
	Freight terminal development: cost	Rs 6,241 crore	Rs 4,161 crore		Rs 10,402 crore	
	Terminals: total cost: Rs crore	60,557	20,336	9,325	4,041	94,259
Rolling stock						
Rolling stock						
	Locomotives:	Rs 1,54,336 crore	Rs 65,044 crore	Rs 1,89,140 crore	Rs 2,35,718 crore	Rs 6,44,238 crore
	Wagons	Rs 38,838 crore	Rs 46,330 crore	Rs 86,274 crore	Rs 1,25,990 crore	Rs 2,97,532 crore
Coaches						
	All coaching stock: cost: Rs crore	1,21,286	56,439	85,508	1,13,858	3,77,091

	Total rolling stock, cost: Rs crore	3,14,450	1,67,913	3,60,922	4,75,566	13,18,61
Grand total: Rs crore		5,81,821	9,15,527	9,34,543	13,88,614	38,20,516

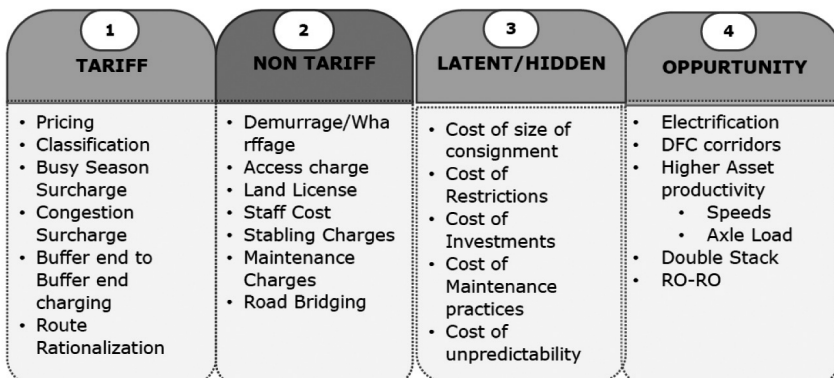
Marketing and business development

Traditionally IR has been a supplier of ‘terminal to terminal’ rail transportation services. In the last 3-4 decades, this has further evolved in terms of movement of single commodity full train load or “rake” volumes. Its capacity shortage has potentially contributed to the modal shift; even some traditional customers have moved away, unable as it has been to respond to their service needs. Besides demand-led capacity expansion of infrastructure – tracks, terminals and rolling stock, focus would also be required to attract customers back through improved service provision and attention to evolving customer needs.

Targeting 45% modal share: salient requirements

- Capacity ahead of demand ; enable increase in freight train speed from 25 km/h to 50 km/h
- Reduce cost of rail transport by 30% - across the cost spectrum
- Infrastructure and business planning on same platform
- Institutional set-up – constant up-dating
- Data points – commodity to customer migration

A single window, end-to-end solution has increasingly become the norm for logistics services demanded by customers, that also



involves time-bound service delivery, transparency and real time information provision. IR has embarked on an initiative by setting up business development units and encouraging greater engagement of its frontline personnel with potential rail customers.

The possible initiatives/enablers categorized broadly under 'service provision' can be more material to users in regard to improvement in the overall logistics cost, as initiatives/enablers categorized broadly under 'transit' would be more material to users from the perspective of improvement in the overall logistics time. Creation of adequate capacity in the network in terms of track infrastructure, terminals and rolling stock would contribute to improvement of logistics time and cost for the users.

A large part of the potential customer network that needs less than train load solutions is largely unaddressed. A mechanism to engage with such customers, primarily through third party logistics service providers (LSPs) needs to be developed and strengthened. IR has limited penetration in a significant portion of the freight market where logistics service providers play a key role. The key benefits that involvement of LSPs can provide with respect to addressing the specific service needs and attracting cargo from these segments include: flexible parcel sizes by running consolidation services, on demand end-to-end logistics solutions, transit assurance at market/competitive pricing.

Pricing reforms

While rail transport is conventionally considered cheaper than road on a per tonne-km basis for longer leads, the cost of first and last mile connectivity and additional handling cost at modal change terminals can often neutralize this cost advantage and even make the total cost for rail transport higher than that for end-to-end road transport.

The operating ratio for IR's freight business in FY 2019 was 0.59%, and 1.92% for the passenger business, highlighting the inherent cross-subsidy contributing to railways' haulage charges being higher than its global peers even after adjusting for purchasing power parity. For high value commodities such as steel and cement, and for

non-bulk commodities like containers and ‘other non-conventional domestic goods’, rail loses out to the road sector on a landed cost basis even for longer leads. By dint of emerging technological as well as operational improvements in the road sector, trucking cost is likely to be driven further down. IR must actively rationalize and reduce the burden of its skewed pricing regime.

An integrated haulage charge: IR needs to consider providing/enabling first and last mile connectivity, as well as terminal handling services for its customers through establishing relevant institutional and policy mechanisms and encouraging partnership with LSPs, ensuring that this activity is in no way viewed as a potential for generating incremental revenue for IR.

A possible mechanism for volume based pricing could be to price for some select commodity groups (especially those being carried in containers) on a “per train load” basis instead of on a “weight per wagon or slab” basis, allowing cargo consolidators and rake owners to determine the overall cargo mix based on a blended train rate instead of a targeted per wagon or per tonne rate.

In order to attract and transport freight from this segment, IR needs to reach out to end shippers in a more efficient manner and establish an institutional mechanism wherein IR can partner with LSPs to leverage their superior market access and create end-to-end logistics products for prospective customers. LSPs can consolidate freight and provide single point of coordination as well as add-on services to such customers. LSPs can also issue suitable documentation (negotiable instruments) and requisition rakes for mixed cargo needs, apart from providing first/last mile services through other service providers.

While IR’s own network provides considerable geographical reach, the lack of ability to provide terminal handling services and first and last mile connectivity prevents it from being recognised as an integrated service provider. Creating a separate policy and institutional mechanism within the railways that focuses on developing or enabling these capabilities will allow it to leverage its long-lead transport capability with value addition that can convert it to a formidable end-to-end logistics solutions provider. The aim of such a mechanism

would be to enable partnership across various transport actors in the supply chain – including road hauliers, third party logistics providers, shippers/consignees and rail operators.

A prime objective of creating such a partnership is to re-focus the commercial attention of IR from a supply-determined to a demand-driven organisation. The institutional set-up should ideally be structured around the following three functional themes:

- *Customer interface:* This would include understanding and analyzing customer requirements, gathering market feedback, providing design inputs for product/service design, conflict management and resolution, among others.
- *Product/service design:* This would include bridging gaps between the expected performance and current services offered by IR by way of designing comprehensive rail-road based solutions, also reviewing global best practices and benchmarking activities in the domain of intermodal transportation and services.
- *Operations and management:* This would focus on aspects related to on-ground implementation of planned services comprising entering into agreements/contracts with respective logistics players across the value chain, allocating resources for conducting processes seamlessly, and scheduling activities in coordination with existing railway management systems.

Regulatory agency – a critical need

In absence of an institutional regulator, IR itself functions as the operator, policy maker, service provider and regulator. It is essential that all relevant policies be consolidated into a database with ease of access. A strategic deep dive into existing policies and consolidation of these into broad sub-headings with simpler, more transparent, and investment-friendly frameworks. IR could further leverage the availability of data within existing operating systems and harness the capacity of big-data analytics to provide more data driven solutions. Using the existing FOIS digital platform, IR may well provide for predictability in wagon supply, adequate track and trace functionality, customers to get better visibility of their cargo movements.

NRP: some broad, general observations

A comprehensive document, with granular detailing of IR's receding operational and commercial fortune along with immense possibilities of its potential growth in country's transport sector, the NRP charts out a strategic grid for IR to follow for short term (up to 2024) and medium term (up to 2031) milestones to cross. Simultaneously it lays out a vision to traverse a long term journey to be able to gain leadership role in India's logistics industry by the horizon year, 2051.

Notorious that IR has, of late, been in regard to acknowledging that some serious ailments have taken inexorable toll of its health and vigour, and administering prescribed medicines, it must summon its inherent resilience and prudence to make a change, and implement its plan in a mission mode. Plans, big and beautiful, are of no avail, if remain unimplemented in time and with resolute will. In its 2014 report, the National Transport Development Policy Committee set IR the challenging target of achieving a market share of no less than 50% by the end of the 15th plan period, in 2031-32. To achieve this, its freight output needed to grow at a 12% CAGR over next 20 years. Given the projected growth in the national economy, NTDPC estimated that even to retain its then share of 30% to 35%, IR would have to grow its freight volumes at more than 10% a year. All that followed is steadily dwindling rail share in country's freight and passenger market.

Life-blood of an economy, logistics today is acknowledged to be a critical factor for its competitiveness and resilience, that has increasingly shifted from a purely cost-centre to centre creating value. Characterised by high costs (around 14% of GDP vis-à-vis c. 8% in industrial economies) and low service, logistics in India is considered an Achilles' heel. Logistics costs, if pared by just 2%, can yield annually around \$ 50 billion to nation's economy.

Accounting for 95% of all inland cargo, India's roads and railways dominate nation's freight market. The sub-optimal rail-road mix in freight movement is a major concern. Shift2Rail is essential for sustainable development. Railways has been losing most of the low density high value cargo, remaining overwhelmingly patronized

by captive customers of bulk cargo, for whom railways is the only option. The heart of railways' freight strategy is the creation of high volume, high speed freight corridors, calibrating the services to create critical mass of wagons/containers carrying piecemeal general goods in train loads, in partnership with other players, for integrated time-tabled multimodal 'whole journey' service.

To help cut logistics costs, “a pain point for the industry for a long time”, Prime Minister Narendra Modi called for a “new direction” to infrastructure development, ensuring multimodal coordination, different modes complementing each other. Notwithstanding Covid-19 pandemic casting a big shadow of uncertainty, the future growth in demand for transportation is likely to be affected by multiple factors - rapid urbanisation, demographic changes, growing middle class, the digital revolution, which will have a major impact on mobility and transport, in both demand and supply. There is a paradigm change in transport itself – an integrated logistics service, involving the convergence of traditional transport infrastructure with the world of information technology.

Transport today is a high-tech industry. As transport costs fall, physical geography matters less. With economies of scale in production, economic geography matters more. The value of trade is growing much faster than its weight, manifest in the shift away from bulks and towards manufacturing. Today, the whole transport business is defined anew, driving a relentless move towards seamless, door-to-door integrated intermodal transportation.

IR's vision, instead of remaining key-holed on bulk commodities like coal, needs to re-dimension its freight business. NRP too projects substantial decline in coal traffic in days ahead, signifying IR to perforce look for life beyond coal which today accounts for almost half of the total rail throughput. And as it looks for a role as a wholesale carrier of bulk commodities in block trains as well as liner trains composed of sundry block loads of piecemeal wagons and containers on flat cars to carry, what NRP terms, BOG (balance other goods), end-to-end on specific corridors, it needs to adopt a new paradigm of growth in partnership with allied logistics service providers.

Thinking on transport in India has been project-centric, generally done within single mode silo. The rail-road mix in freight movement has developed sub-optimally. Railways consistently lost out to roads, unable to respond to market needs, and to install capacity. With elasticity at 1.2, total traffic was expected to grow at 9.7% annually - rail at 12% and roads at 8%, to be able to achieve an optimal 50% share for each, steadily rising in the ratio of 35:65 in Plan XII (2012-17), 39:61 in Plan XIII, 45:55 in Plan XIV, and to 50:50 by Plan XV. Instead of viewing other modes as only competitors, it needs to cooperate with them to deliver cost-effective and time-efficient multimodal service end-to-end. IR must recognize the pivotal role roads play for first/last mile connectivity, for which they need be co-opted as partners.

So also IR needs to devise newer strategies for passenger business. It may well restructure its freight and passenger services as two separate business streams for better focus. Rail travel demand far outstrips supply. The steadily growing services sector continues to trigger high mobility and demand for passenger travel, generally in upper classes. Besides building specified high speed rail corridors, IR may reorient its infrastructure, services and tariffs, to reposition rail travel in preference to car as well as airlines, upgrade and accelerate inter-city trains, expand long distance trains, aiming at 160-200 km/h operation on post-dedicated freight corridor mixed traffic routes. It may also corporatise regional and suburban passenger business: an autonomous corporate entity, if put in place under the IR umbrella, would be better equipped to manage all sectional/regional passenger services including specific short distance suburban streams on the system.

IR confronts still more formidable challenges in days to come. For example, the national highways length, which already transports over 40% of all road-borne traffic, is being rapidly doubled, to 200,000 km, with capacity to carry 80% of the freight; the maximum load carrying capacity of heavy vehicles has been allowed to increase 20-25%, raising the axle load weight of trucks by 12-14%; along with new technological developments, the road sector will be enabled to make further inroads in the national freight market by improving

competitiveness and efficiency in its services as much has already happened consequent upon the introduction of GST.

The Plan envisages substantial investment of Rs 16.74 lakh crore over the years 2022 to 2031 for developing infrastructure and acquiring mobile assets, and additional Rs 21.48 lakh crore in the next twenty years, up to 2051. A significant chunk of projected capex is visualized to come from private sector. With an extremely lacklustre performance in securing PPP investment so far, despite recurring rhetoric from policymakers, it will require a cogent and conducive framework to attract private sector investors.

Clearly some benchmarks and expectations in the document appear unrealistic: for example, the avowed aim to wrest 45% of country's freight market by 2030 (from the current 26-27%), predicated on its carrying capacity becoming ahead of demand. It looks unlikely that IR will register revenue surplus performance by 2024 as part of its short term Vision 2024 that assumes some of the critical infrastructure deficiencies will be overcome following capex of Rs 2.9 lakh crore by 2024, etc.

Some critical structural, organisational, operational aspects find no place in the NRP. Evidently, IR needs to earnestly right-size itself, shed burdensome baggage of anachronistic institutions and activities, rationalize its asset maintenance regime, prioritize investments, ensure viability of projects and their optimal management, and eliminate waste. There is dire need, and much scope, to cut unit cost of operation. Characterised by a rigid bureaucratic structure, antithetical to business ethos, also tardy and lackadaisical in increasing capacity on arterial routes, and extracting far more from its resources and accelerating asset velocity, IR hasn't been agile to deliver and earnest to lower unit cost of operation.

Further, even the projected level of investment will not by itself yield the estimated, and desired, additional modal share in freight and passenger businesses. Essential it is, and as the draft NRP highlights, that IR addresses "business development" issues that have for long plagued it, and launches requisite reforms in pricing its services and eliminating skewed tariff structures.

An Imperative of Dignity

One of the important aspects of the preamble to the Constitution is to assure the ‘dignity of the individual’. However, the word ‘dignity’ has not been defined anywhere. So in order to understand the importance of the stipulation, it is essential to excavate its meaning. There are two ways of studying the issue. One is legal and constitutional. The other pertains to a deeper meaning couched in negatives. It is to consider the reverse of dignity or its absence and feel its importance. Both are relevant for the study.

THE LEGAL PRISM

There are indicators in law and the Constitution that provide guidance to the meaning of this word.

- **Indian Penal Code**

Sections 499-502: Chapter XXI ‘Of Defamation’ is designed to protect the ‘reputation’ of a person. Similarly, Chapter XXII “Of Criminal Intimidation, Insult and Annoyance” deals with Sections 504 (intentional insult with intent to provoke breach of peace); Section 505 (statements creating or promoting enmity, hatred or ill-will between classes); and Section 509 (words, gestures or acts intended to insult the modesty of a woman) and can be treated as efforts to preserve the dignity of the individual or of different classes in society. In other words, preventing danger to reputation and dealing with an effort to cause insult are necessary to protect the dignity.

- **Special laws**

Laws have been enacted regarding backward classes and those

pertaining to untouchability (Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989), for women (The Protection of Women from Violence Act, 2005), for children (The Juvenile Justice (The Care and Protection of Children) Act, 2000), and for the old persons (The Maintenance and Welfare of Parents and Senior Citizens Act, 2007). They deal with dignity so as to prevent exploitation, negligence, and disrespect.

- **Constitutional Imperative**

Besides mention in the preamble of ‘assuring the dignity of the individual’, the Constitution has given a practical shape to the concept by ensuring justice, liberty, equality, and fraternity in various articles that seek to achieve all that is contained in the preamble. There is a fundamental duty (Article 51-A) ‘to renounce practices derogatory to the dignity of women’.

- **Aspect of Civil Liability for Defamation**

The Code of Civil Procedure provides remedies for violation of dignity by imposing heavy costs on the perpetrators at fault. The court fee is quite high. It is ten percent calculated on the basis of defamation amount claimed. It is only the well off who can make use of the tort law that addresses civil wrongs. Mental torture is unique to all. However, criminal defamation is preferred to civil defamation because of high court fee for the latter.

The law has been designed to protect the dignity of the individual by outlawing acts that bring disrepute to the individual or cause insult. But this does not convey the other dimensions of dignity. This is limited only to the confines of law that do not do full justice to the concept. From the study of law and the Constitution, one does not get the flavor of dignity. Moreover, it is only the individual dignity that the law refers to and deals with the petitioner.

Dignity in terms of law and the Constitution has, thus, the following features:

- It is the individual who seeks it when he is hurt;
- It is costly to seek it both as a criminal case and a civil liability;

- There is a limit to the scope of the Public Interest Litigation in securing dignity, as there is no accountability of anyone. Moreover, it is too generalized, the cases having different stories or histories.

THE NEGATIVE PRISM

It is difficult to explain the concept of dignity in a positive manner. Even the Constitution and the law have referred to what ought to be avoided like dealing with discrimination or inequality, or precautions while dealing with the freedom of an individual or when the person is arrested. But for understanding the concept of dignity, it is appropriate to take interpretation of Karl Popper's views in the *Open Society* (Routledge & Kegan Paul; London; 1962) on "alleviating suffering" as a method of moral reasoning. Since "there cannot be a criterion of absolute rightness, we can make discoveries. That cruelty is always "bad", that it should always be avoided where possible; that the golden rule is a good standard which can perhaps be improved, by doing unto others, wherever possible, as they would want to be done by; these are elementary and extremely important examples of discoveries in the realm of standards". (p.235)

The positives like truth, beauty, and goodness are abstract notions and defy any meaning in concrete terms. But their reverse is easy to understand. Untruth or falsehood, ugliness, and badness are tangibles as they are felt and can be identified. While concept of dignity is difficult to explain, the reverse of it is easier to understand and experience. Humiliation is recognizable. Sandra Pralong has devised a "repugnancy test" that would suit our exploration. "We can use Popper's negative methodology to at least eliminate what we might reasonably expect others not to like. In other words, at a minimum, our decision-making technique about moral acts should seek to ensure that others do not dislike, or find repugnant, the things we do and which affect them". (p.138) 'It is easier to identify humiliating than respectful behavior, just as it is easier to identify illness than health', says Avishai Margalit (*The Decent Society*, Harvard University Press; p. 5) Hence the criterion of negatives is suitable to identify negation of dignity and easier to understand the phenomenon.

