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IC Centre for Governance
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The Journal of Governance
IC Centre for Governance
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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.

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EDITORIAL

The two most frightening words in Washington are 'bipartisan consensus'.

– P. J. O'Rourke

An indication of the consequence of political slugfest on civic governance was seen recently in the handling of record floods in the national capital. The ministers of the National Capital Government of Delhi complained to the Lieutenant Governor (LG) demanding strong action against three top bureaucrats for allegedly disregarding the directions of the ministers in controlling the situation. They were of the view that the Chief Secretary and two other senior officers had wilfully ignored their instructions to call in Army engineers to repair the regulator of a barrage. They complained that the concerned officers were refusing to take instructions from the ministers and were guilty of insubordination and laxity in performing their duties. They requested the LG to take 'strictest action' against the officers.

The bureaucrats refuted the allegations. They addressed a press conference and stated that the charges levelled against them were unfortunate and that 'all officers were following the directions of the ministers'. They in turn pointed the finger at the ministers for 'politicking and levelling false allegations'.

The media had a field day. They reported that the confrontation between the elected state government and the bureaucracy was a fallout of the control over the services being given to the LG through an ordinance by the Union Government. In front page news, the Times of India reported that the unprecedented scene of Chief Secretary, Divisional Commissioner and all the District Magistrates accusing the ministers of following the policy of 'distract from work and play politics' pointed to a breakdown of the normal rules of governance.

The incident again raises the larger question of the relationship between permanent bureaucracy and peoples' representatives elected to run the government. These situations do not come to the surface in states with full statehood because the bureaucrats are fully accountable to the ministers. In Delhi, the bureaucracy appears to be precariously balanced between the elected state government and the Union Government represented by the LG.

A related question is whether, in a national capital city, there should be a separate state government distinct from the national government. This issue has been under consideration for decades. In the beginning, Delhi had a Legislative Assembly and a Chief Minister. In 1956, the Assembly was abolished. The civil society and the political organisations kept demanding Statehood for Delhi but the contrary view imparted more importance to Delhi's role as the national capital.

In 1991, the Parliament amended the Constitution by adding Article 239AA. The new article created a Legislative Assembly and a Council of Ministers for Delhi. The state assembly had the power to make laws on all subjects on the State List except public order, police, and land.

Under the Constitution, states have an elected government and a Governor appointed by the Union. The Governor does not have any powers except that he can interfere in certain select circumstances. Union Territories (UTs), on the other hand, are governed through an Administrator appointed by the Union. In Delhi, this Administrator is the Lieutenant Governor. So, Delhi is unique. It has a locally elected government along with a Chief Minister and at the same time it also has a LG who is the Administrator appointed by the Union. Therefore, in Delhi, balancing the powers of both these authorities is the real issue.

The dual control and supervision of an obstinate leader of an immature political party and an imperious administrator appointed by the Union government is a perilous combination in city governance. How should the bureaucratic system perform its functions in such a setting can be a wearisome exercise in state building.

This does not, however, mean that a healthy administration is improbable if there happen to be two opposite parties constituting the Union and state governments. I recall a similar situation more than two decades ago when I was Cabinet Secretary; the Union Government was ruled by one coalition of political parties and the government of UT of Delhi by an opposition party, and still there was no visible friction in administration. A difference in opinion was resolved through dignified confabulation at the appropriate level. A suave chief minister did not let any confrontation become visible in the dealings between the two governments. In fact, the citizens of the Union Territory did not feel if anything was amiss.

In the present context but in a separate case, the Supreme Court admonished the chief minister and the LG to ‘rise above political bickering and get down to serious business of governance’. ‘If both can sit together, we are certain a lot can be done’, said a bench headed by the Chief Justice of India.

Perhaps we have reached a state in our political management where words like moderation, dialogue, consensus and tolerance have almost disappeared from our political lexicon. Whether it is because of ideologies of rejection and aggression having taken over the electoral arena or because of the global inflection of the concept of nationalism is difficult to decipher. It does, however, seem that now such confrontationist environment is here to stay for quite some time.