Enemies of dignity

Torture

Torture is inimical to the dignity of the person. Even the Constitution in Article 20 prescribes that no one can be “compelled to be a witness against himself”. In other words, it means that no violence can be inflicted to extract confession from a person against his will. It is contrary to human dignity.

Humiliation

One may feel humiliated as one's identity is not acknowledged to be that of a human being. This has been true of the third gender when they are denied equal stature and rights of being human being. This has, to some extent, been rectified by the Supreme Court judgement in *Navtej Singh Johar v Union of India* (2018) 10 SCC1). Humiliation consists of unpalatable “gestures” (Margalit; 52) like purity/impurity, not letting people of ‘lower’ birth participate in ordinary activities as these tend to defy the wayward sensibilities of the higher class. There have been instances when the bridegrooms of so-called lower classes have been tortured for riding a pony or a horse; keeping a moustache; or even having a musical band play during wedding; denying passage to a procession in the street of the so-called higher class. These are all marks of deliberate humiliation of people who by birth are relegated to the lower class due to the caste system.

Rajiv Bhargava (*The Hindu*; 26 November, 2019) feels that “certain kinds of humiliation are so grave that they have no place in a decent and civilized society”, like the treatment given to the Dalits confined to their own living area only, except when they were to serve the higher caste people. Even their literal ‘shadow’ was repugnant to the upper caste men. ‘Deep humiliation’ is caused when ‘one’s self-worth is irretrievably lowered. It is ‘experienced when one is not seen not only as non-human, but lower in rank than humans, when one is inferiorized. To deeply humiliate is to contemptuously see and treat people as sub-human’.

Some years ago, two women were tattooed as “Jeb katri” (pickpockets) on their forehead by police as a permanent mark of their wrongdoing. It is not known what happened to them and their perpetrators. Human memory is short. Such incidents become so routine and recurrent that people lose interest and do not even seem to notice these. The tragedy lies in normalization of the humiliation on the ground that they deserved it.

Hate

Another aspect of dignity is that people do hate the ‘other’ because of birth, language, culinary practices, rites of passage, place or method or symbols of worship, etc. Hate causes deep pain that continues for long. It pollutes both the hater and the hated and gives place to violence. One who hates uses it for subjugation as an instrument, and the one who suffers it groans under thoughts of reprisal. Hate is doubly atrocious and creates a wedge between communities. Identity marker is abhorrent. Basically, it is a negative emotion that propels violence on both ends. Hate is, thus, a vicious aspect of snatching dignity of the individual. It pollutes both the perpetrator and the victim.

Undignified statements

Irresponsible statements by persons in position of power create hatred for a community. The imaginary traitors of the nation (desh ke gaddaron ko), violent (goli maaro) and abusive (s**lon ko) tirade is undignified by all means. A member of parliament warns that the protestors were capable of raping and killing women, especially when the protestors consisted of women. (The Economic Times; 4 February, 2020) A chief minister saying that the ‘terrorists’ (protestors) were being fed biryani is disturbing. (The Times of India; 7 February, 2020). A minister of the central government calls a chief minister a ‘terrorist’. He says, “You are a terrorist, there is plenty of proof for it. You yourself had said you are an anarchist, there is not much difference between an anarchist and a terrorist”. (The Economic Times; 4 February, 2020)

Fear

Creation of fear is an assault on the dignity of the individual. It means subduing the identity of the person by an overawing presence of an authority conveyed in implementation of law, denial of rights due to the person, or unjust and unreasonable practices of the system/government. There can be fear of tradition like adherence to the norms of a khap panchayat that has no compunction to trample the rights of the poor and uncared for people. Fear subdues the natural impulses of the person. It is a direct attack on dignity as it tries to keep persons under hegemony of the powerful, the administration, or the mob. Similarly, the policy to excavate real and genuine citizens of the country has created fear among those who are illiterate and homeless and have no access to records required for proof of their originality.

Unlawful detentions

The unauthorized detention by legal authorities hits hard on the dignity of the person who is bereft of the protection of Article 14 that espouses equality before law and its equal protection. The aberrations are not difficult to see all around when people are denied the due process of law and other protections and incarcerated; denied bail as per SC judgement in *Joginder Kumar v. Uttar Pradesh*. The bail petitions are not heard for long by superior courts, and are subjected to a series of adjournments and resort to legalese. Nothing can hit the dignity of a person more than denial of basic entitlements of law. The person, languishing in the prison for trial, must not only be heard but given relief wherever it is due.

Frequent use of the sedition law and security act for the ordinary issues

It is a travesty of circumstances when a strong law is used to deal with a trivial problem. There are many instances where the use of this section of the penal code is unwarranted. There are instances galore; a cartoonist making a cartoon that displeases the authorities; using some words by a juvenile in the school play; raising slogans like 'freedom from'; adverse reporting against a government department in good faith for exposing the rot in the hope that the administration

would take corrective measures; etc. The dignity is at stake for an innocent reporting, work of art which cartoon-making is, and asking for rights – all objected to under the rubric of ‘threat to national security’. ‘There is an exaggerated threat to national security’ (p.96; Ashwani Kumar; Dignity-A Purpose in Perpetuity; Lexis Nexis; Gurgaon; 2020).

Harassment

Harassment is both insulting and deliberate causing inconvenience, especially when one has a right to a certain thing, facility, or concession. Denial amounts to loss of dignity. If one has a right to be heard by the authority like an individual seeking protection from police against victimization and the case is not taken cognizance of by police, it may result in denial of dignity.

Neglect and inhuman behavior

Man who was denied hospital bed for not having Covid report died. His daughter reported that her father had waited on the street outside the hospital for four hours. This was a case of sheer negligence. (The Times of India; 20 May, 2020). In another case, an 80-year old man was tied to a bed for failing to pay the bill of the hospital (The Hindu; 8 June, 2020). A pregnant woman who went into labor was carried to a health centre on a chair tied with ropes as an ambulance could not reach her village (The Indian Express; 18 August, 2020). A man carried his 105-year old mother on his back and covered a distance of 4 km to the bank to withdraw her pension from her Jan Dhan account (merely rupees 1,500 for three months) but was turned away for want of COVID-19 report. (The Hindu; 26 August, 2020).

Corruption

According to Avishai Margalit, corruption is a blow to self-dignity (p. 48, 51). This is an affront to the dignity of the individual if he is asked to pay for what is his right to have in the normal course. This involves denial of dignity.

Prevention of dissent

Every citizen has a right to be heard. He intends saying something only when he feels the pinch. Denial of this opportunity is a blow to the dignity as the person is not able to convey the grievance due to restrictions placed by the government either by stifling dissent legally or by pressure through the mob or a ruling lobby. Some of the states take objection to any criticism of their functioning by the affected people and cases are registered against them for spreading rumors or creating disaffection against the government.

Unnecessary intrusions and restrictions in personal life

There are laws in some states that intrude into the personal life of an individual –whom he meets, marries, what he eats, what is in his fridge, what he wears on his head. The objection to the way girls dress and present themselves has been issues of concern for the traditional folks who cannot appreciate any deviation in dress and want the women to dress as per their dictate. Labeling people on the basis of their eating habits, dress, religion, or any other parameter is deliberately creating ‘the other’ as an undesirable entity because he does not conform to the preferred standard of the majority in power.

Denial of basics

Poverty itself is a great humiliation when people go without food, medical aid, and basics of life in terms of education, health, and shelter. Starvation death is the ultimate indignity anyone can be subjected to. The poor persons picking food from the remains of leftovers is a humiliating sight.

Injustice

Justice is a great palliator. Any absence thereof is a direct assault on dignity. This includes wrong prosecutions, denying the victim the right to relief in terms of filing of complaint or delay in finalizing prosecution or absence of protection under law.

Unclassified indignities

There have been breathtaking images and news of indignities

during the pandemic, like bereaved families unable to provide dignified farewell to the dead as relatives, and fellow villagers shun them for fear of infection. There is no space to bury the dead; the dead body is shifted on a bike as the hearse service was not available; the ambulances and the oxygen cylinders costing through the roof, etc. are all instances of lack of concern for dignity. In a pathetic case, a man died outside the hospital, untreated, after lying under a tree for around 12 hours allegedly because his wife did not have Rupees 5 to purchase a ticket for admission. (The Times of India; 25 July, 2020) In an unimaginable case, the civic staff was caught on the video for dumping a man and a frail elderly woman, wrapped in filthy rags, on the highway on the outskirts of a city during the chilly winter. (The Hindu; 31 January, 2021) The Thakurs prevented cremation of a Dalit woman and forced the family to perform rites at another place. Even though the gram pradhan, administration, police and local leaders intervened in a standoff for six hours, the Thakurs did not budge, and yet no FIR was registered because the family did not file a written complaint, as if the police could not take cognizance on its own. (The Times of India & The Indian Express; 29 July, 2020)

In a heart-wrenching case of gang rape of a Dalit girl and her brutal torture by four upper caste men, the last rites were performed during midnight without the presence of any family members. The bereaved family is scared. “We don’t have any thing to say about the upper caste families. We don’t know anything.” The victim’s brother said, “They don’t acknowledge us. It’s as if we do not exist; their children don’t play with us”. (The Times of India; 1 October, 2020)

It is painful to know that Dalits are humiliated for petty reasons like sitting on chair, riding a bike, using the suffix ‘Singh’, traditionally used by high caste, to his name on Facebook. Forty Dalit families were socially boycotted when a 15-year old girl plucked flowers from the backyard of an upper caste family. Supporting an upturned moustache, traditional embroidered footwear, touching the motor cycle of an upper-caste person, objection by upper caste for crossing their homes wearing sunglasses and riding his bike, etc. are abominable incidents that revolt the conscience of a reasonable person. (Sunday Times of India; 13 September, 2020)

Denial of a right

Though the well-being of all is the concern of the government, yet a denial of legitimate and necessary freedom of movement and absence of any support from the state to alleviate the plight of the people stranded due to lockdown is uncalled for as they were rendered both jobless and homeless. It was not a big deal for the state to arrange for command repatriation of people to their homes if they so desired, having no money for food, no job and no shelter. The right of people to go their homes could have been secured by the state by using its multiple resources. However, the migrant labor was not only denied transport, they were also restrained from crossing borders of states with no arrangement for their food or shelter. This has been a pathetic sight last year during the lockdown/curfew.

The migrant workers are construction workers, courier boys, taxi drivers, painters, cooks, carpenters, security guards, vegetable vendors and service providers of various aspects that make the life of all comfortable and possible. They are the backbone of the economy and providers of conveniences. Yet nothing could be done for their welfare. They were left in the lurch. Without jobs, they had no economic resilience and sustainability. “They had lot their dwellings and livelihoods and, along with it, their dignity”. (G.R. Gopinath; The Hindu; 4 June, 2020)

The shortage of hospital beds, ventilators, medicines, vaccination and oxygen, as well as the condition of those suffering from the disease not getting any medical support, shortage of space in cremation grounds, are all assaults upon the dignity of the one who suffers and upon others in the family. The sight of dead bodies floating in the river is difficult to accept. It signifies that the family could not afford exorbitant rates of cremation, or there was no space there, or there was no alternative to floating the body. The dead could not be given a dignified farewell. It is difficult to imagine the plight of the families.

SOME IMPORTANT PRINCIPLES

The above analysis of indignities and the need for ensuring dignity gives direction to a policy that must be tuned to:

- negation of the negatives,
- minimization of misery, and
- denial of denials.

It is here that Karl Popper (*The Open Society and Its Enemies*; Routledge & Kegan Paul; London; 1945) is relevant. He rejects the utilitarian principle of aiming at ‘greatest happiness of the greatest number’. He recognizes that ‘all moral urgency has its basis in the urgency of suffering or pain’. So, he proposes the principle of ‘minimize suffering’ (p.235). Happiness may have different meanings for different persons, but there is a universal meaning in suffering. Violence, pain, hunger, poverty, dishonesty, insult, degradation, assault, etc. are abhorrent. In this context, the negative criteria are objective, and the positive ones are not.

Popper enunciates two other principles, relevant in our context. He deals with two paradoxes. The first is the paradox of freedom. He suggests that ‘freedom in the sense of absence of any restraining control must lead to very great restraint, since it makes the bully free to enslave the weak’. The second is the paradox of tolerance according to which ‘unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, then the tolerant will be destroyed, and tolerance with them... We should therefore claim, in the name of tolerance, the right not to tolerate the intolerant (emphasis added). We should claim that any movement preaching intolerance places itself outside the law, and we should consider incitement to intolerance and persecution so as criminal, in the same way as we should consider incitement to murder, or to kidnapping, or to the revival of slave trade, as criminal.’ (p.265)

WHAT IS REQUIRED

Avishai Margalit in his book titled *The Decent Society* (Harvard University Press; 1996) has mentioned the difference between “civilized society” and “decent society”. A civilized society is one where members do not humiliate each other; and a decent society is one where institutions do not humiliate the individual. There are thus two strands to achieve dignity:

- (1) members do not humiliate each other and
- (2) institutions do not humiliate the individual.

Members do not humiliate each other: micro ethical concept

A conscious effort has to be made to teach members to respect each other.

Three things are required:

- Conscious education in schools;
- Reiteration of the preamble to the Constitution, the human rights and Article 51A in all forums, especially the education in general, and training institutes for administrators, police, and judiciary;
- Spreading the idea of secularism.

Institutions do not humiliate individuals: macro ethical concept

This is extremely important as institutions loaded with power become oblivious of the virtues of empathy, love, compassion, and protection. The important institutions in this respect are the following:

Avishai Margalit has given examples of institutional humiliation by law referring to the Nuremberg trials, apartheid, and treatment of black motorist Rodney King by Los Angeles police.

He has categorized humiliations caused by institutions as under:

- Coercive and authoritative institutions are humiliating as coercion constitutes humiliation. (p. 13)
- Violation of rights that are supposed to protect dignity (p. 29). One may imagine denial of bail on flimsy grounds without realizing the hardship gone through by the person and his family. The police, prosecution, courts, and prisons have a responsibility to prevent avoidable harms.
- 'A humiliating society is one whose institutions cause people to compromise their integrity...A person with integrity is someone who cannot be corrupted. A humiliating society is one which subjects people of integrity to blackmail and

forces them to make despicable compromises’ (p.48). This happens when honest people are compelled to succumb to corrupt practice to secure their rights.

- ‘Cruelty is the ultimate evil. Preventing cruelty is the supreme moral commandment. Humiliation is the extension of cruelty from the physical to the psychological realms of suffering. Humiliation is mental cruelty. A decent society must be committed not only to the eradication of physical cruelty in its institutions but also elimination of mental cruelty caused by these institutions’. (p.85)
- Being beastly to humans: There are various ways of treating human as non-human. This includes treating them as objects, machines/tools, animals, sub-humans like treating adults as children, and as demons spreading absolute evil and destroying humanity (p.89). Demonization includes rejection from the human commonwealth.
- Humiliation involves an existential threat. It is based on the fact that the perpetrator, especially the institutional humiliator, has the power over the victim he assails. It involves the sense of utter helplessness that the bully gives the victim. The sense of defenseless manifests itself in the victim’s fear of impotence in protecting vital interests of hers. (p.122)
- Second-class citizenship comes in two forms: denying prevailing full citizenship to someone who is a citizen, and withholding citizenship from someone entitled to it (p.152). This has the echo of the risk in losing citizenship as per the Citizenship (Amendment) Act, and other subsidiaries like the National Population Register and National Register of Citizens.

The aspects of degrading poverty that corrode human dignity are exposure, lack of shelter, ‘being alone and without defense’ (that is, total vulnerability and helplessness), abandonment to failure, the battle for life which is dog-eat-dog battle over a thrown bone, being lowered to a bestial level in a desperate betel for existence, loss of semblance to womanhood and motherhood, and inability to provide food for one’s children (p.227). This also includes unemployment that is a denial of right to work as well as exploitation and coercion at workplace (p.254).

Critical Role of Institutions

Various institutions of the government are capable of denying dignity by their wayward functioning. The police, prosecution, courts, and prisons have a critical role in this respect. But if institutions are a problem, the solution also lies within them. It is only these institutions that can appreciate the problems and feelings of the individual and redress them. Popper says, “The institutions are like fortresses. These must be well designed and manned” (p.126). He further elaborates, “The democratic institutions cannot improve themselves. The problem of improving them is always a problem for persons rather than for the institutions we want to improve” (p.127).

In this context it may be appreciated that all institutions are well designed. The failure in their functioning can be attributed to the persons heading them. Institutions like the Human Rights Commissions at the national and state levels, the Public Grievance Commissions, and the Lok Ayuktas, the Information Commissions, the Election Commission, etc. are, by and large, well designed. They are capable of providing relief to the deserved persons immediately. Moreover, any flaw in the institution can be rectified without much effort. The institutions, by themselves, are inert and lifeless. The condition for their effectiveness, therefore, depends upon the capability of the persons holding the charge.

The Contribution of The Supreme Court of India

During the Emergency between 1975 and 1977, the Supreme Court had declared that the human rights stood suspended and the individual had no right to approach the Court for relief (*ADM Jabalpur v. Shivkant Shukla*; AIR 1976 SC 1276). The infamous judgement was a thorn in the throat of the apex court. Soon after lifting the Emergency in 1977, the Supreme Court had taken initiatives to protect the dignity of the individual through a series of judgements that not only restored the right to approach higher courts but also expanded the concept of right to life under Article 21 of the Constitution. It was a stellar performance of the judges who had invented the instrument of Public Interest Litigation, thus doing away with the concept of the *locus standi*. Anyone on behalf

of the victimized can approach the Court for redress. The first landmark decision that has become the guidepost of subsequent reasoning is the case *Maneka Gandhi v. Union of India*; AIR 1978 SC 597): ‘The fundamental rights represent basic values...and are calculated to protect the dignity in which every human being can develop his personality to the fullest extent. They weave a pattern of guarantees on the basic structure of human rights, and impose negative obligations on the State not to encroach on individual liberty in the various dimensions’. Justice Bhagwati observed that the expression “‘procedure established by law’ must mean as “just, fair, and reasonable”. Justice Krishna Iyer went a step further and declared that even the “law” under Article 21 must also be “just, fair, and reasonable”. (It may be mentioned that the ADM Jabalpur judgement has been overruled in *K.S. Puttaswamy v. Union of India*; (2017) 10 SCC 1)

Justice Aharon Barak (*The Judge in a Democracy*; Princeton University Press; 2008) has aptly said that the basic role of a judge in a democracy is twofold:

- (1) Upholding the constitution and the rule of law, and
- (2) Bridging the gap between law and society.

The Supreme Court has not only upheld the Constitution but also brought interpretations closer to expectations of the progressing society. The Court had dignity of the individual in its interpretation of law and hence gave expansive meaning to the articles on fundamental rights thus fulfilling the aspirations of the preamble and giving it a practical shape without mincing words, not only expressing a jumble of pious sentiments. The higher courts have been conscious of their role in amplifying discourse on dignity by putting breath into the soul of the articles on equality, freedoms, and freedom of conscience, as well negating the negatives like those contained in Articles 20, 21, and 22. There are, thus, many judgements of the Supreme Court that are meant to preserve and enhance the dignity of the individual. Some of the landmark decisions are mentioned below:

Rights of those under detention

- The right against bar fetters (*Charles Sobraj v. Superintendent*

Central Jail; AIR 1978 SC 1514; (1978) 4 SCC 494)

- The right against solitary confinement (*Sunil Batra v Delhi Administration (I)*; (1978) 4SCC 494)
- Handcuffs cannot be used in the normal course unless the justification is accepted by the court: The Court had observed that “Handcuffing is prima facie inhuman and, therefore, unreasonable, is over-harsh and at the first flush, arbitrary. Absent fair procedure and objective monitoring, to inflict ‘irons’ is to resort to zoological strategies repugnant to Article 21”. The Court also said that it was “sadistic, capricious, despotic and demoralizing” (*Prem Shankar Shukla v. Delhi Administration*; AIR 1980 SC 1535)
- Right against custodial violence (Bhagalpur blinding case): *Khatri v. State of Bihar*; AIR 1981 SC 928
- Right to speedy trial: *Hussainara Khatoon*; AIR 1979 SC 1360; and *Kedra Pehdiya v. State of Bihar*; AIR 1981 SC 939
- Sunil Batra who was kept in solitary confinement earlier had submitted a writ petition through a letter complaining that the head warder had caused assault on Prem Chand, another prisoner. The Supreme Court remarked that the “right jurisprudence” was important only if it was followed by remedial jurisprudence. It also observed that “When prison trauma prevails, prison justice must investigate and hence we broaden our ‘habeas’ jurisdiction. Jurisprudence cannot slumber when the very campuses of punitive justice witness torture”. (*Sunil Batra (II) vs. Delhi Administration*; AIR 1980 SC 1579)
- Against inhuman and degrading conditions in prisons: *Sheela Barse v. State of Maharashtra*; AIR 1983 SC 378

Right to live with dignity

One of the landmark judgements on the right to life was delivered as early as 1981 thus enlarging the interpretation of the constitutional jurisprudence. The right to live is not only confined to physical existence but includes within its ambit the right to live with human

dignity. (*Francis Coralie vs. Union Territory of Delhi*; AIR 1981 SC 746)

In a recent case regarding giving proper treatment to the arrested journalist Siddiqui Kappan, the Supreme Court has categorically declared that the most precious fundamental ‘right to life’ unconditionally embraces even an undertrial. The ruling expands the SC’s judgement in ‘X vs. Maharashtra’ wherein the Court had remarked “The right to dignity of an accused does not dry out with the judges’ ink, rather, it subsists beyond the prison gates and operates until his last breath” (*The Times of India*; 2 May, 2021)

Right against arbitrary arrest

In *Joginder Kumar v. State of UP* (AIR 1994 SC 1349) the Supreme Court propounded the principle that “no arrest can be made because it is lawful to for police officer to do so. The existence of power of arrest is one thing. The justification for the exercise of this power is quite another”. Since this case did not have the desired impact, the Supreme Court in *D.K. Basu v. State of West Bengal* (AIR 1997 SC 610) proclaimed ‘eleven commandments as ‘preventive measures’ to be followed in all cases of arrest or detention till legal provisions are made in that behalf’.

Other cases to protect dignity

One cannot help mentioning many other cases that attended to the aspect of protection of dignity of individual. A few of the important ones are:

- Right to compensation to victims of police atrocities which resulted in human rights violations (*Khatri v. State of Bihar*; 1981 SC 928)
- Right to Legal Aid (*Hoskot v. State of Maharashtra*; AIR 1978 SC 1548; *Khatri v.State of Bihar*; AIR 1981 SCC 928; *Suk Das v. UT of Arunachal Pradesh*; AIR 1986 SC 991)
- Relief to bonded labor under Article 23 of the Constitution to live with human dignity and free from all kinds of exploitation. The Court said that “Public interest litigation is not in the nature of adversary litigation but it is a challenge and an opportunity to the government and its officers to make

basic human rights meaningful to the deprived and vulnerable sections of the community.” (*Bandhua Mukti Morcha v. Union of India*; AIR 1984 SC 802)

- Protection of dignity of women at place of work (*Vishaka v. State of Rajasthan*; AIR 1997 SC 3011), etc.
- In *Shayara Bano vs Union of India* (2017) 9 SCC 1, the Supreme Court has delegitimized the practice of instantaneous talaq (divorce) by three pronouncements. The Court has preserved the dignity of women who were on the losing end of the practice that was iniquitous and unreasonable.
- In the *Sabrimala case (Indian Young Lawyers Association and Ors vs. The State of Kerala*; 2018 (13) Scale 75, the Supreme Court has held that ‘Notions of “purity and pollution”, which stigmatize individuals, can have no place in a constitutional regime. Regarding menstruation as polluting or impure, and worse still, imposing exclusionary disabilities on the basis of menstrual status, is against the dignity of women which is granted by the Constitution’. As per Article 25(1), ‘Neither public order nor public health will be at peril by allowing entry of women devotees of the age group of 10 to 50 years into the temple of Sabrimala for offering their prayers... The term public morality has to be appositely understood as being synonymous with constitutional morality’.

The Supreme Court all through has been inspired not only by the core meaning of the Articles but also the peripheral meaning, thus extending the dignity to the individual.

WHY THE CONCERN ABOUT HUMAN DIGNITY?

It is a civilized concern not only not to exploit but also to deal with individuals with respect and dignity so as to banish social inequalities among human beings. The reason why dignity is to be prioritized is that it is the basis of all other principles in the preamble like justice, liberty, equality, freedom, secularism, and fraternity. Moreover, it is mandated that “The people of India” shall assure “the dignity of the individual”. It is a motto, a statement of intent, a blueprint to be followed, and a matter of commitment.

Rajeev Bhargava (The Hindu; 15 October, 2019) recalls the conversation with a fellow traveler who was aghast at the incident of rape of a child in a temple in Jammu, and the Nirbhaya case and lamented ‘the business as usual’ thereafter. The savagery in Unnao where a girl from a poor family was raped by high caste men and her body cremated at midnight, merciless killing of a family in Murshidabad, and the lynching of a man in Jharkhand are indications of an insensitive society. The traveler warned that “The health of a society is not all that different from physical health of individuals. Neglect the early signs, ignore the symptoms of a serious disease, and it will surreptitiously take root and spread its tentacles. One day you appear to be fine and before you know it, you are incurably sick. We are fast losing our sense of courage, our civility. Before we realize we will lose all sense of even minimal decency. Barbarity is always lurking around the corner in every society. Do you think we too are becoming barbaric?”

Bhargava too is also troubled by ‘zones of barbarity’ that appear to be sprouting everywhere. He says, “As societies lose minimal decency, it is hard to pull them back on the road to freedom, equality, justice or emancipation”.

The third reason is that unless dignity is at the centre of relations, those who are unaware, illiterate, the poor, and the underprivileged shall be denied their rights. In interaction between people, the exploiters shall take advantage of the inability of people to assert their claims and keep them in the dark about their entitlements.

The fourth reason is that the foundations of democracy can be secured only if there is dignity for people as a rule and not only during election season when the candidates bent over backward to beseech the people for votes and then forget them when elected. Dignity is an on-going process and requirement.

WHAT IS TO BE DONE?

The above analysis underlines the need for action to build a good society. How to build a society that does not humiliate its weaker sections? Decency is a strong moral concept in its own right. Following action is necessary to create a decent society.

The call of Amitai Margalit must be given due consideration. The institutions must protect the dignity as they are the ones that deny it. Now the issue is how do institutions deliver, especially those of the criminal justice system and the public dealing bodies like banks, municipalities, health services, the departments of the government in touch with people? A conscious effort has to be made to inform public functionaries about importance of dignity and the creation of a decent society.

- *Inculcation of constitutional morality*

All the officials, politicians, and citizens in general must be trained in the importance of dignity and its practical application. Socrates says that ethics can be taught. On November 4, 1948, B.R. Ambedkar spoke of “constitutional morality. He cautioned that “it is perfectly possible to pervert the Constitution without changing its form by merely changing the form of administration and to make it inconsistent to the spirit of the Constitution”. He thus made it clear that “Constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that people have yet to learn it. Democracy in India is only a top-dressing on an India soil, which is essentially undemocratic”. It cannot be assumed to exist and be operative, but has to be learned so as to preserve the core values of democracy. The basic values that all officers must be conscious of are those contained in the preamble to the Constitution, their elaboration in the form of fundamental rights, the directive principles of state policy and the fundamental duties. These are ethical principles of governance that all, including citizens, must be aware of. All training institutions at all levels have to inculcate the values contained in the Constitution that it is not a dry document but full of sensible values for creation of a decent society where all respect each other.

The tragedy is that in spite of the judgements of the Supreme Court, mistakes continue to be repeated. The reason is that none has compiled these cases for use at the institutes. Neither police nor prisons have imbibed in all seriousness the mandates and principles, and even the ‘law’ created by the apex court. In the judgements of Charles Sobhraj and Sunil Batra (op cit.), the Supreme Court in

1978 had categorically directed that handcuffing of undertrials and putting them in fetters was prohibited/not permitted. But the same mistake was committed after 17 years and the SC had to again step in when an undertrial was locked in chain while under treatment in a hospital (*Citizens for Democracy v. State of Assam* (1995) 3 SCC 743. It is a matter of regret that the same mistake is committed when an ailing 84-year old inmate, too frail to move and breathing heavily, was chained to a hospital bed. (*The Times of India*; 14 May, 2021) It is beyond comprehension that neither the jail officer nor the doctor was conscious of the indignity to the prisoner. It is in this context that the orientation of officers is necessary on a regular basis.

- *DO NOT' ethics*

Sandra Pralong (*Popper's Open Society after 50 Years*; Routledge; 1999) has culled out an ethics from Popper's writing by which 'one may decide for oneself what is "good" and what is not' (p.131). Since there is no criterion of absolute rightness, one may find things that ought to be avoided. Cruelty is always bad. So are violence, pain, suffering, insult, disrespect, hunger, poverty and dishonesty. Going beyond Kant's Categorical Imperative "Act only on a maxim that you can at the same time will to become a universal law" or the biblical golden rule "Always do unto others as you would want other to do unto you", Popper uses 'negative methodology to at least eliminate what we might reasonably expect others not to like... Quite simply we can take ourselves - and our own dislikes – to be the measure of what not to do to others' (italics in original; p.138). So instead of the golden rule to "do to others as we would like to be done by", we may focus on what to avoid. Thus, we use as criterion a "negative" golden rule (DO NOT do to others what you would want others not to do to you" or a negative Categorical Imperative (DO NOT act in ways that which you would not deem permissible for anyone else as well"). This style of thinking shall prevent indignities that are hurled upon others. The "DO NOT" rule is a golden rule endorsed by Zoroaster, Confucius, Mahavira, Buddha, Mahabharata, Jesus, and the Al Q'uran (p.143). This rule leads to 'minimization of misery'.

- *Mental Experiment*

The mental exercise of putting oneself in the shoes of the other shall convince one of the robustness of the method in according dignity to the other. One has just to imagine “I am that”; “That am I”; “What if I am that”.

The above methodologies are to be taught, accepted and practiced by all who are part of the institutional framework like the legislature, executive, and the judiciary. The rule is what can be done within one’s competence.

❖ **Legislature and Politicians**

Some politicians have loose tongues that hurt the sensibilities of others. It may be in the form of direct abuses, threats, humiliations, ridicule, or just hatred. This has to be avoided by the representatives of people and the party workers who ought to be kept under strict leash by the leaders if some members go astray and try to undermine dignity of others.

❖ **Executive**

The various wings of the executive have to be compassionate to the problems of people who approach them for solutions to their problems. The rationale of their existence lies in the problems of people they are meant to solve. Because there are problems so there are institutions. There is no wing of the executive that is not based upon a problem to be solved, be it education, health, shelter, justice, equity, etc.

❖ **Judiciary**

The contribution of the judiciary in protecting the dignity of the individual has been acknowledged above at length. However, there is need for creating a mechanism to enforce judgements so that is not first time every time. It may be through *amicus curiae* or the civil society organizations that keep watch over infraction of judgements.

Manifesto of dignity

The manifesto of dignity may contain the following:

- Right to be heard.
- Right to response.
- Right to redress of a grievance or a problem.
- Right to be consulted if one's interest is involved.
- Right to be taken seriously.
- Right to protection of rights even when if one is not conscious.
- Right to respect (Parable: Alexander had defeated Porus and asked the latter how he ought to be treated. Porus replied “As one king treats the other”.)

Floor of Human Dignity

We may have a benchmark below which things may not slip. No child will sleep hungry, under the open sky, be sent to work instead of school, subjected to discrimination or violence because of identity, and denied healthcare. Similarly, no old person will have to work or beg to live.

The Ballot Option of the Least Undeserving Candidate

It is essential that the men of high moral and ethical values should be chosen as peoples' representatives for proper governance of the country. However, most of the times all candidates standing in elections are not upto to the expectations of voters and they are left with only two options; either vote for NOTA or chose the "least bad one" from the pool of bad candidates. Supreme Court in Writ Petition directed the Election Commission of India to provide a NOTA option on the EVM and ballot papers so that the electors who do not want to vote for any of the candidates can exercise their option in secrecy, however, election commission has already clarified that NOTA does not hold any electoral value. Knowing this fact, many voters end up casting their vote in favour of the least undeserving candidate, lest their vote should go to waste. However, while doing so, their vote is blended in with millions of others. There is no way to separate those who voted for the lesser of the evils, from those who voted because they actually liked the candidate. This paper explains how the provision of "Least Undeserving Candidate" ballot option can provide voters full expressivity while exercising their franchise.

According to the "lesser of two evils" principle, whenever we have to choose among two evils, where both the evils can not be prevented, we should go for the lesser one. Flawed election systems provide voters such a limited choice that they are forced to vote for the "lesser evil." This is the situation we are facing these days while choosing our representatives. Noam Chomsky, the most famous advocate of "lesser-evil", argues that the most immediate moral imperative is to prevent the worst possible electoral outcome from occurring¹.

¹ <https://chomsky.info/an-eight-point-brief-for-lev-lesser-evil-voting/>

Manytimes, voters find no right or clean candidate to vote for. In that case, while exercising their right to vote, they have to cast their votes either for NOTA (None of the Above) or the least undeserving/least unacceptable candidate (the all too familiar “lesser evil”). Voters feel helpless as most of the political parties field candidates with criminal background and options to elect honest candidates are closed. Best they can do is to vote for the lesser evil.

The Election Commission of India has already clarified that even though votes cast as NOTA are counted, they are considered as invalid votes. They are not taken into account for calculating the total valid votes and so they will not change the outcome ². If NOTA votes polled are higher than the leading candidate, the latter still prevails. On other hand, if people do not vote, chances of a greater evil coming to power increases and their aspirations will not be reflected in governance. In this way, this provision does not have a substantial impact on cleaning up the electoral process.

As stated earlier, knowing the fact that NOTA does not hold any electoral value, many voters end up casting their vote in favour of the least undeserving candidate, lest their vote should go to waste. Similarly, if the voter believes that the most preferred candidate cannot win, the voter may be tempted to vote for the most favoured viable candidate, as a necessary evil or the lesser of the evils. However, in both the conditions, their vote is blended in with millions of others. There is no way to register their dissatisfaction with the choices the political parties have given them. There is no way to separate those who voted for the lesser of the evils, from those who voted because they actually liked the candidate. If voters, who are regularly unhappy with the viable candidates, vote for the lesser evil, election after election, their votes will be taken for granted by the political parties.

There is a need to allow voters full expressivity, and the Election Commission of India is bound to provide an appropriate mechanism in the electronic voting machine (EVM) for the effective exercise of such a right. Hon’ble Supreme Court, while directing the Election Commission of India to introduce a “None of the Above” button in

² <https://economictimes.indiatimes.com/news/elections/lok-sabha/india/what-if-nota-gets-more-votes/articleshow/68741402.cms?from=mdr>

EVMs, also stated, “Democracy is all about choice. This choice can be better expressed by giving the voters an opportunity to verbalize themselves, unreservedly, and by imposing least restrictions on their ability to make such a choice.”³

The right to express and form opinions is an essential feature of a democracy and liberty to express opinions without any obstacle plays a significant role in the development of the society. Our judiciary has always placed a broad interpretation on the value and content of Article 19(1)(a), making it subjective only to the restrictions permissible under Article 19(2). Article 19 of the universal declaration of human rights states that everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers⁴. Voting is inherently an act of self-expression. Free and fair elections guarantee the growth of a healthy democracy in the state. The voters’ participation in the election is none other than their participation in the democracy itself. Change doesn’t come from the top, it always comes from the masses of people expressing their opinion through their vote, over time.

The Election Commission of India should provide an extra red button in the balloting unit of EVM, along with the blue button, against the names of all the contesting candidates. The voter can record his/her vote for the candidate as the “least undeserving candidate”, by pressing the red button, next to the candidate’s name.

Alternatively, the Election Commission of India could provide a separate panel, printed with “Least Undeserving Candidate”, on the ballot paper below NOTA. This ballot paper shall be affixed on the ballot unit of the EVM. The voter could then record his vote for the candidate, as the “least undeserving candidate”, by pressing the button next to the "Least Undeserving Candidate" option; within

³ <https://www.livemint.com/Politics/fgPFQzMzwp4yY0kYDJUWKL/Voters-have-a-new-optionreject-all-candidates.html>

⁴ <https://www.un.org/en/universal-declaration-human-rights/>

seven seconds of pressing the button next to the candidate, he considers as the least undeserving.

“Least Undeserving Candidate” votes should be counted and indicated in the final result chart. The value of the vote given to “Least Undeserving Candidate” should be the same, like that of the value of the general vote. Total votes received by the candidate will be the sum of general votes and “Least Undeserving Candidate” votes.

The “Least Undeserving Candidate” option will ensure maximum participation of the public in the election. People not satisfied with the candidates will have a reason to go to the election booth and register their dissatisfaction. And looking at the figures of “Least Undeserving Candidate”, political parties and candidates will be able to understand where they stand in the eyes of the public.

The candidates we select generally interpret that we have also endorsed all their views. Our vote contributes to the false sense of the candidate that he/she has won a “mandate from the people.” “Least Undeserving Candidate” ballot option will send out a signal to the political parties and candidates what voters exactly think about them.