Or is it time to consider repealing Article 239AA of the Constitution?

Prabhat Kumar

Arif Mohammed Khan

A Tribute to Sardar Patel*

I am grateful for this opportunity to pay my profound tributes to the sacred memory of Sardar Vallabhbhai Patel, the ‘लौहपुरुष’ who laid the foundation of a strong and united India, an achievement without parallel in our thousands of years long history.

Of the makers of Modern India, he is one of the most prominent. His passionate patriotism, robust realism, fearless courage and organizing ability were mainly responsible for the emergence of United India. It is because of Sardar Patel, that we say with pride that we are Indians, citizens of the largest democracy in the world.

Sardar was a man of few words and great deeds and it is that we have to remember. What he expected from us, was to continue the task of rebuilding our nation with all dedication, devotion and sincerity.

We may look upon Sardar’s life in three parts, a devoted freedom fighter, ready to make any sacrifice to liberate his motherland, a statesmen who was clear in his mind that the unification of politically fragmented India must be realized at the initial stage itself, or else, the country may be balkanized, and third—a competent and visionary administrator.

Until we attained freedom, he was a disciplined soldier acting at the behest of his leader Mahatma Gandhi. Even when he differed with him, he sank his views and merely carried out the wishes of the General. He proved by example that only those who know how to obey really know how to command.

* Transcription of the 3rd Sardar Patel Lecture on Governance organized by the IC Centre for Governance, October 31, 2022, at the India International Centre, New Delhi, Keynote Speaker Arif Mohammed Khan.

The Bardoli Satyagraha, the Civil Disobedience movement, the integration of States – all stood witnesses to the great qualities which he possessed. The greatest of all was his disciplined behavior; but an even more important side of his work was as a Statesman. Immediately after the achievement of freedom, in a period of just two years, by skillfully employing and handling persuasive power, he integrated over 562 States into the Indian Union and if I remember correctly, they constituted almost 48 percent of Indian landmass.

The great Shankaracharya who was born in Kerala in the last millennium, is credited with making India culturally and spiritually united. This unity created common moral and ethical values, and based on them, an Indian way of life. This unity ensured the continuity of our culture, despite very adverse circumstances. However, lack of political unity had deprived us of the strength to protect our freedom, our way of life and our values – they faced a crisis.

In modern times, it was Sardar Patel who had the vision to translate the cultural and spiritual unity created by Shankaracharya into political and National Solidarity. He laid the foundation of an India that will have the requisite strength to protect and preserve its way of life and the ability to build a modern and progressive country on that foundation. What this country would have been without such integration is hard to imagine.

Even after this irrevocable integration more than seven decades ago, we can still hear the discordant voices and divisive mindsets seeking to project communal or caste identities above the national identity and fanning separatist tendencies in the name of province or region, thereby trying to build walls between various States of India. If we are sincere in our tribute to the memory of the great Sardar, then it is our obligation and Dharma to exercise utmost vigilance to protect and strengthen our national unity and integrity and deal firmly with both the threats from within and without and those who seek to vitiate and pollute our social and national life.

About the achievements of Sardar *sahab*, it is clear that apart from us Indians, even those who ruled over us held him in high esteem. The London Times, after his death, wrote a tribute in which they said – ‘this peaceful integration of 562 princely States will stand out as a

great historic achievement by Sardar Patel on a level with Bismarck, if not higher’.

We have, therefore, in Sardar Patel, a great, courageous freedom fighter, a wise statesman and a model administrator. If we remember these inspiring qualities of Vallabhbhai Patel then, there is no doubt that our country will soon gain its rightful place in the comity of nations.

Unity and strength – these are the qualities which help us to overcome any obstacle and dissonance from within and dangers from without. These are the things which we have to cultivate if we remember Sardar Patel's life.