Amod Kanth

Role of Civil Society Organisations in Governance *The Prayas Experience*

We wish to emphasize upon our leaders, opinion makers and the resource providers that they have to appreciate and accept the crucial role being played by the voluntary sector in the task of national development in terms of support and services to the marginalized and needy segments of the society and for good governance. The role of the government is getting vastly altered-on one side being focused upon national security and law and order, creating Infrastructures in the core areas alongside the essential regulatory and financial controls and, on the other side, responding to the increasing demands from the people or the higher judiciary on the ever-increasing social sector related welfare and developmental activities. The Indian State is a peculiar amalgam of strong, vibrant and uninterrupted democratic institutions functioning alongside an unparalleled, the so-called steel-frame, bureaucratic set up coming as the strongest legacy of Colonial India. Similarly, following the Indian economy getting increasingly market-driven that opened-up post-1991 Liberalization-Privatization and Globalization, the role of corporate or the business sector has also altered, making India the 4th or 6th largest global economy. Simultaneously, the aspirational India is creating new demands co-existing with the problems arising out of India's huge poverty-nearly 1/3rd of the people below poverty line- which gives us 131st position in terms of the Human Development Indicators (HDI) and the widening huge gaps between the rich and poor.

In case we consider the democratic-cum-bureaucratic governance as the primary or first wing of governance and development process, the vast and powerful market economy or Corporate as the second wing of development process having its own systems of governance,

the actual task of helping the government in bridging the gaps between the rich and the poor and upholding the aspirations of the marginalized in socio-economic development, inevitably, falls upon the Voluntary Sector. With the changing times, perceptions and realities of the Indian caste and community-ridden polity-thrown against the economic scenario as it remains visible on the ground and unfolds terribly in Covid19 type of huge disaster, there appears to be a major void which can be filled by a combination of grassroots democratic institutions and voluntary organisations working very closely with the Indian government and the business and industrial sector. The political leadership along with the government as it operates and the larger civil society must understand and harness the unlimited potential of India's voluntary sector reported to be constituted by 3.2 million registered Voluntary Organizations, which all need to be brought into a seamless process of governance, both demarcating and integrating the respective roles and responsibilities.

In India, social and economic development programmes and initiatives of the national and state governments that aim at the fulfillment of the basic needs of the people as corresponding obligations of the state towards their empowerment, have tended to reduce the segments of population into mere 'beneficiaries' of doles. In such a context, in addition to the democratic and bureaucratic systems of governance which are now being heavily influenced by the corporate and market forces, the role of civil society organizations is crucial and needs to be redefined. This is particularly true when the government is gigantic in size, omnipresent and all pervasive, striding over all sectors. In such a scenario, voluntary sector's interventions cannot be confined to limited supplementary functions or only peripheral and often in the critical or advisory role to the government.

India has the largest share of the deprived and the marginalized among the one 1.3 billion plus, out of the 7.9 billion plus inhabitants of the world, who are said to be living without shelter or basic amenities required for human existence. Clearly, we need to introspect as to why despite being the 4th or 6th biggest economy in the world alongside our highly acclaimed democratic governance structures and

an inclusive society, we have failed to associate our mute marginalized millions in the task of re-engineering our society towards basic subsistence, equitable development and growth.

We have a parliamentary system of popular governance which has so far been viewed as the largest politically sustained democracy in the world. Though huge in size, it appears, our democratic structure, largely caste and community-based-political in character lacking in its socio-economic agenda, does not always represent the true voices and the real problems of the marginalized population which often results in Government 'of' the people becoming a Government 'off' the people. The growing influence of the market economy into the socio-economic realm and the progressive influence of new elite and powers-that-be into the traditional Government functions, have created divergence in our multi-layered pluralistic country widening the gaps between the rich and poor. The on-going global Covid pandemic which has pushed down millions (75 million @ 2 dollars a day) of people below poverty line and, conversely, made the richest Indians amongst the richest in the world – speaks volumes about our governance cutting across our democratic polity and the bureaucratic structures that sustain within the given socio-economic structures of the civil society.

There is a distinct gap between the not-so-efficient public administration and the profit-oriented private sector that is getting stronger by the day, particularly in crisis situations that we face. This situation obviously creates the big space and the need for the NGOs (Non-Governmental Organisations) or CSOs (Civil Society Organisations) to act as the 'Third Sector' of governance and developmental process, or perhaps the 'Fourth Sector' if we consider the democratic institutions and elected bodies separately from the bureaucratic structures and the corporate, as three other sectors.

Recent years have seen a phenomenal growth of voluntary organisations in India. Over 3.2 million registered and a much larger number of unregistered organisations with a variety of activities and mandates can be found all over the country. Lamentably, the tradition of Gandhian institutions of constructive social work and self-less service is increasingly being substituted by NGOs

articulating rhetorical change, instead of actually creating socio-economic change and development on the ground. Such change and development in terms of service delivery may connote socio-economic transformation at all levels, activities for the marginalized segments of children, women, elders, disabled, besides in the areas of health, education, women's empowerment, environment, self-helps and micro credit. Whatever be the form, shape and ideological content of the civil society organizations, there cannot be a dispute about its main justification being its support to the poor, helpless and the marginalized.

Unfortunately, the term 'NGO', same as the other much-maligned expressions like bureaucracy and the government, has acquired a somewhat dubious connotation. People, even those well placed in the government and in other responsible positions, talk loosely about the voluntary sector as being 'rackets' or agencies that try to corner and misuse the government and non-governmental funds being generated within the country and from abroad. The voluntary sector's credibility is at low ebb at this critical point of time when it should be poised to play a historic role in the country's socio-economic security and development. This is unfortunate because it is one of the key sectors of our organized civil society that can assist the nation to liberate from the morass of utter poverty, despondency and the sub-human existence in which nearly 30% of the Indians are still living. In our fast changing economy and international status rubbing shoulders with the richest and mightiest in the world, official acceptance of 30% Indians being poor and vulnerable not only define the Government's ideal role, it also clearly highlights the agenda of India's voluntary sector.

Governance is the process by which a society manages itself through the mechanism of the state and other agencies. The core ingredients of good governance are: people's participation, transparency, responsiveness, consensus orientation, equity and inclusiveness, the rule of law, effectiveness and efficiency, accountability, and strategic vision. Governance in the context of governmental, non-governmental, corporate and civil society organizations – pursuing divergent objectives and goals, have to still

fall in line with the overarching themes of our democratic values as enshrined in the Indian Constitution and the national interests defined in its pluralistic and inclusive terms.

Voluntary Sector: An Alternative Path of Social Development ensuring Good Governance

The challenges in social sector in India is mind boggling in proportion, to the extent that the planners, policy makers, national and international resource providers throw up their hands in hopelessness¹. In this context, we take a look at the socio-economic structure wherein we attempt to find the redressal of such problems through the institutions within the Government, the Panchayati Raj Institutions, the corporate overarcng the social sector programmes and activities conceptualised and implemented through the Schemes. Every Government has a political system besides the administrative and bureaucratic set-up, which functions according to the defined or undefined agenda of those in power. Lack of understanding or appreciation, unresponsive attitude and apathy of the policy makers make the situation worse. The Panchayati Raj Institutions created through 73rd Constitutional amendment in 1992 are still evolving as empowered democratic bodies are yet to be constructively connected to the rural communities and are not able to give proper solutions for most of the rural problems by themselves.

The monolithic approach towards the voluntary sector does not create any positive impact while complementing the efforts of the government. Perhaps, it is debatable whether an alternative system of governance and development, as it was resorted to in the case of Bangladesh through massive NGOs like Bangladesh Rural Advancement Committee (BRAC) and Grameen Bank and in some other third world countries, might help us to some extent. The CSOs have the most crucial role to play in national development when the country is moving towards inclusive governance through a mix of governmental and voluntary actions, particularly in the crucial sectors of education, child care, protection & development, health

¹ Kanth Amod K., article titled ' Voluntary Sector as the Alternative Path of Development', 2003

care, environment etc.

So far as the corporate sector is concerned, even prior to the Companies Act 2013 amendments and the 2014 Rules within Section 135 of the Act it had made some contributions towards the societal development but most of their philanthropic efforts were through the individual institutions. The Act and the Rules mandated all companies across the Country to shell out 2% of average net profit if it exceeded Rs.5% crore during the preceding three years, networth of the company exceeded Rs. 500 crore and the turn-over exceeded Rs. 1000 crore. The latest 2021-amendments in Section 135 CSR Rules and Schedule 7 that specifies the areas of CSR expenditure has included the Societies and Trusts along with the ‘Section 8 non-profit Companies’ -which alone appeared to be the preferred option, thanks to NITI Aayog for acceding to our demand through the Ministry of Corporate Affairs.

In times to come, the regulatory provisions being more stringent, both for the CSOs and the Corporate, we can visualise the emerging role of this important sector constituted by civil society through the voluntary organizations to fill the gap. The areas like alleviation of hunger and poverty, promoting education and vocational skills particularly in the light of the unserved segments of population within the framework of the National Education policy 2020, gender equality and women empowerment besides environmental sustainability, give immense opportunities for CSR-CSOs partnerships. All CSR projects to be implemented through qualifying agencies, estimated to be annually worth Rs.24000 crores, being required to have unique registration numbers to be regulated through the Ministry of Corporate Affairs portal alongside the mandatory registration on the NITI Aayog ‘Darpan portal’ for any government fund, decidedly create a governance structure of its own between the CSOs, government and Corporate. In fact, this sector cannot be just viewed any more as ‘a charitable work’, but it has to take its position as a major partner in the good governance building process along with the government, democratic and bureaucratic system and the market-driven corporate and business houses.

If we talk of participatory governance in the context of the

intertwined areas of operation between the social sectors and voluntary organizations, it can be understood in multiple forms, namely, the government as a whole at different levels, the Panchayati Raj Institutions (PRIs) and now in the changing regulatory framework the CSOs and Corporate. Hence, what is required is a chain of multiple partnerships from the policy formulations to grassroots levels served by thousands of active CSOs or NGOs or CBOs (Community based organizations), between the Government, Corporate and the voluntary organizations. Now, in these partnerships the unique component of the voluntary sector follows the broad-based bottom up voluntary approach alongside the democratic institutions and not the top to bottom approach of the government. This implies that the voluntary sector involves true participation from the grass roots to the policy formulation levels-local to national.

When we look at the CSOs or NGOs as voluntary organizations (VOs) from the point of view of their being a form of functional democracy and governance, then we actually realize that they also operate as democratic institutions, operating alongside and/or along with the PRIs and ULBs (Urban Local Bodies) in similar fields. More so, since they also emerge from the people's needs, their efforts are to be made for the people. The innovations, empowerment, research and advocacy by the VOs are also unique and distinct features. There is a need to nurture the growth of this most important sector of development so that it gets evenly distributed throughout the country and takes up sizeable responsibilities in partnership with the LSGs/PRIs and the government, from the village to national levels.

Thus, the positioning of the voluntary sector has to move from 'marginalization' to 'centre stage'. VOs can play the important role in providing and shaping an alternative albeit complementary path of development on the basis of responding to the felt-needs of the community by involving a great deal of participation.

Governance in the context of Social Sector

In independent India, the test of good governance has been reflected in the goals and objectives of the government in its policies, programmes and in the manner of their execution and in the results achieved. The

preamble to the Indian Constitution outlines the goals and ideals of the Indian state. The most important goal is to secure all its citizens the democratic freedoms and principles that deliver justice: social, economic, cultural and political. The Preamble and the basic Principles summarize the very purpose of any 'welfare state'. Several aspects of this goal and the way to achieve the same have also been more explicitly spelt out. To ensure transparency and to promote good governance, the Government has now recognized the Right to Information. For the same reason, the Planning Commission had come out with the National Policy for Voluntary Sector that defined its position in our national scene and its role in the process of change. In spite of the lofty principles, laws, policies and measures, the outcome in terms of the participatory systems of governance was, at best, meager. In fact, our beginnings in terms of the initiatives taken were always satisfactory, but every time we ended up missing the train where enjoying good governance for ourselves and for the people at large was concerned.

Administrative efficiency, economy, productivity that defined the position of people's participation in our national scene and the role of the voluntary initiatives in the process of change were considered to be the key aspects of public administration and deemed to be determinant factors of good governance. In the democratic processes, such participation also gives the ordinary citizens means of voicing need-based opinions. After 73rd and 74th Constitutional Amendments resulting in the elaborate changes brought into the governance framework through the Panchayati Raj Institutions and the Urban Local Bodies the term 'participation' was further widened and made into the part and parcel of the so-called non-political democratic and governmental systems. Additionally, in the evolving constitutional interpretations about rights giving guarantees for dignified life and livelihood which resulted into numerous programmes like MNREGA, Mid-Day Meals, ICDS, Children's Right to Free and Compulsory Education etc. and good governance through people's participation at all levels can be discussed from the human rights and child rights angles as well. In today's context, governance needs to be understood and reflected from both human needs and human rights perspectives, especially when one examines

the efficacy of the voluntary sector.

Governance, Policy Making and the Voluntary Sector

Governance is very much an alive subject for discussion within and outside the voluntary sector today with the absence of regulatory legislation, accountability and transparency in respect of the Societies and Trusts which constitute the bulk of the Sector, as compared to the companies including the comprehensively regulated minuscule Section 8 non-profit companies under the Companies Act 2013. The Governance issues in the voluntary sector are deeply connected to the internal organizational affairs and the much larger, external inter-sectoral dynamics of the country. Both for accounting standards and the need for greater monitoring, the Planning Commission had proposed to ensure that the Board or the Management Body of the voluntary organizations had to be clear about their legal and social responsibilities and how it meets them along with staff or volunteers.

During the past three decades, with the increased activities through direct services in the entire range of social sector or through contracting of care and other services to the voluntary sector, the management weaknesses have been increasingly recognized. Across countries, India being one of the most prominent, people have formed millions of private, non-profit and voluntary organizations to pursue public purposes in the areas once considered the exclusive domain of the state. Economically, environmentally and socially, where the state has been found inadequate in rendering the requisite services, they have willingly agreed to create public private partnerships with the voluntary organizations. The non-profit initiatives at times emerging from the start-up initiatives and groups have also taken advantage of the revolution in the modes of communications and the fast growing social media alongside the increasingly prominent marginalization, giving strong reasons to fill the gaps. This revolution may permanently alter relations between states and citizens at all levels in the fast disappearing boundaries between the government, corporate or business and the voluntary profit-non-profit initiatives through CSR or otherwise creating newer definitions of governance

in the 21st century.

Reasons and situations for the evolution of the voluntary sector²:

- Tremendous enhancement in the budget, Schemes and Programmes of the Social Sector within the government and outside.
- Inadequate government initiatives in the areas of deprivation and gaps that leave nearly 30% of India's population below poverty lines.
- Poor rate of success of the government programmes within the Social Sector areas like in Health & Education of the socio-economically deprived sections resulting in India's 131st position out of 189 countries and territories.
- Lack of people's participation in the developmental process, political leadership being indifferent towards socio-economic transformation of the country.
- Bureaucracy with all its limitations and inherent weaknesses still remains unresponsive towards the voluntary initiatives.
- Corruption and gross inefficiency in government functioning resulting in multiple legislations proposed by voluntary sector activists.

In any case, the entire concept of a welfare state is undergoing major changes wherein the direct intervention of the state is at a low premium. Already, the public sector economy with the pronounced intent of 'public service' being given up – the economic role of the state is in question in multiple ways. Consequently, the question arises, why the socio-economic agenda of governance cannot be taken beyond the tokenism of 'Public Private Partnership'.

Establishing and Enabling Environment for the Voluntary Sector

VOs may be registered as societies, as charitable trusts, or as non-profit

² Doraiswamy P.K.- the Role of Civil Society in Good Governance

organizations under central or state laws. Some state laws have adopted the Societies Registration Act (1860), Indian Public Trust Act and the Companies Act (1956) etc. The legal and organizational entity thus created with objectives to serve the public interest, is established for voluntary action in the social sector. There have been numerous amendments in the Foreign Contribution (Regulation) Act, Companies Act and the Income Tax Laws, most of them adversely affecting the functioning of the voluntary organizations without really creating a proper legal regime for them towards better functioning and internal management, lending them accountability or transparency. Societies being the main legal entities giving functional framework to the majority of voluntary organizations in the country, have been loosely regulated and governed by the Societies Registration Act of 1960, like the Indian Penal Code 1860 and the Indian Police Act 1861 of the same vintage. It may be intriguing to examine why many efforts to change this basic law that gives the semblance of recognised existence and also provides a handle to the government to control all forms of societal initiatives, has remained unchanged since the year 1860 when the British Empire in India was being consolidated through transfer of Power to the Crown.

By no stretch of imagination can we digest such an out-dated and archaic legal regime, a repressive by-product of the 1857 First war of Independence against the British Colonial rule, for the most vibrant and multi-faceted voluntary organizations that we claim to be running in India. The only concrete effort was made to substitute this Act with another one called, 'Multi-State Societies Registration Bill 2012', which was formulated by the Expert Group chaired by Dr. KN Chaturvedi (former Secretary Legislative) on the Societies Registration Act 1860 constituted by the Ministry of Corporate affairs, GOI. No serious efforts appear to have been made by the GOI to proceed further, partly for the reason that Societies and Trusts and such other legal entities fall within the legislative domain of the States under the Indian Constitution with some possibility to pull the subject within the Concurrent list enabling the Union Government to push this inter-state Bill.

The 2007-National Policy on Voluntary Sector also remained entirely on paper although there was so-called pro-NGO political

environment for several years and in the planning Commission there has been a Voluntary Action Cell manned mostly by an Advisor, which continues to be there in existence within the NITI (National Institution for Transformation of India) Aayog as well. I had numerous opportunities to participate in several Working Groups of the Planning Commission during the formulation of the 12th 5-Year Plan and get the feel of the interest shown by the various Ministries and the Planning Commission besides the huge power wielded by the Sonia Gandhi- chaired National Advisory Committee and the members, mostly the voluntary sector's known activists who drafted several laws in the social sector.

Thanks to the NITI CEO Amitabh Kant, the past and present Vice Chairmen Arvind Panagariya and Rajiv Kumar, we could create the CSOs Standing Committee in 2018 consisting of the leading CSOs, CSR Philanthropists and all concerned Central Government Ministries. Chaired by the Vice Chairman NITI Aayog Dr. Rajiv Kumar, myself while representing Prayas as Joint Coordinator, this expanded body has been mandated for another four years starting from April 2020. Within the Terms of Reference of the CSOs Standing Committee fall almost all the common activities of the government and the civil society organizations related to the Social Sector, as follows:

- (1) Identification of areas for CSOs engagements for service deliveries and implementation of schemes.
- (2) Provide a forum to deliberate on major issues and challenges so as to promote partnership between CSOs and government.
- (3) Deliberate and recommend suggestions on specific issues as and when referred to by the government.
- (4) Suggest improvements in the existing laws and policies.
- (5) Suggest improvements in the implementation of the schemes and programmes at the grassroots level.
- (6) To work as the medium of synergy amongst service delivery organizations, people and the government.
- (7) Standing Committee is also meant to support the government on various issues relating to schemes and programmes and

their implementations; a special reference is made to 115 Aspirational districts and the schemes and programmes for the youth of Jammu & Kashmir.