I hope all of us who have assembled here, who have read and listened to the life story of Sardar Patel, would agree that fidelity to the ideal and sensitivity to the actual was the principle that governed his life. He always acted in such a manner that the principle of his action became a general rule for others to emulate. The interaction of the two, the ideal and the actual, secured the emergence of the United India that we see today; even more, this unity has consolidated more strength that we would require to realize the dreams of our freedom fighters.

I am emphasizing this because, as our honorable Prime Minister has repeatedly said, we have celebrated ‘Azadi Ka Amrit Mahotsav’ and now we have entered into the ‘Amrit Kaal’ where we wish that when we turn 100, the dreams of our freedom fighters who made supreme sacrifices without any hope that they will see the independence, can become a reality.

It has been an honor for me to speak on Sardar Patel at his ashram in Bardoli not just once but twice, and the first time when I went there, it had taken me some time to read his biographies and other material on him and the more I read about him and listened to stories of his life, a word came to my mind from our ancient tradition. The word is ‘Dheer Purush’.

The Dheer are men and women who cultivate the qualities of justice and compassion and are strong, stable and peaceful with a robust sense of moral and ethical values. These qualities develop when

one accepts the basic principle of the divine nature of man as ‘Atma’ as outlined by Vedanta. Then a new focus on human freedom, dignity, equality and redemption is built into one’s person, waiting only to be unfolded and discovered. It is through such women and men alone that a society becomes just and grows to its full potential.

Bhartruhari in his famous ‘Niti Shatak’ - has described the ‘Dheers’

निन्दन्तु नीतिनिपुणा यदि वा स्तुवन्तु ।

लक्ष्मीः समाविशतु गच्छतु वा यथेष्टम् ॥

अधैव वा मरणमस्तु युगान्तरे वा ।

न्याय्यात्पथः प्रविचलन्ति पदं न धीराः ॥

‘Let jurists – those who know things – blame or praise me, let Lakshmi come or go away as she pleases, let death come just now or after 100 years, the Dheers never deviate an inch from the path of Nyay’.

What is the source of this extraordinary strength of the Dheers, is it physical power, ‘Bahubal’? No. Is it money power, ‘Arthikbal’? No. Is it intellectual power, ‘Buddhibal’? No. They are all important but, more important is what in our tradition has been described as ‘Atmabal’, ‘Naitikbal’, ‘Yogbal’, the moral or spiritual power, the common inheritance of all mankind, it is not any esoteric or magical power but the strength of character and conviction driving from the unfolding of the divine in the heart of man. The Divinity that dwells inside everybody ‘अहं ब्रह्मास्मि, तत् त्वम् असि’.

The Kena Upanishad proclaims that this ‘Atmabal’, this power, this energy, this strength is acquired through the knowledge of the self, the ‘Atma’ – आत्मना विन्दते वीर्यं विद्यया विन्दतेमृतम्। It is the knowledge of the self – यो मां पश्यति सर्वत्र सर्वं च मयि पश्यति। One who is able to see the self in all and all in the self, that is the source of that moral strength and spiritual strength. It is the Dheers who have power and the potential to take the nation on the path of power and glory.

Swami Vivekananda has described this phenomenon as the manifestation of divinity that already exists in every human being. Because we are Indians, we have a universal vision because our culture is not defined either by the race or faith, tradition or the way we offer our devotion to the deity or the language which we speak.

Instead, our culture and civilization have been defined by the 'Atma' – a totally inclusive paradigm which does not exclude anybody. That is the reason why Indian culture does not view a person in terms of the variable and alienable characteristic associated with the birth; rather it views a person in terms of the invariable and inalienable characteristic, which is 'Atma', the Soul.

This lecture is on the subject of Administration, so I am reminded of a very popular Platonic axiom that says that philosophers, the thinkers, should be the rulers. But our own tradition which is older than the Platonic thought says - आत्मक्रीड आत्मरतिः क्रियावानेष ब्रह्मविदां वरिष्ठः ; that one who is trying to realize the Supreme Spirit, he is not supposed to go and live in the forest, he must be 'Kriyavan' and live an active life and must engage with the society, and this comes from 'Mundoka Upanishad'.