Earlier, there were five sub-groups within this body, which have now since been expanded to seventeen covering each and every thematic area of the social sector and beyond, most of which also cover the seventeen areas of the seventeen (17) Global (UN) Sustainable Development Goals (SDGs) which are monitored by the NITI Aayog for India. There appeared to be lot of enthusiasm within the NITI while as representatives of the voluntary sector many of us were asked to contribute towards the preparation of the Prime Minister's (NITI Aayog's) 15-year Vision document (2015 to 2030) for the country including 7-year Strategy and 3-year Action plan. Indeed, this move seemed to create space for the voluntary organizations through participation in the governance through programmes and activities in various fields of the Social sector.

There has been much public debate on the voluntary sector, particularly its governance, accountability and transparency. The voluntary sector should address the issues through suitable self-regulation. In VOs, there should be a proper system of rules and regulations, proper maintenance of balance sheets, FCRA, accounting, taxation and proper utilization of funds. For appropriate internal and external governance in the voluntary organizations there is a need for better implementation of HR and personnel policies along with other statutory provisions and proper management, monitoring and reporting systems.

However, it is strongly believed that instead of creating any stringent regulatory framework the Voluntary Organizations could be facilitated to self-regulate within a loose framework, which would allow them to explore alternative paradigms of development through innovative programmes, with or without the government, to find new ways to combat poverty, deprivation and other social problems. It is, therefore, crucial that all laws, policies, rules and regulations relating to VOs categorically safeguard their autonomy, while simultaneously ensuring their accountability and transparency.

The Role of Civil Society in Good Governance

The First and Second Administrative Reform Commissions of 1966 and 2005 created little appreciable impact on the quality of governance in respect of the civil society interface though the Second Commission partly chaired by Veerappa Moily, among the 15 reports, dwelt upon right to information, ethics in governance, local governance, social capital and citizen-centric administration in four reports. The emphasis, as being described now, is on facilitating external pressure from citizens on the system to improve through the Right to Information Act, Consumer Protection Act, Citizens Charters, Whistleblower protection, e-governance, Report Cards, Democratic Decentralization, Public Interest Litigation etc.

Governance in the context of the government and civil society organizations may be examined at three levels- internal systems and procedures; cutting edge systems and practices in government vis-a-vis beneficiaries; check-and-balance mechanism within and outside between the government and civil society. The civil society organizations can influence policy and project formulation through membership of committees, submission of memoranda directly or through elected representatives, and interactive rule-making in the implementation of policies, projects and schemes affecting citizens. At level (a) to facilitate that maximum day-to-day interaction between the government and the citizens takes place and the popular image of governance is formed at level (b). Interactions of civil society with level (c), infrequent but important, will be more of an exposure of irregularities rather than steps for improvement in the quality of governance.

Civil society's functional contribution to good governance³, among others, could be as:

- Watchdog - against violation of human rights and governing deficiencies.
- Advocate - of the weaker sections' point of view.
- Agitator - on behalf of aggrieved citizens.

³ Doraiswamy P.K.- the Role of Civil Society in Good Governance

- Educator - of citizens on their rights, entitlements and responsibilities and the government about the pulse of the people.
- Service provider -to areas and people not reached by official efforts or as government's agent.
- Mobilizer - of public opinion for or against a programme or policy.

Civil society acts through 'social capital'- the capacity of people to act together willingly in their common long-term interests. Related to this premise, the CSOs of multiple hues that exist and operate in India, in ideal conditions and given the requisite capacity, in varying degrees, could turn into 'social enterprises'.

Civil society, as a whole, is often unable to play its potential role in enforcing good governance in India except when extraordinary leadership overcomes narrow loyalties, or when an issue is of common, major concern to all sections (like natural calamities). Smaller units of governance and decentralization of governance are, therefore, indispensable in India.

Individuals cannot take on the huge political-bureaucratic machine that the government is, nor can the entire civil society act on behalf of every citizen. Society, therefore, has to operate through compact, focused civil society organisations based on strong social capital of vital communities.

The Government of India's National Policy on the Voluntary Sector, 2007 was intended to encourage, enable and empower an independent and effective voluntary sector with diversity in form and function in order to contribute to the social, cultural and economic advancement of the people. Recognising at the outset the voluntary organizations' contributions towards innovative solutions to poverty alleviation, deprivation, discrimination and exclusion through awareness & social mobilization, service delivery, training, research and advocacy, the important role of voluntary sector was understood as a non-political link between the people and government. Support for CSOs/NGOs, however, couldn't be merely theoretical unless the real-time collaborations were forged between government, private

sector (which could cover the present day corporate in terms of the legal requirements of CSR within the Companies Act 2013 read with 2021 Rules) and the government at the local, provincial and national levels, as clearly envisaged in the National Policy of 2007. Needless to mention, the Government has to assess their suitability, capability and experience, and evaluate their performance continually- which would pre-suppose comparable standards of governance for the three afore-mentioned Sectors of national development.

Efforts are afoot to improve the quality of integrated governance amongst the government officials, NGOs coupled with the CSR support in respect of the social sector related services and programmes within various sub-sectors like, health, education, skilling and livelihood, poverty alleviation, environment etc. Similarly, it is fully appreciated at policy levels that capable NGOs are better placed for providing services in the social sub-sectors like the women, children, disabled, elderly and the socially deviants. Needless to mention, any amount of inspired initiatives are likely to fail if the support, quality and caliber of the political and bureaucratic executive is unsatisfactory and unresponsive at the multiple layers of activities being carried by the NGOs. Civil society, thus, also needs to know and check the deterioration in the quality, integrity and commitment of the elected representatives and the criminalization of politics. Voter education, electoral reforms and periodical highlighting of the performance (or non-performance) of elected representatives are high priority items in civil society's agenda. Democracy is not a spectator sport (though politicians often make a spectacle of themselves!) Parliamentary democracy becomes participative democracy only with civil society's active role.

Voluntary sector⁴ has always played an important role in society from times immemorial. The concept and approach in voluntary work have undergone many changes from time to time. From pure charity, relief and welfare oriented approach, this sector has in recent times suitably moulded and equipped itself to meet the developmental needs of the society. There is hardly any field which is not at least

⁴ Planning Commission document

touched by the voluntary sector. Among the strengths of the NGOs/ Voluntary agencies the following may be counted upon:

- Dissemination of knowledge regarding local conditions, use of local resources and close communication with the local communities enabling them to assess local needs of the people and motivating them and enlisting their ready participation in the development programmes.
- Flexibility of approach, less rule bound, no rigid guidelines as in the government scheme; which enables them to innovate, do action-based studies and research and come out with strategies really related to local needs.
- Simpler administrative structure as compared to government departments; bigger organizations, however, tend to become bureaucratic while they emulate the government procedures and practices.
- Much closer to the poorest sections of the society and they interact with this section directly across the table.
- Commitment to achieve local self-sufficiency by joining with the programmes and activities of the local self-government and the grassroots and lowest rung functionaries of the government.
- Majority of genuine CSOs or the community-based organizations emerging from the local communities have greater trust of the people; hence, they can lead and manage them better and also motivate them to participate in the local governance.
- Involvement of women and youth as willing partners in the voluntary agencies programmes assigned by the government or developed through the local and external resources.
- Access to volunteers and supporters through collaborative and free services that benefits them directly, in short and long-term programmes.

These strengths enable the voluntary agencies to evolve better grass- roots to the local, village, block, district to state level strategies

for action and other related programmes. Despite these advantages, there are also certain weaknesses which are inherent to the voluntary sector in particular and, perhaps, in India's development sectors in general. Some of them can be as listed below:

- Most of the so-called voluntary organizations amongst an estimated 32 million do not emerge out of the felt-needs of the communities or target groups, hence lack voluntary spirit, actual knowledge and are thus disconnected with the people concerned.
- Their inability to understand the larger picture from the local to national levels and their own limitations in terms of resources despite desire to serve, hinders their cooperation with each other.
- Their accountability and transparency is often questionable due to the fact that a minuscule percentage of them follow legal, fiscal and operational discipline as laid down within the given statutes.
- Their operations are naturally small in scale due to lack of resources, planning vision and management skills within their domain which may not expand despite the desire and spirit of voluntary work in the given area and segment of population.
- Uncertainty over availability of human and financial resources hampers planning and growth of their activities even in respect of the voluntary organizations in existence having requisite legal and operational processes in place.
- Voluntary Organizations across the country which fall in myriad categories are driven by a variety of motivations and they carry out programmes accordingly. Somehow, the direct services to the deprived, poor and marginalised in the areas of felt-needs doesn't happen to be the priority of some of the leading Organizations in the voluntary sector, thus creating disconnects and denying their existential justification.

Therefore, there is a need to improve the working of the voluntary organisations by scaling up their operations in the well-defined areas

of social sectors and by making them transparent and accountable.

Voluntary Sector in the Five Year Plans

Right from the First Five Year Plan when the first model of community participation for national development was put into practice, it has been recognized that the right place for any development activity to take place is at the grassroots level. The Third Five Year Plan emphasized that, 'the concept of public cooperation is related to the much larger sphere of voluntary action in which the initiative and organizational responsibility rest completely with the people and does not rely on legal sanctions or the power of the State for achieving its aims'. During the Fourth and Fifth Plans, the thrust on public cooperation and involvement of people's organizations was lost due to attack on our territory and the recession that followed. In the Sixth Plan, the idea of participation of people's organisations was again recognized. Role of voluntary organizations in the development sector got further fillip in the Seventh Plan where it was declared that serious efforts would be made to involve voluntary organisations in various development programmes to supplement the governmental efforts to offer the rural poor choices and alternatives: The emphasis continued till the Ninth and Tenth Plans, wherein efforts were made to promote people's participatory bodies like Panchayati Raj Institutions, Self -Help Groups and NGOs for development

The 11th FYP further focused on strengthening the CSOs right from the stage when its Approach Paper recognised the need to 'encourage, enable and empower an independent, creative and effective voluntary sector with diversity in form and function, so that it can to the social, cultural and economic advancement of the people of India'. We had the opportunity to participate in the Mid-Term Appraisal of the 11th Five Year Plan. The Government had decided to invest in building sufficient capacities at different tiers of governance. The Plan document emphasized upon inclusive and accelerated growth so that the benefits of national development could be shared with the common man-'Aam Admi'. The Planning Commission got engaged with 900 CSOs for the formulation of the 12th Five Year Plan (2012-17) and through an intensive process

of consultations on various thematic issues, regional, multi-sectoral programmes a document called, 'Approaching Equity: Civil Society inputs for approach Paper to the 12th Plan', was developed through the Steering Committee on Voluntary Sector.

Enhancing Civil Society and Governance

The idea of 'civil society' has achieved prominence in political and developmental discourse over the past three decades. It is widely seen as a critical agent for reducing the socially atomizing and unsettling effects of market forces, enforcing political accountability, and improving the quality and inclusiveness of governance. Reconsideration of the limits of state action has also led to an increased awareness of the potential role of such organizations in service delivery, either separately or in a synergistic relationship with state institutions. As a cross-cutting concern, it has emphasized organizational effectiveness and professionalism in the non-profit sector.

The civil society needs to follow the principles of :

- (a) Good quality human resources are critical for good work;
- (b) Systems with respect to planning, cost effectiveness and impact assessment go together with a desire to bring about change;
- (c) Strengthening organizations is a meaningful contribution to the sector;
- (d) Looking beyond strengthening organizations as a practical means for grant making; and
- (e) Connecting citizens across levels with a sense of caring and fellowship to create a fair and humane society.

Prayas Experience, Organizational Processes and Governance

In the context of governance and voluntary sector, Prayas JAC Society with its allied Organizations figures as an example of cooperation and collaboration, partnership and participation representing the basic values of governance enshrined for the government particularly police, from School of Social Work and

some practicing models of training, livelihood and community work. Set up and registered under the Societies Registration Act 1860 Prayas Juvenile Aid Centre (Society), now a national level voluntary organization (NGO), started functioning in 1988/89 in the sprawling slum-resettlement colony of Jahangirpuri in North Delhi as an extension of Delhi police headed by the humane and thoughtful Commissioner of Police Delhi Vijay Karan and myself- then a Deputy Commissioner of Police (DCP) as the founder General Secretary.

Initially, being the DCP In-Charge of 'Missing Persons Squad' (MPS) which had to also take care and provide support to the neglected, missing & found, vagrant, delinquent children and adolescents who came within the protective care of the Delhi Police, I considered it my duty to set up the so-called Juvenile (including neglected children without family support) Aid Centre of the Delhi Police. These were the most difficult times when as DCP Crime of Delhi Police (1985 to 1990) I was saddled with the most demanding responsibilities of conducting counter-terrorist and counter-drugs investigations and operations, but considering the importance of the adolescent crimes and problems to be dealt with by the Police I gave it the due attention. I visited Bombay to see the innovative police set up of Juvenile Aid Police Unit (JAPU) which operated as part and parcel of the Bombay Police, unlike the Community-based Partnership Organization we were building up, called Prayas JAC (Juvenile Aid Centre) Society.

Realising soon that a voluntary organization supported by the community, donations and funded projects couldn't be officially run by Delhi Police, it was developed into a collaboration amongst the Delhi Police, Delhi School of Social Work (University of Delhi) and the erstwhile Shramik Vidyapeeth- now Jan Shikshan Sansthan (JSS- earlier under the Ministry of Human Resource Development & now the Ministry of Skill Development & Entrepreneurship, Government of India). The initial Constitution of Prayas, same as the Constitution of another NGO 'Navjyoti Foundation' set up the same year by Kiran Bedi- my senior colleague in the IPS UT Cadre- was hurriedly drafted by some policemen with very little understanding of the voluntary

or social sector activities.

As a result, initially 13 of us, including the Delhi Police Commissioner and myself besides 11 junior police officers from the ranks of Assistant Commissioner and a lady Inspector who looked after the MPS to a junior Lady Constable who appeared keen to work for children, signed the Memorandum of Association (MOA) as the Founder Members. However, during those extraordinary times, I understood very soon that the charter and responsibilities of a community-based voluntary organization working for the delicate and serious problems involving the ‘Neglected and Delinquent Children in Need of Care & Protection’, was a serious business, which has not been properly attended to nearly 3.5 decade later, despite some path-breaking legislations. Alongside the Delhi Police, we associated the well-known Delhi School of Social work (DU) and Shramik Vidyapeeth-an organization started by Indira Gandhi as a part of the Central government way back in 1967 - as ‘integrated partners’ in the governance and management, who joined later the Governing Body through major changes in the Constitution of Prayas JAC Society.

Looking back into the most violent decade of 1980’s, National Capital Territory (NCT) of Delhi was in a huge turmoil on account of the terrorism that had completely gripped the city-which had almost become the extension of Punjab, going through the most difficult period of insurgency and other serious problems like the drugs. Before and after Indira Gandhi’s assassination on 31st October 1984 there were hundreds of cases of bomb blasts, political assassinations, public massacres resulting into the unprecedented law and order upheavals and bloodbath. The decade-old Commissioner of Police System was facing the most difficult challenges which were competently handled by the post-1984 Police Commissioners like Ved Marwah, Vijay Karan and Mukund Bihari Kaushal. During 1985 to 1990 while Prayas was taking the shape of an NGO, I was Deputy Commissioner of Police Crimes as well as Railways, and this period was decidedly replete with numerous crises involving the restless adolescents and youth.

This period also saw the exponential rise in the serious juvenile crimes, drug trafficking-peddling and consumption along with the

record seizures of heroin-smack, hashish and multiple forms of the narcotic drugs and psychotropic substances. The timely passage and implementation of the NDPS (Narcotic Drugs & Psychotropic Substances) Act 1986 gave us a powerful instrument to save Delhi from becoming another city like Medellin and the country going down the Colombian way. With our record seizures, cases and 5834 apprehensions in less than 3 years the Delhi Police Crime Record Office conducted a massive 'action-based Study' which clearly indicated that majority of youthful drug peddlers also being 'consumer-addicts' posed for us one of the biggest challenges, which could be partly taken care of by the NGOs like Prayas and Navjyoti. Prayas became one of the pioneering organizations deeply connected to the police, academia, professional social work and livelihood opportunities developing its own path of evolution, learning and formulating a model of Public-Private Partnership which created a different kind of social and voluntary sector governance organization with deep community underpinnings and powerful bonds with the government and academia.

During the subsequent three decades, Prayas was joined by various governmental, bilateral and multilateral partners, corporate and non-governmental organizations, while remaining deeply committed to the cause of marginalized children, youth and women from underprivileged communities in slums / rural areas. It now operates in ten States/UTs, namely, Delhi, Gujarat, Bihar, Assam, Andaman & Nicobar Islands, Arunachal Pradesh, Rajasthan, Jharkhand, Haryana and Kashmir. It runs over 150 community-based and thematic Centres and Units with an outreach of 40,000 marginalized children, youth and women addressing the multiple issues and programmes relating to child protection and juvenile justice, trafficking of children and women, vocational and life skills training, entrepreneurship, child labour and alternative education, leadership in the voluntary sector, corporate social responsibility etc. The organization pursues a holistic, participative and partnership approach to contribute to socio-economic transformation of these marginalized groups.

Like any growing organization, Prayas has followed a culture of periodical introspection, analysis and changes in its governance

systems to cope with its growth and find rationality in its existence. As mentioned, after the initial-somewhat un-informed and unplanned beginnings which reflected in the untidy Constitution, Prayas has come a long way responding to the requirements of the hundreds of partnerships and projects implemented during the past 33 years. For several years, as per the original Constitution, some of the highly pre-occupied Police Commissioners and others remained in the Governing Body as reluctant or not so suitable Key Functionaries. Following the Recommendations of a Committee approved by the Prayas President-the Police Commissioner, the Constitution was substantially amended to provide for ‘an eminent person’ even other than the Police Commissioner to become the President. The amended Constitution initially provided for three Vice Presidents, one each from Delhi Police, Delhi School of Social Work and Shramik Vidyapeeth besides other domain experts as Members and Key Functionaries. Consequently, nationally known and respected personalities like Dr. Karan Singh, Singer Jagjeet Singh and the actor-turned political activist Shatrughan Sinha have remained the Presidents. The Organization has taken a full circle, it seems, with a former Police Commissioner, Mr. M.B Kaushal, becoming the President on account of his deep understanding and long association with Prayas.

Prayas JAC Governing Body comprises 25 members including eminent experts drawn from the fields of public administration including Police & Civil services, Social Work, Business and Corporate, Law, Health, Education & Vocational Programmes, who participate actively in the functioning of the Organization. They directly contribute from the projects’ grassroots level activities upto national level legislations and policies besides giving high scrutiny, often being critical, while shaping and giving direction to the Organization. Today’s GB of Prayas consists of some top level social workers, professors/academicians and practitioners, IAS-IPS-Labour Ministry retired and serving officers, builders of nationally known health and educational institutions, corporate, CSR and skilling experts. Since the Organization has single GB to oversee multi-sectoral projects operating in far-off and remote areas including the islands,

hills and villages through a methodically organised administrative, operational and financial systems and structure, it functions through highly participative and professionally-oriented executive and service bodies like the 'Core Group' as the main Executive consisting of the President, Vice President, General Secretary, Joint Secretary, Treasurer and the co-opted members.

At the Central level, there are Administrative & HR, Finance, Resource & Operations, Purchases, Health, Skilling and Livelihood, Women at Workplace and other Committees besides the apex bodies like Prayas Institute of Juvenile Justice (PIJJ) and Prayas Institute of Economic Empowerment (PIEE), led by the eminent members and advisors besides the key functionaries from the management. The GB has the co-opted member from the senior most managers like two Directors amongst whom all projects are neatly divided, the Finance Controller who helps the Treasurer and General Secretary along with the Team in the management and monitoring besides the legal and financial compliances. The GB along with the string of management and functional co-workers who run the Organization is completely free from any corruption, favoritism or nepotism since having no relatives per-se, and they maintain highest standards of probity and ethics befitting CSO governance with 'Zero Tolerance' for any form of abuse, exploitation, malfeasance or misappropriation.

The entire financial management is done through hundred percent completely cashless (except cash deposits while serving disadvantaged groups) banking operations which are operated through nearly 100 Bank Accounts including the main FCRA (Foreign Contribution Registration Act) and Utilization Accounts, each one being transacted by two out of three authorised Signatories, being GB members and senior managers who actually run the projects. Besides the Finance Controller, a Chartered Accountant Senior Manager controls the processes of approvals, sanctions and expenditures with strict adherence to the financial norms including the government's FR (Financial Rules) and GFR (General Financial Rules) and project-appropriate Agreements and MOUs besides the project based national, corporate and international norms, which broadly appear to be similar. The variety of Projects that run across a wide-range

of activities defines the intricate financial-operational management of Prayas, particularly during the recent times in the midst of fast-changing amended regimes and compliances within the Income Tax, FCRA, CSR, Labour laws etc. Prayas homes, shelters, helplines, Primary Health Centres etc. within the central & state governments alongside the internationally-funded projects, being supplemented by our own resources and donations, create huge legal and governance related responsibilities, which call for deep knowledge and close monitoring on a day to day basis.

Further, there are Steering Committees and Project level Committees along with the managers and the co-workers almost entirely drawn from the areas and people they serve, as they operate in different parts of the country which are fully responsible for specific projects to set governance and decision making standards, resource mobilization and overseeing the participative functions. There are 'Prayas Samudai Samiti' (Prayas Community Committees) at the community level for participatory planning and implementation of informed decisions and 'Bal Sabhas' (Children's meetings & Children's Councils) to promote child participation (We fully adhere to the UNCRC (United Nations Convention for Rights of Children) Rights concerning Survival, Protection, Development & Participation)

The organization ensures a culture of collective ownership through these decentralized structures with delegation and devolution of power and authorities. Its Governing Body authorizes the General Secretary who coordinates policy formulation, decision making, guidelines and a management team led by the Directors Projects and Special Projects and Directors of the connected organizations like, the Prayas Jan Shikshan Sansthans (JSSs) and Sanchay Prayas Swavalamban Sansthan(SPSS- a Section-8 non-profit Coy). Our experience in the governance and sustainability of the projects and activities has given us the understanding that it is extremely difficult for the 'purely charitable' service-delivery organizations like us to be financially self-reliant. The changing FCRA, CSR and IT regulations have further made it impossible for us to become 'Social Entrepreneurs' or to develop our capacities through earnings and

corpus, though as an Organization we have attempted to develop such programmes.

As the ‘Mother Organization’, during the past 33 Years, depending on the changing requirements and integrated growth opportunities, Prayas JAC Society has developed hundreds of small and bigger initiatives at the instance of the Union or/and State/ UT governments. For instance, as required by the Ministry of HRD (now Ministry of Education) and Ministry of Skill Development and Entrepreneurship (MSDE), Government of India, during the past two decades, we have created (Shramik Vidyapeeth-turned) JSSs in North Delhi and Samastipur district of Bihar with full- fledged 16-Member BOMs (Boards of Management) with nearly half of the legal entity constituted by the government officials including the representatives of the District Magistrates. Highly appreciating the governance structure of Prayas as a whole and its performance in professionally running the two JSSs, the MSDE have decided to allocate three more JSSs to Prayas JAC Society in the districts of Jamui in Bihar, Ramgarh in Jharkhand and at Port Blair in Andamans.

Prayas recognizes the primacy of the governance of the organization, autonomy within the organizational structure and guidelines, the delegation of power to the managers and the programme participants in the communities. The organization through Core Group and Governing Body meetings and introspective exercises identified the demerits of hierarchical functioning and has evolved a system of consultations from the grassroots and Units level centres divided amongst Projects to the Governing Body level by adhering to the evolving appropriate governance structures operating the teams. The underpinning that transcends across the organization and its people is the real value that it supports the most marginalized people, the children, youth and the community. The functionaries who actually carry out this work are the Directors, Senior Managers, Project Managers and Coordinators , the Field Staff and the Volunteers- hundreds of them, local to international. Hence, their roles and appraisal-based recognitions receive the first place in the governance structure and processes.

Organizational & Governance Structure and practices of Prayas JAC Society: In a Nutshell

We have already discussed in detail in the foregoing narratives the actual governance structures of Prayas JAC Society and the connected legal and functional entities which give it all a shape and form of a ‘Group’ which may be addressed as a Conglomerate in corporate terms defining the functioning of the various connected organizations together. Briefly stated, we could re-cap the governance structure as under:

- **Governing or General Body (GB):** It is the highest constitutional body in Prayas JAC Society responsible for laying down policy and imparting vision. It also approves all the important project level activities carried out during the intervening periods of the two meetings-which must be held at least twice in the year. Being the governing-cum-general body of the Organization it approves annually the election-process selecting the Office bearers and Key Functionaries. The annual Audited report is also placed before the GB for approval of the final accounts of the organization. The banking operations including resolutions for designating the Signatories and the financial powers are also approved by the GB, as per the requirements and as proposed by the General Secretary who functions as the CEO or the Chief Functionary within the Constitution.
- **Core Group (Executive Committee):** It consists of the President, Vice President, General Secretary, Joint Secretary and Treasurer as the directly responsible key functionaries, as elected or approved by the GB. It also includes the Directors amongst whom all the project related authorities along with financial and operational powers and activities are divided. Among Special Invitees are the Directors and senior officials of the Prayas connected entities like JSSs. Finance Controller and Senior Manager Finance along with the string of duly authorised Senior Managers, Managers, and Coordinators. The Directors, Senior Managers, Finance Controller, Project & Centres-In-Charges are all financially and operationally

authorised by the General Secretary of the Organization within the Constitution, being fully accountable to the GB and Core Group. During the GB meetings, it has been a practice to introduce the incoming and outgoing functionaries; and, as defined within the Constitution the periodical reporting to the President and Vice President by the General Secretary are fully adhered to.

- **Modality:** Regular meetings (monthly or quarterly) of the Core Group are held for decision making, important policy implementations and the review of the entire activities of the organization in minute details. Although the key functionaries representing the GB and Core Group are fully accountable for the entire financial and operational management, the meetings of the Core Group are attended by most of the concerned Supervisory functionaries-who could be between 30 to 50 members. Prayas Executive Body is a unique institution that includes all the Project managers and other senior level functionaries in the decision making process alongside the project implementation. Monthly and quarterly meetings are organized for the formal review that becomes the basis for growth and consolidation. Broad policies laid down by the Governing Body are actually formulated, fine-tuned and implemented by the Core Group members.
- **Approach:** A well-organized 'bottom to top approach' is adopted for better functioning of the organization. There are different Administrative & HR, Finance & Resource departments in Prayas for organizing and delivering services and to create accountability standards. Within the aegis of the Organization, in the Head Office there are apex units like Prayas Institutes for Juvenile Justice and Economic Empowerment (PIJJ&PIEE) which connect all the thematic and service delivery projects with the policies and regulations while also functioning as 'think-tank'. Annually, an Official Order is issued giving the broad structure, hierarchy, authorities and accountability template to make the functions well-defined and smooth.

Prayas has set up an evolving ‘Administrative and Financial Code’ that lays down the Standard Operating Procedures (SOPs) for the entire organization. Some of the areas that hold the priority in the monthly, quarterly and annual reviews include:

- Budgeting within extremely limited and uncertain funding;
- Planning & implementing the projects with their approvals at appropriate levels and stages emanating from the Project level managers & coordinators;
- Better utilization of limited funds and resources;
- Monitoring processes and systems in continuum;
- Regular internal and external financial and social auditing connecting the grassroots and field-based projects to the Prayas Central Office under the close monitoring of the Prayas GB and the Boards of the related organizations.

Prayas could serve as a model for CSOs attempting similar work in the voluntary sector.

Nandita Sinha

Community of Ethics in Public Service

A Unique Institution

The IC Centre for Governance (ICCFG) was set up to provide a neutral platform to look at governance issues objectively with a view to effectively cope with the administrative challenges facing the country. A fairly large group of professionals from civil service, academia, legal profession, corporate sector, and the media came together to form this civil society organization in December 2003 under the chairmanship of Justice M.N. Venkatachaliah and Dr. Abid Hussain.

The Centre has envisioned acting as a forum for collective thinking and action on issues concerning good governance. It strives towards a work culture that encourages inculcation of ethics and moral values in governance structures, systems, and institutions.

Its activities have included functioning as a think tank to deliberate on critical issues of public governance and use these recommendations for advocacy with the government and other public agencies. Dissemination of information on important governance issues through seminars, lectures, and a bi-annual *The Journal of Governance* has been a key focus area.

However, the activity that has given maximum visibility to the Centre is the development of a 5-day training module on the theme of 'Ethics in Public Governance' for public functionaries. This programme was conceptualised jointly by IC Centre for Governance and Initiatives of Change more than 15 years ago and has received extremely positive feedback from participants on a consistent basis. Since there was convergence in the rationale behind this module

and the National Training Policy, the Department of Personnel and Training (DoPT) found it useful for serving IAS officers.

The National Training Policy 2012 mentions that the objective of training will be to develop a professional, impartial, and efficient civil service that is responsive to the needs of the citizens. In doing so, care is to be taken to emphasize the development of proper ethics, commitment to work, and empathy for the vulnerable sections such as differently abled, senior citizens, SCs, STs, and others. The competency framework will be used to ensure that civil servants have the requisite knowledge, skills, and attitude to effectively perform the functions they are entrusted with. The success of training will lie in the actual improvement in the performance of civil servants.

Since then, ICCfG has trained hundreds of AIS officers, officers of the state governments, and PSUs. They also conducted ‘Training of Trainers (ToT)’ programme for ATI/CTIs, so that the reach of this powerful tool for ethical leadership could be enhanced to middle-level officers of the state governments as well as Central Service officers. ToT was conducted for the DoPT in collaboration with the UNDP to create a pool of ‘Master Trainers’, as well as for some PSUs and the Indian Railways under Mission Satyanishtha. They now have, apart from their signature 5-day programme that has usually been conducted at Asia Plateau, Panchgani, 2-day and 3-day modules, and have conducted their programmes at different suitable locations as per the needs of the trainees.

At the time of the Centre’s launch, ethics in public service was hardly talked about, and there was this urgent need, this gaping hole in the paradigm of Public Service that the Centre has been attempting to fill over the years. They brought in focus the sign of the times that was being rather conveniently ignored. This was started with conceptualising a training programme for serving civil servants in ‘Ethics in Public Governance/Service’, which incorporated principles of Inner Governance, a forte of the Initiatives of Change, along with practical experience sharing and discussions by senior civil servants, both serving and retired. The attempt is to translate the inner transformation of the individual into actual ethical performance at the workplace.

These programmes aim at inculcating a spirit of service amongst Public Servants towards the people and towards nation building, besides strengthening the inner spirit through a unique experiential module.

In their view, ethics of any profession is its dharma that cannot be defined without reference to its logic. And the logic of those in government is public service. Therefore, they believe that for public functionaries, the discourse on ethics should not be as preached from pulpits but as lived in real life. Ethics is not merely following the law; that has to be adhered to in any case and its violation has its penal implications. Ethics goes beyond the prescription of law. It is being sensitive to the problems and needs of the people. It is being courteous and being attentive.

Their training module attempts to address these issues and the course content has the following components:

- Integration with one's own inner self using the innovative technology of inner governance involving introspection and listening to the inner voice, evolved over time by their collaborative partner, Initiatives of Change, for showcasing self-improvement.
- Integration with people with whom one interacts at home and the workplace by building strong relationships based on trust, unselfishness, and love.
- Sharing of best practices by experienced practitioners of good governance to highlight the context in which ethics has to be practised.
- Integration with nature based on their belief that ethics is governed by the laws of nature. Harmony with nature is conveyed through soul nurture walks and discussions on environmental issues.

The most encouraging feature of this programme is that a number of participants on return to their workplace approach ICCfG to provide exposure of this training package to middle and lower level managers in their respective organizations and have reported a useful impact. This trickle-down effect has been extremely gratifying for them.

In 2020, their trainings took a backseat for some months due to the whole world grappling with the distressing COVID19 pandemic. Responding to the challenge posed to them by the pandemic, ICCfG decided to convert their training module to an online one, taking care that the essential message of the programme was not diluted in any manner. After a number of internal brainstorming sessions, they re-designed their module to make it compatible with an online format. Their experienced Facilitators were quick and eager to adapt to the technology required for it. They took extra care to keep the programme as participative as was possible on the virtual medium.

While they began on a somewhat uncertain ground, they were soon gladdened to see that the participants provided a tremendously positive feedback to their online training module as well. Most of them said that the programme should be mandatory for each and every employee of all PSUs and all government departments.

The Call for a Naitik Bharat

There is no doubt that we are facing a crisis of ethics in every profession and at all levels; corruption is eating into the fibre of our nation. Be it health, education, business, or government, we face toxic practices crippling our society. To remedy this, ICCfG felt the need for a movement for 'Naitik Bharat' or Ethical India. A Naitik Bharat movement for public servants in particular with the Civil Service playing a critical role in setting ethical benchmarks and establishing effective integrity systems could be the starting point.

It was with this intention that ICCfG wrote to the Prime Minister of India, urging him to give a clarion call for the Naitik Bharat Abhiyaan to inspire and motivate the citizens of our country.

The proposal is under consideration of the Department of Administrative Reforms and Public Grievances.

The Genesis of the Community of Ethics

In all the years that the Centre had been conducting the training programmes, touching more and more public servants with their message of ethics, a community of people interested in the idea had also been developing unwittingly. While they touched hundreds, even

thousands of people through their programmes, they recognized the need to cover a much larger number for the spread of their essential message far and wide. Thus, the seeds of launching a formal community of ethics appeared a natural progression with the kind of work that the Centre had been engaging in since years. In fact, the very concept of the Naitik Bharat Abhiyaan was prompted by this thirst for a large-scale movement for ethics, beginning with public service. While Naitik Bharat envisaged a pan-India movement under the aegis of the top leader of the country, ICCfG thought of what they could do at their level to enlarge and expand the cause beyond their training programmes. Laying the foundations of a Community of Ethics seemed to be a good starting point.

The Formal Inception of the Community

When the Centre started conducting not just their programmes but their meetings and all other work online, some of them found in it a great opportunity to connect virtually in the physical isolation caused by the COVID19 pandemic. It was then that they came up with the idea of connecting with the previous participants of their several programmes conducted over the years, through a webinar where all could participate together. Thus began the process of developing a 'Community of Ethics in Public Service' (CoE), as the possibilities of the virtual medium and technology and the familiarity with the online modes of interaction made it seem feasible. They started contacting the IAS and other AIS participants of their training programmes to begin with. With their cooperation, beginning in November, 2020, they conducted three exploratory webinars in three months to discuss the desirability of the idea of having a CoE.

The unanimous and unequivocal response that they got in the exploratory webinars towards the merits of having such a Community was overwhelming. No recordings were made of these sessions so that people could feel comfortable in expressing their frank views and opinions. It was evident that even after many years of attending their programme, people still remembered it vividly and expressed how their lives had changed for the better because of it.

Many ideas were expressed during the course of the first three webinars, including:

- A concept paper should be co-created by all the experienced (retired and serving) civil servants on their thoughts on ethics, and how they could contribute to the betterment of the society and governance. Sub-groups could then be formed to deliberate the ideas further, and chalk out proposals and recommendations which could be sent to the government, and also incorporated in training programs in some way.
- We need to understand the basic reason why an officer is not able to perform and the challenges and disincentives that he faces in being ethical in his work. We must analyse why the officers who join the services with so much enthusiasm to benefit the society drift away from the ethical path.
- We should generate a movement to bring out the innate goodness of the people, a surge of goodwill through volunteerism to support the gaps that the government and the civil society groups are not able to fill.
- Even in cases where the atmosphere might be politically suffocating, bureaucrats do have a lot of power, leeway, and discretion to implement laws and rules. It is not true that the political masters are always unhappy with the upright, ethical bureaucrat. The good work of the ethical civil servant is somewhere recognized and appreciated by the political masters.
- Across the country, many bureaucrats are walking a tight rope where ethics are concerned. It would be a good idea to celebrate and acknowledge them every month or so. This should include even the smallest employee like the gram-sevaks, who usually go unnoticed. This will help the fencesitters get motivated, and gradually the movement for ethics will gather momentum.
- In the Civil Service, there is a trend to hurriedly discontinue the good work done by one's predecessor. We need service ethics to prevent this.

- Public Servants need to be together in supporting their colleagues walking on the ethical path, and those who have the courage to say 'yes' or 'no' keeping in mind the larger interests of the common man. Otherwise, it becomes very difficult for individuals to fight alone, sticking their necks out for a good cause.
- The image of the bureaucrat has been much maligned in the society. The negative actions of bureaucrats are highlighted a lot, but the positive ones are not highlighted enough. The ethical actions of the civil servants need to be properly highlighted and amplified. If ethics is not a sought-after idea, more and more officers will not follow it.
- Communication with the targeted beneficiaries is crucial, apart from seeking the advice of civil society members, academicians, and others. Suggestions of the beneficiaries must be taken into account in formulating policies and programmes meant for them.
- Personal honesty is not all that ethics is restricted to. In fact, all administrative decisions have an ethical angle to them. Administrators often tend to neglect the social side of their work.
- Intellectual prowess is not enough for civil servants; they need to develop sensitivity towards the different stakeholders. This is even more important for young officers. A civil servant should take into account the ideas, opinions, wishes, and requirements of the public, NGOs, etc., in his functioning.
- The civil servants have a lot of contact with the public, and the people should feel that the officers have a high ethical standard; it will help in sending out the right message to the society. If the common people observe the civil servants going beyond their selfish interests in their professional lives, the message of ethics will spread in the society.
- A forum like the Community of Ethics is required where public servants can openly discuss their ethical dilemmas.
- The CoE could have some officers known to have excelled

in ethics in public service who would act as mentors to the junior officers. One-to-one mentoring could be evolved as a system for young officers such that they do not lose faith.

- The CoE should strive to develop a Code of Ethics for Public Servants.

ICCFG also put forward the following Draft Manifesto of the Community of Ethics for the Consideration of the participants:

Our Manifesto

We, the members of the Community of Ethics in Public Services, believe that...

- *Delivery of services to the public can be improved if it is based on ethics.*
- *Most of the civil servants want to be ethical; what comes in their way is their inability to make informed choices about what is ethical and what is not.*
- *Identifying and celebrating men and women of great ethics would inspire other civil servants to emulate.*
- *Ethics of public service is bigger than personal honesty.*
- *We will happily provide complete, accurate, verifiable answers to questions examining various issues and share those answers for public scrutiny.*
- *We have the onus of evolving the standards of ethics in public services to act as benchmarks.*

The Growth of the CoE

Eventually, they decided to open the CoE membership to all the previous participants of their programmes, regardless of which service they belonged to. This meant that apart from the AIS officers, others from the various PSUs, Banks, and other government services, anyone who had ever attended their programme in the past, were all welcomed to join the meetings of the Community. Now, they are encouraging that the Community should be open to any and all people engaged in public service, who are interested and believe in the cause of ethics. In fact, senior officers who are members of the Community are being encouraged to bring in like-minded junior

officers and colleagues to join this movement.

The first meeting of the CoE for its launch after the three exploratory webinars was held in March, 2021. In this meeting, two IAS officers shared stories of their ethical journey.

One of them displayed how thinking out of the box helped him utilize the social capital that was always available but underutilized. As the District Magistrate of Kozhikode, he organized the voluntary efforts of the civil society to feed the hungry, to improve the pathetic conditions prevailing in the mental hospital of the city, and much more, under ‘Compassionate Kozhikode’. All this was done without using any government funds or schemes, and involved extensive use of social media platforms. Special care was taken that when helping the poor and the needy, their dignity was not compromised. He was able to connect with the common people as one of them, which had many advantages in terms of gaining public support.

Another IAS officer from Rajasthan Cadre explained how he, as the District Collector, Nagaur, Rajasthan, initiated the ‘Raasta Kholo Abhiyaan’. Coming from a family of farmers in Rajasthan, he was well aware of the problem of illegal encroachments in the paths leading to the farmlands in the villages, and what a huge problem it was. Tractors, equipment, etc., could not reach the farms, and many remained without crops for this reason. Caste, politics, and muscle power all played a role in the encroachments. He formed a team and involved the local police as well. Their efforts have been highly successful. Public support came when they witnessed the sincere efforts of the administration. A number of farms that had been lying idle due to the encroachments since years could finally be cropped.

In the next meeting of the CoE, an IAS of the Madhya Pradesh Cadre spoke about how as the District Collector of Dewas, his challenge was to find an economically viable and sustainable solution to the District’s water woes. He executed a smart water-harvesting solution for quenching the thirst of many drought-prone villages: he built ponds to trap the monsoon waters for irrigation. It is a business model of rainwater conservation rather than a civic duty, which is environmentally sustainable. His efforts eventually resulted in more than 16,000 ponds spread across 60–80 acres of land, and over 1,000

farmers, earning more than Rs 25 lakhs a year. Additionally, the region has not only seen a speedy rise in its ground water level but has witnessed a 20-fold increase in irrigated land. He gave the credit for the success of the Dewas Model to the community.

Some representatives of Bangalore Electricity Supply Company Limited (BESCOM), as also some University teachers from Karnataka, spoke about the efforts of a particular IAS officer, who, after attending ICCfG's ethics training at Panchgani, came back a transformed man and ensured that all the people working in the organisations that he was posted to were exposed to similar trainings. This resulted in better inter-personal relations in their family as well as work life. They were able to perform better at work, and understood their roles and responsibilities with a sense of pride in their work.

The Future of CoE

The President of ICCfG provided some ideas on the future trajectory of the Community, which were:

- There is no readymade blueprint for the agenda of the CoE. However, together, they can chart out something of real value. The CoE could analyze the current state of values and ethics in Public Service and discuss those fundamental principles of Public Service that are needed to usher in a 'Naitik Bharat'.
- The challenge before the CoE is how they can have a common ethical vision in Public Service, in addition to individual vision of the officers.
- They will have to think about understanding the main tendencies in Public Service today and caution the leaders about the errors. Ethics is not a static subject.
- The CoE could set up a 'Brain Trust' to focus on the present and the future of Ethics in Public Service, and try to look for answers to some difficult questions.
- An important fact to ponder over is as to why do some public servants rise above the call of duty and use their special position in the society accorded to them by their office, while

others in the same position, with the same set of privileges and authority, do not? Why are some of them able to walk on the ethical path with humility and empathy, while some succumb to temptations or get drunk with power? What can be done to increase the tribe of the ethical public servants? How can sporadic individual examples of exemplars in public service be transformed and enlarged at a systemic level?

It is these and many other questions that the CoE needs to discuss and analyse, and come up with solutions and action plans towards their main mission of ethics in public service.

Although ICCfG took the initiative to bring the CoE to life, they hope that very soon its reins will be taken over by some of the active members of the Community itself. A website of the CoE has been created (www.communityofethics.in), and the details have been shared with the members. Members are able to post their stories, exchange views, and interact with each other through the website. ICCfG is open to the possibility that the Community could also include like-minded people from the civil society and the private sector in the future when the time would be right, and the Community would have reached a certain level of growth and maturity. The penetration of ever expanding and innovative communication technology in a post-COVID world is only expected to help in its robust development.

The 2020–21 pandemic has ravaged India like never before. The significance of ethics in the functioning of the bureaucracy has, consequently, perhaps never been greater. Ethical, honest actions can literally save lives. We have seen cases where some public servants rose to the occasion, and with decisive action helped mitigate the gravity of the situation. We need many more. The Community of Ethics could be a place where such beacons of hope come together and spread the light far and wide, illuminating many more with the glow.

Manish Sabharwal

FIXING INDIA'S 3E'S

COVID creates a policy window to make India a fertile habitat for employment, education, and employability by India@100

Talking about a post COVID world seems premature; *umeed pe duniya kayam hai* and *umeed* or hope is hard without knowing whether we are at the start, middle or end of the COVID crisis. COVID forces us into terrible binaries - us vs. them, centre vs. state, borrowers vs. lenders and lives vs. livelihoods - because of its unmodellability. COVID is what psychologist Robin Hogarth called a wicked learning environment (rules keep changing, players keep changing, patterns and relationships keep changing, goals keeps changing and feedback is often inaccurate or delayed), which he contrasted with a kind learning environment (rules are fixed, players are known, goals are fixed, patterns and relationships are predictable, and feedback is often timely and accurate). Epidemiologists will come out of this crisis like economists came out of the global financial crisis of 2008; their reputation sullied by their certainty, the simplicity of their models, and their unwillingness to acknowledge radical uncertainty. But policy makers are not academics; the only thing worse than being wrong is confused and often it is better to move forward with second best choices. Presentism - a disease that historians warn against which holds the belief that today's circumstances are unique, permanent, and unprecedented - is unhelpful in policy and calmness is power. COVID has created a policy window for overdue reform to make India a fertile habitat for employment, education, and employability.

I make the case that the most relevant question for India's policymakers post-COVID was asked by Jonas Salks, the inventor of the Polio vaccine "Are we being good ancestors?". This question is important because how they balance the next quarter and next quarter-century will decide which countries survive and thrive after COVID. If there is one lesson from COVID it is that prosperity matters; our per capita hospital bed ranking of 150 is not far from our per capita ranking of 140 and we have watched jealously as America's fiscal deficit larger than our GDP powers their economic recovery. But a big Indian state would be the wrong lesson; 85% of our economy is private consumption and investment and 95% of our employment is in the private sector.

Any policy maker has three tools; fiscal policy, monetary policy and structural reform. These three arrows must be used simultaneously to be effective (Japan has constantly talked about all three but mostly used two). The post-COVID monetary and fiscal policy arsenal is not only bare but tired and we need massive structural reform to improve the productivity of our regions (Karnataka and UP have the same GDP but Karnataka does that with a fourth of the people), sectors (IT is only 0.8% of the labour force but produces 8% of GDP while agriculture has 42% of the labour force but produces only 16% of GDP), firms (there is a 24 times difference in productivity between manufacturing firms ranked by size at the top and bottom percentile) and individuals (there is a three times difference in entry level salaries for kids the same age in the same job descriptions).

Modern economies are rivers not lakes, customers pay salaries, not shareholders, and banks have powers to lend not spend. And this will stay unmodellable until we know if companies and individuals will be frugal or hedonistic after the virus i.e. will they save for a rainy day or live for today? This matters because lower demand is fantastic for the environment but fatal for the economy (the paradox of thrift). Higher savings means less consumption and often somebody's consumption is somebody's income. Finally, too many professions cannot be done without social distancing until the vaccine reaches critical mass. This matters because the fastest-growing segments of India's labour markets - sales, customer service, logistics, hospitality,

and construction - are these professions. All policy can do in the short run is ensure that disease doesn't lead to death, unemployment doesn't lead to hunger, and working capital problems don't lead to bankruptcy. But COVID's short-term pain is exactly when we should take the *longue durée*, heed historian Braudel's warning against "fireflies and froth", and focus on structural reforms.

Not everything is gloomy; COVID accelerates and creates many favorable windows for India; geopolitics, structural, global, and policy. Geopolitics is reflected in the simultaneous shift of global economic gravity to Asia but China Fatigue that is reconfiguring supply chains from just-in-time to just-in-case. The structural window has three components:

- World of Work (the life expectancy of a Fortune 500 company has come down from 64 years to 14 over the last fifty years, employment has shifted from a lifetime contract to a taxicab relationship, and capitalism without capital where intangible assets matter more than physical assets);
- World of Organizations (employers staff themselves in concentric circles, their organization structures that had become cylinders instead of pyramids are now becoming Eiffel towers, more workforce diversity, and more variabilization of fixed costs); and
- World of Education (knowing is useless in a world where Google knows everything, employed learners in higher education will soon cross full-time learners and our children will have 60 year careers relative to our parents 40 years, and soft skills matter more than hard skills).

The global window has five components:

- Capital markets (a global capital glut that has made fixed income no income with 25% of the world's bonds trading at negative or zero interest rates means investors will overvalue growth; we have 350 companies worth more than a billion dollars in public markets but we now have 110 companies in the private markets and 14 so called unicorns were created this year);

- US policy short-termism (Federal Reserve exploding balance sheet, shifting the goal post on monetary policy, and a US\$ 3 trillion fiscal deficit);
- China (its credit to GDP is an unsustainable 300%, many of its big companies are animals bred in captivity who will not survive in the jungle, and domestic consumption is not sufficient to substitute for global trade);
- Digitization Supercycle (the COVID mandatory global digital literacy program is exploding software demand and is expected to drive IT employment from 4 million to 10 million);
- The most important window is our Policy window; change happens when the problem, solution, and timing come together. A crisis like COVID has weakened resistance to the overdue reforms in financialization, formalization, urbanization, industrialization, and skilling.

There are big implications for employers; many industrial revolution practices need revisiting. Vertical organizations need flattening because information and insights travel fast and without distortion in less hierarchical organizations. People supply chains need rejigging to reflect concentric circles of permanent employees, fixed-term contracts, apprentices, third party employees, consultants, and freelancers. Fixed costs need variabilization because business outcomes are no longer guaranteed, forecasting has become difficult, and resilience matters as much as performance. Organizational structures must reflect goals and strategy rather than drawing circles around employees. Middle management pruning must make pyramids an Eiffel tower. Companies must monetize asymmetrically valued benefits and move to cost-to-company compensation.

The acceptance and increasing effectiveness of online learning means that the biggest costs for corporate learning - travel and stay - are no longer alibis for the lack of a vibrant learning ecosystem. Performance management systems need a higher frequency and more differentiated outcomes. Expect higher flexibility in working from home, some blunting of business travel, and a spike in women's

labour force participation with the higher acceptance of online meetings and paperless workflows. But the notion that offices are dead may be premature; 90% of India's labour force can't work from home because they work with their hands and legs, the cognitive elite is currently making more withdrawals than deposits in social capital and this is particularly difficult for young people, and let's not underestimate the benefits of coming together (New York's GDP is more than Russia).

However, COVID's most important implications are for policy; the gap between India's aspiration and potential is not a lie but a disappointment that can be bridged with radical reform. The reforms of 1991 were important but were, by definition, incomplete. COVID has amplified five labour market messages;

- Our problem is not jobs but wages;
- The only way to help farmers is to have less of them;
- Cities are engines of productivity;
- MSMEs are horribly underfinanced; and
- Formal enterprises pay higher and more predictable wages than informal enterprises because they have higher productivity.

Making India a fertile habitat for job creation needs a cluster of structural reform:

Compliance Reform

About half of India's employer compliance universe - 1,536 Acts, 69,233 compliances and 6,618 filings - relate to labour. Employers cannot comply with 100% of India's labour laws without violating 10% of them given the multiple and conflicting definitions of employee, employer, and wages. We need a compliance commission that cuts 75% of compliances and filings, formalizes an Enterprise Universal Enterprise Number, and digitizes all filings. Most painfully there are over 26,000 compliance clauses with jail provisions; this excessive criminalization not only hurts formal entrepreneurship but diminishes state capacity even further (enforcers don't work hard or smart if they can dangle the jail sword and this breeds corruption).

There is a couplet from the Vishnu Sahasranam that roughly translates to “Why did God create fear? So he could take it away”.

Labour Law Reform

An effective safety net needs to give employees a choice between EPFO and NPS, increasing employee choice by making employee provident fund voluntary, merging the goofy ESIC with Ayushman Bharat, and shifting our Rs 5 lac plus subsidy bill to direct benefit transfer. India's social security tools need unpacking from employers and location and need tying to Aadhar numbers. There are three regulatory wage distortions:

- Gross vs. net (mandatory payroll confiscation of 45% for low wage employees far exceeds their potential savings rates);
- Discretion in basic wage definition (inspector corruption thrives at EPFO and ESIC on the threat of multi-year backdating of including allowances in calculations); and
- National minimum wages (a single number will never capture India's diversity across geographies, sectors, industries, and skills).

We must reduce payroll confiscation, calculate social security only on basic wages, and decentralize minimum wage setting. Finally, Chapter VB of the Industrial Disputes Act makes factory employment like marriage without divorce. This pain of Chapter VB is amplified by the toxic combination of the politicization of trade unions and the criminalization of politics. The only way to help farmers - 45% of our labour force - is to have less of them. This needs expanding non-farm formal jobs to 75% of our labour force

School Education Reform

There is a new world of education; lifelong learning matters more than knowing because Google knows everything, soft skills matter more than hard skills, curiosity matters more than intelligence, and Stanford psychologist Carol Dweck's growth mindsets (people who believe that capabilities are like muscles) matter more than fixed mindsets (people who believe capabilities are like shoe size or height). This needs us to fix governance and performance management in

government schools; it is embarrassing that 45% of our kids are in government schools. If anything should be free in a country, it should be quality education (and only 4% of kids in Japan and 15% of kids in the US are in private schools).

Higher Education Reform

The most important change in higher education over the next two decades will be the number of employed learners crossing full-time learners. This needs regulatory changes to allowing multimodal learning (online, in-office, on-the-job, and on-campus) and qualification corridor (between certificates, diplomas, advanced diplomas, and degree). But this needs five regulatory changes:

- Modify Clause 22 Section 3 of the UGC Act to recognise and legitimise Degree Apprentices for all accredited universities;
- Remove clauses 4(1)(i), 4(1)(ii), 4(1) (iii), and 6 of the UGC Online Regulations 2018 that restrict licensing, and prescribe a discretionary approval process and replace them with something that authorizes all accredited universities to design, develop and deliver their own online programs;
- Modify clause 4 (2) of the UGC Online Regulations 2018 to allow innovation, flexibility, and relevance in an online curriculum that allows universities to work closely with industries on their list of courses, and ensure the integrity of purpose;
- Modify clause 7(3)(viii) of the UGC Online Regulations to allow rolling admissions; and
- Replace clause 7(2)(vi) with clause 4(4)(iv) in the UGC Online Regulations to allow technology-driven, on-demand, and credible online assessments.

The National Education Policy 2020 has a lot of interesting ideas that promise to revolutionize India's human capital. The details lie in execution but we finally have a roadmap. While the roadmap is impressive, I think we could accelerate the Poorna Swaraj for Universities from 15 years to 5 years.

Apprenticeship Reform

Mahatma Gandhi articulated a *Nayi Taalim* in 1938 at Wardha that articulated a vision for experiential and vocational education but that did not find mention in the 1948 Radhakrishnan Committee Report, 1968 Kothari Committee Report nor the 1986 New Policy on Education. Exploding our current 4-lac apprentices to 50 lacs need four changes by 4 regulators (Ministry of Skill Development, the Central Apprenticeship Council, Ministry of Education, UGC):

- Apprentices Rules have already introduced the definition of degree apprenticeship in 2019 by the ministry of skill development & entrepreneurship, (MSDE). The rules also need to include 'University' in its definition as the entity which will execute this program and the role it will play in such execution. The University could be made the third party in the apprenticeship contract other than the 'Employer' and 'Apprentice', to protect the interest of the students engaged as apprentices and this is possible under Section 8(2) of the Apprentices Act.
- The role of the University and the processes it needs to follow while running apprenticeship embedded degree courses should flow out of the guidelines issued by the UGC from time to time under section 22(3) of the UGC Act. The brief guidelines that have been circulated by the UGC at present surprisingly do not even mention the MSDE in it while the fact is that the MSDE is responsible for implementing apprenticeship in India. Obviously this needs to change and redrafted with a more open mind after proper, (not hurried or insincere), consultation with MSDE, the Industry Associations, Higher Education institutions Sector Skill Councils and other stakeholders.
- The UGC Regulations issued under section 26(1) read with section 2(f) of the UGC Act need to be amended to create space for Skills University.
- While doing so, a parallel set of guidelines needs to be framed which will be applicable to such skill universities, which may

necessitate changes in the UGC Regulations for Teachers 2018, UGC online regulations 2018, and the IQAC guidelines. Similarly, The UGC Rules regarding the fitness of universities will need to be amended to introduce a new category of skill universities as has been done in the case of agricultural universities, Technical Universities, and Open Universities.

Financial Sector Reform

India's credit to GDP ratio is a poor 50%; this is exactly where it was 12 years ago, equals Bangladesh, and is lower than Iran. China's 300% is the wrong number but we should raise this number to 100% of GDP by five interventions: increasing the number of banks, improving private sector governance, improving public sector governance, ending the discrimination against non-banks, and raising India's supervisory and regulatory capabilities. The number of banks must go up to increase competition because the number of scheduled commercial banks has stayed stagnant around 95 since 1947. Recent accidents suggest that private sector governance needs to improve because the CEO is so powerful that boards and shareholders are weak. Public Sector Bank governance has to improve because taxpayers have infused Rs 2 lac crore in equity over the last two years yet their risk-weighted assets are lower than two years ago. More painfully, they may account for 65% of deposits but over the last year have accounted for less than 35% of incremental loans and deposits. RBI is making efforts to raise its human capital and technology governance for bank regulation and supervision but needs to accelerate its game. And finally, India's payment revolution - we have reached a billion payments a month and set a new target of a billion payments a day for UPI - would not have happened without non-banks. Traditionally the regulatory system has been biased towards banks but broadening and deepening financial inclusion requires a level playing field for non-banks.

Urban Reform

Cities are engines of productivity but India cannot get jobs to people and needs to take people to jobs. China has a four-day weekend in February where 250 million buy a train or plane ticket

to head home. But we have nothing of this kind on Diwali, Eid, or Christmas because we have 600,000 villages (of which 200,000 have less than 200 people) and we only have 52 cities with more than a million people (China has 375). This poor urbanisation has created a painful divergence between real and nominal wages and we need 300 cities with more than a million people. But cities are policy orphans with poor governance, weak resources, and difficult incentives. It is debatable whether 29 Chief Ministers matter more than 1 Prime Minister for job creation; Indira Gandhi said strong states lead to a weak nation but NT Rama said that the Central government is a conceptual myth. The future of India lies in its cities but today even our job magnets suffer huge challenges; I live in Bangalore where the average taxi travels at eight-kilometer an hour (most people can walk that fast).

Civil Service Reform

The Indian Civil services were set up by a colonial regime for control and the steel frame has become a steel cage for formal job creation. We need a new human capital regime for our 20 million civil servants that starts with two projects each in six areas of structure, staffing, training, performance management, compensation, and culture.

Structure Project 1 involves rationalisation: We do not need hundreds of PSUs and departments in 55 central ministries (Japan has nine, the US has 14, UK has 21). Structure Project 2 involves reverting the cylinder to a pyramid on the way to becoming an Eiffel Tower (250+ people in Delhi with Secretary rank).

Staffing Project 1 eliminates the sanctioned and actual strength gap because this is possible only with good people being overworked, non-urgent work neglected, or squatting on unnecessary posts.

Staffing Project 2 creates cognitive diversity and competition with 20 per cent lateral entry.

Training Project 1 involves restructuring how courses are chosen (demand rather than supply driven), how course nominations choose people, how courses are evaluated, and how course results integrate with performance management.

Training Project 2 involves making learning continuous rather than episodic. Performance Management Project 1 involves a forced curve for appraisals of outstanding (20 per cent), good (60 per cent) and poor (20 per cent) because 98 per cent of people can't be outstanding.

Performance Management Project 2 involves replicating army thresholds where people retire at 50 if not shortlisted for promotion.

Compensation Project 1 involves moving to a cost-to-government number by monetising benefits.

Compensation Project 2 involves freezing salaries at the bottom (we pay too much) and raising them at the top (we pay too little).

The two culture projects are the most difficult — tone from the top around corruption and differentiation. Too many civil service leaders overlook graft among subordinates or do not question the processes that breed corruption. And leaders punish good performers by writing performance appraisals that don't differentiate between gaddha (donkey) and ghoda (horse), giving top jobs by seniority, and allowing automatic promotions that create a pool of “promotable but not postable”. Differentiation needs a fear of falling and hope of rising.

John Kingdon suggests that policy change happens when the problem, solution, and timing come together to create a policy window. COVID, a once in a century civilizational cataclysm - offers such a policy window. The outrage and anger at health systems during COVID is understandable but long overdue. The only hypotheses about country performance in handling COVID well seem to be that small countries have handled COVID better than large countries and rich countries have handled it better than poor countries. India may be 5th in the world in GDP but we are 140th in per capita GDP and we must commit that by 2047 - the 100th year of our independence - we must raise our per capita incomes that put poverty in the museum where it belongs. China and India had the same per capita income in 1991 yet now they are five times us. India will never be China - there are fixed costs of democracy that

are worth paying - but it is a debate if China's success arises from their autocracy or a willingness to be pragmatically embrace what works (Deng Xiaoping famously said I don't care if a cat is black or white if it catches mice). India's economic prosperity was sabotaged long ago - the 1955 Avadi resolution and the 1956 second five year plan - birthed an economic regime that handicapped entrepreneurs, kneecapped capital markets, eliminated sustainable credit growth, and retarded formal, non-farm employment.

COVID proves that individual prosperity is the key to resilience. We must have a singular aim for India@100: becoming a middle-income country. This inner strength needs a radical reboot of the Indian state in the medium term accompanied by an immediate reboot of our ecosystem of education, employment and employability (3Es). As poet Ramdhari Singh Dinkar said *Kshma Shobti us Bhujang Ko jis ke paas Garal ho* (क्षमा शोभती उस भुजंग को, जिसके पास गरल हो); we do not need a better reminder than COVID that Kindness, Benevolence, and Generosity are only possible when you have strength.

Obulapathi Naidu

Blockchain and Governance

Abstract

This paper explores the nature of Blockchain, and outlines potential uses of Blockchain related to Governance. First, we provide a brief overview of Blockchain. We then distill the core characteristics of a blockchain and explain the new structure “Rule of Code” they promise. Next, we take a look at how the Blockchain technology is poised to impact current social and political institutions in a variety of contexts, including payments, finance, contracts, land and other property titles, income and taxes, information and communication systems. We end by peering into the future, examining how blockchain technology could support or complement the law by turning all or parts of laws into code, and we explore some of the dangers of this regulatory path. Our goal is to provide an understanding of how blockchains work, distinctive characters for the technology and the potential uses of Blockchain in Governance.

Overview of Blockchain Computing

If we look at the history, we can observe that new models of computing emerge every once in a decade or two. The era of mainframes started in the 1960s, then after a decade came the era of Personal Computers, followed by the Internet in the early 1990s. Recently Smartphones dominated the computing platforms starting with the late 2000s. Each computing platform had its own strengths and capabilities that enabled a new class of applications to be built on top. Smartphones with built-in sensors like GPS and high-resolution cameras enabled applications like Google Maps, Instagram, Snapchat, and Uber.

Blockchain was originally proposed by Satoshi Nakamoto in the Bitcoin whitepaper. Blockchain is a new computing paradigm, which enables programmable trust, without trusting each other. This trust emerges from the mathematical and game-theoretic properties of the system, without depending on the trustworthiness of individual network participants. Since then, the idea of Blockchain has been used to build several applications including decentralized file sharing systems, communication systems and art.

Characteristics of Blockchain

Whether it is Bitcoin, Ethereum or Filecoin, Blockchains exhibit a set of core characteristics, which flow from the technology's reliance on a peer-to-peer network, public-private key cryptography, and consensus mechanisms. While the above mentioned networks are public, Blockchains can be private as well. Blockchains are tamper proof and resilient, and enable people to store non-repudiable data, in a transparent manner. These characteristics enable blockchains to serve as powerful tools to facilitate economic and social activity that otherwise would be difficult to achieve. In short summary, Blockchains can be thought of as a software implementation of "Trust".

Use Cases of Blockchain in Governance

- **Digital Currencies and Payment Systems**

Fake currency notes in the form of large denominations like Rs 500, Rs 1000 or Rs 2000, as well as other denominations pose a significant threat to our economy. Fake currency is a major source of terrorist financing. Tackling this problem is an important priority for both the central bank and government. A central bank digital currency (CBDC) utilizes Blockchain technology to represent a country's official currency in digital form. Unlike decentralized cryptocurrency projects like Bitcoin or Ethereum a CBDC would be centralized and regulated by a country's monetary authority. This, when coupled with Unified Payments Interface (UPI), can turbo charge our nation's payment systems.

Today's remittance systems were designed a few decades ago and are expensive, slow, and cumbersome. Banks and money remittance entities like Western Union charge exorbitant fees of up to 7% and take days to settle the transactions. This can be a significant burden for people who want to remit small amounts of money. Ripple uses a blockchain to give banks the ability to exchange funds from one currency to another in a matter of seconds and at little to no cost. To make an exchange, the Ripple protocol creates a series of transactions between foreign exchange traders who participate in the Ripple network. The Ripple protocol calculates the most cost-effective way to convert funds from one currency to another and then creates a series of trades, which are instantaneously settled using a blockchain.

- **New Financial Systems**

Existing financial systems like banks and stock exchanges and brokerage systems have a long track record of abusing users money and other financial assets. The global financial crisis (GFC) which happened in 2007-2008, was a severe worldwide economic crisis. It was possibly the biggest crisis in the economy, not counting the COVID-19, in the recent history of humanity. It was caused by excessive risk taking by banks to enrich themselves at the cost of users. It resulted in the bursting of the housing bubble in the USA. That bubble culminated in the bankruptcy of Lehman Brothers and a subsequent international banking crisis. Massive bail-outs of financial institutions were employed to prevent a collapse of the global financial system at the expense of people's tax money. The crisis sparked a global recession and resulted in loss of trust in institutions, and ultimately contributed to the Eurozone crisis. One such similar event at a smaller scale that happened recently was the Karvy Stock Broking fraud. As per Sebi's investigation, it appears the stockbroking firm and persons within it misused the stock brokers funds for purposes other than intended, without any consent from stock owners. Other brokers may have done similar things. New financial systems designed using Blockchain help overcome several of these problems and rebuild user's trust in these systems and ensure that they are not being misused. Rebuilding these systems

using Blockchain can also significantly improve the performance. It can take days to settle a stock trading transaction. Using Blockchain, one can settle such trades in matter of seconds and not days. These systems can also prevent banks from issuing large risky loans, as it happened with Nirav Modi and Vijay Mallya.

- **Social Welfare Schemes**

It is remarked that out of Rs 100 that the India government spends on social welfare, only Rs 10 ends up in the hands of the poor and rest is consumed by intermediaries like politicians and other government executives. Using Blockchain for distributing social welfare by iterating it with Blockchain based payment systems, can significantly reduce fraud, fees and time taken for distribution of social welfare. Feedback can also be obtained in real-time, as all assets stored on the blockchain are fully traceable and permanently accessible.

- **Land and Property Titles**

Two thirds of the civil cases in India are related to land or property disputes. This not only takes up valuable time of the Justice system, but also causes a lot of lost opportunities for people involved in the disputes, as land or property cannot be put to use efficiently. It takes about 20 years to settle a land/property case on average. A large number of these cases are due to creation of falsified documents by land sharks in collusion with corrupt authorities using various loopholes in the current land/property title system. So, it is very important to find a way to create a new system for maintaining the property/land records that incorporate transfer, purchase, sale, inheritance and partition deeds with higher levels of integrity and authenticity. A system built on Blockchain can bring in transparency and reduce the burden on the Justice system. Having the land/property titles on Blockchain can also give a big boost to the financial system, by enabling immediate loans on land/property as the ownership, taxes and loans can all be tracked by using the Blockchain based systems.

- **Smart Contracts as Legal Contracts**

With the growing adoption of Bitcoin and other blockchain-based systems, there has been a renewed interest, and increased experimentation, in transforming legal agreements into code. Blockchains protocols like Ethereum provide the necessary technology to implement legal contracts as Smart Contracts, to a limited extent. Using blockchain-based smart contracts, parties can enter into a binding commercial relationship, either entirely or partially memorialized using code, and use software to manage contractual performance.

In many ways, smart contracts are no different than today's written agreements. To execute a smart contract, parties must first negotiate the terms of their agreement until they reach a "meeting of the minds." Once agreed upon, parties memorialize all or part of their understanding in smart contract code, which is triggered by digitally signed blockchain-based transactions. In the case of a dispute, parties can either renegotiate the underlying arrangement or seek redress from a court or arbitration panel to reverse the effects of the smart contract. Smart contracts also are more dynamic than traditional paper-based contracts, as they can be constructed to take the external data into account by using a trusted third-party, also called an oracle.

Conclusion

Blockchain is a new computing paradigm that can uphold the trust between various participants of the system. It can help the Government govern in a more transparent manner with trust from people and various government entities. By using Blockchain, governments can significantly improve the payment systems that can counter fake currency for good and curb terrorist financing. It can help build emittance systems that can settle a remittance in a matter of minutes rather than days. Governments can build new financial systems that can work in a transparent manner and thus avoid the misuse of people and governments money by financial institutions like stocks exchanges and brokerage, while supercharging

their efficiency. Social welfare schemes can be integrated onto the Blockchain along with the Payment system to reduce fraud and to make sure that every rupee that the government spends on social welfare reaches to the poor and not into the pockets of politicians and government officials. Land titles can be ported to Blockchain to improve transparency and thus reducing fraud in land sales. By using Blockchains to run tamper-proof and transparent smart contracts, blockchain technology can power the next generation application that can increase the trust of people in Government and reduce the costs associated with traditional implementations of financial and legal systems.

Collector Bro – The quixotic thallals of a civil servant

Prasanth Nair

Published 2021 by the author

Pages: 174

Price: INR 475

ISBN: 978-93-5457-088-9

It would be a repetitive exercise to review an autographical book by a member of the IAS because it almost invariably follows a common thread starting with how brilliant the author was in his (there being very few written by lady officers) studies, what were the trials faced by him as sub-divisional magistrate and ending with the great accomplishments in various assignments leading to his superannuation. Interspersed within the pages of the tome are golden words of great wisdom and advice to new entrants to the Service. Seldom does one come across an enriching story like ‘A Tale Told by an Idiot’.

But it is not totally unlikely. The other day, a courier delivered a little gem of a book from Mrs. Lekshmy Sankar at my doorstep. It was a thin gem of a paperback, lovingly produced and published by the author himself. I opened it and could not put it down before finishing it. I couldn't pull away and read the book twice in two days

And by the book's eleventh chapter about Hanan the angel, I was in tears.

Prasanth Nair writes about his two-year tenure as Collector of Kozhikode. He has skilfully assembled a roster of memorable events which embody some of the realities of human condition. He looks at the hungry and the mentally challenged as fellow human beings. He recounts the uncommon sequences, and sees humour in most solemn situations. His playfulness in the midst of pain alleviation is contagious.

You might imagine that a book subtitled ‘the quixotic thallals (bragging) of a civil servant’ is about the craziness of a young bureaucrat. And indeed it is. But the genius of his work is that he

brings to life, with spirit and sensitivity, the realities of our society to help us understand them; as he puts it, ‘I speak of turning the tables and discovering unbelievable strength this vulnerability (of showing compassion) within you’.

It is an engaging, inviting, and ultimately soothing story of what happened during the two years the author spent in the district of Kozhikode.

He launched the Facebook page of the collector the day he joined in the district which gathered 3 lakh followers in a short time and became the voice of what developed as Project Compassionate Kozhikode. It was not only a novel experiment of harnessing the energies of the civil society but also the unfolding of the dormant compassion of human heart.

For Prasanth, the talisman given by Mahatma Gandhi was the most powerful, though underrated and underutilized, administrative tool ever invented. He displayed it prominently in the collectorate building in Kozhikode during his tenure as the collector. While agreeing with him, I would only add that a copy of the Preamble to the Constitution should also be put equally prominently in every administrative building.

Beside the much appreciated ‘Operation Sulaimani’ (Food with Dignity) project, the book talks about the transformation of the Government Mental Health Centre, ‘Sampoorna’ project of providing cashless to quality medical treatment to the needy, and the ‘Project 4N’ aimed at making repairs to the roads with voluntary action etc. Using the social media to harness the existing social capital seems to be the defining idea of Prasanth’s repertoire.

The story of Prasanth’s compassion has only begun. It has the potential of developing into a life worth emulating if the vicissitudes of the civil service do not diminish his verve and snuff out the fire of his heart. This has happened with many of us and I hope it does not happen with him. His story may not be exceptional, others like SR Sankaran and ML Mehta may have done similar things, but it is so well written, engaging and compassionate that it touches you at some tender spot.

In his preface, Tony Thomas says that the author, with the hand he's dealt with, created a sense of purpose for many around him and created incredible positive change.

In one of the concluding chapters of the book, he says, “positions of power and authority are evanescent. Even your health and mental faculties are fickle. The more you get involved in humanitarian projects and the more you get to know how disproportionately you have been blessed with fortune, the more grounded you become.” For him, oppathinoppum (at par) project of helping challenged children initiated by him was more valuable than all the career confidential records written by all the chief secretaries put together.

Collector Bro is like a fairy tale for those civil servants, who never had the opportunity to look beyond the rules and regulations, and to build a reasoned opinion about the destitute around us. One hopes that it is widely read.

Prabhat Kumar

OUR CONTRIBUTORS

AKSHAY BAJAD is an academic writer. He has taken up several research activities aiming at Good Governance and policy framing for the last few years. On the basis of the extensive academic research carried out by him, he has sent many recommendations and suggestions to the Central Government and various State Governments in order to make our society better, more transparent and egalitarian, some of which have been accepted.

AMOD KANTH is a 1974 batch IPS Officer and is former DG Police Arunachal & Goa, founder General Secretary of Prayas JAC Society, founder Chairperson of Domestic Workers Sector Skill Council (DWSSC) & Delhi Commission for Protection of Child Rights (DCPCR), and Jt. Coordinator NITI Aayog CSOs (Civil Society Organisations) Standing Committee. He is now a well-known author of the best-selling Bloomsbury published Memoirs, 'Khaki in Dust Storm'.

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OBULAPATHI NAIDU is an expert on Artificial Intelligence and Blockchain with PhD in Cloud Computing and Big Data from University of Florida, USA. He worked with companies like Amazon AWS, Rackspace and Bayer and later as an Expert Engineer, leading Artificial Intelligence work at Nike (Data Engineering Group). Currently, he is leading Eigenvectors Pvt Ltd., which focuses on AI & Blockchain. He is the author of Bitcoinpy, the first full node implementation of Bitcoin in Python, and the first person to implement reversible transactions on Blockchain.

PARAMJIT SINGH BAWA joined the Indian Police Service in 1964 after spending three years in the Rajasthan Administrative Service. He retired as Director General of Police in 1997 and became member of the Delhi Prison Reform Committee. He was also Chairman, Transparency International India.

PRABHAT KUMAR is a former Cabinet Secretary and the first Governor of Jharkhand. He has a Masters' Degree in Physics and Mathematics from the University of Allahabad and a Masters' Degree in Economics from the London School of Economics. Currently, he is the President of the IC Centre for Governance and is on the Board of several Committees related to ethics in governance.

RAGHU DAYAL did a Masters in History from St. Stephen's College, University of Delhi and then joined the Indian Railways in 1957. He is former Managing Director of CONCOR. He has worked for several International Organisations like UNCTAD, UNESCAP as a Consultant and has written extensively on management issues.

V.K. AGNIHOTRI, a Former Secretary General of the Rajya Sabha, is a retired IAS officer of 1968 batch, of the Andhra Pradesh Cadre. He has a Ph.D. in Public Policy Analysis and Design from IIT, Delhi and is a Visiting Fellow at the Queen Elizabeth House, University of Oxford. He has several publications to his credit including on Environment and Development, Skills for Effective Administrators and Public Policy Analysis.

YOGENDRA NARAIN an IAS officer of UP cadre, 1965 batch, was Secretary, Ministry of Surface Transport, Govt. of India. Subsequently, he was the Chief Secretary of UP and then the Defence Secretary in the Government of India. On his retirement, he was appointed as the Secretary General of Rajya Sabha. He has a Ph.D in Public Administration and has written many books, and also published a book of his poems titled "Clouds and other Poems".

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