Similarly it is said, elsewhere, विवेकी सर्वथा मुक्तः कुर्वतो नास्ति कर्तृता । अलेपवादमाश्रित्य श्रीकृष्णजनकौ यथा ; that even Lord Krishna and King Janak who were the fountain heads of wisdom, were not just thinkers or just meditating and reflecting on various issues – they were people of action.

So we can say that this axiom is something which is common to all great cultures. The men of vision, the thinkers, the philosophers – they have a duty to transform that vision into reality by efforts and dedicated work. That is exactly what our Sardar did.

There are politicians who appeal to each other even in Parliament: *"Please rise above Party politics; this is something very important – humanitarian or national interest is involved"*. While they make such appeals to each other, one wonders whether party or politics is a dirty job. That is not the Indian concept of politics.

What then, is the Indian concept of politics?

सर्वे त्यागा राजधर्मेषु दुष्टाः सर्वा दीक्षा राजाधर्मेषु चोक्ताः ।

सर्वा विद्या राजधर्मेषु युक्ताः सर्वे लोका राजधर्मे प्रविष्टाः

If you want to be in public life then our tradition tells us, that it is in politics that the highest forms of renunciation is expected. One should be ready to make Supreme Sacrifice. Unless you have found

something, a cause which you consider greater than yourselves, there is no reason why you should enter into public life.

And for that cause, you should be ready to make Supreme sacrifice and only when you have gone through ‘तपःस्वाध्याय निरत’ and have devoted yourself to the pursuit of knowledge – you become suited for public life.

Not that anybody can acquire all the knowledge. One needs dedication to the acquisition of knowledge and should develop the capability to look at all people with the same sight. Only then do you become entitled to enter into public affairs and pursue what we call politics.

In the context of the administration, I will say, governance is considered to be a complex subject but the Indian tradition has made it so simple, all complexities are lost. According to Indian traditions, we have four Ashrams – ‘Brahmacharya’ that is the period which you spend pursuing knowledge; then ‘Grahastha’ and two others. Grahastha is the ashram which is considered most important because the other three ashrams depend totally on the ‘Grahastha Ashram’. Our tradition tells us how to live ‘Grahastha’ which includes Administration, which involves governance. The tradition, says:

ब्रह्मनिष्ठो गृहस्थः स्यात् तत्त्व-ज्ञान-परायणः ।

यत् यत् कर्म प्रकुर्वीत तत् ब्रह्मणि समर्पयेत् ॥

You have to live your practical life after ‘Brahmacharya’ when you enter into practical life. I would say that governance is not for only those who are in the government as administrators but even in a private company or may be anywhere. The quality which has to be cultivated has been described in these two words ‘ब्रह्मनिष्ठो गृहस्थः’ ।

The householder shall have his life established in the Supreme Truth, shall pursue the deeper truth of all things and in all activities of life, dedicate his work to the Eternal Being. If I am doing my work I feel the presence of that Supreme Being all the time and whatever work I do, I do with such spirit as when I am offering devotion to the deity in which I believe. Is there any way that you will deviate from the path, is there any way that you will step on the feet of the other person?

There is another very powerful line from ‘Upanishad’ that says –
‘साक्षरा विपरीताश्चेत् राक्षसा भवति ध्रुवं?’ ।

A person may be very learned it but if he lacks a sense of moral and ethical values then he runs the risk of being degenerated into a demon, into a brute. But that does not come to us merely through an official training; it comes through our ‘Sanskars’ and the first training we receive at home – training which we receive from our teachers, from the society. That sense of moral values must guide us.

In the in the context of the administration I would like to say what ‘Gurudev Rabindranath Tagore’ has written in one of his essays that India cannot attain true Independence unless it is recognized that her foundation is in the mind, which, with its diverse powers and confidence in those powers, goes on all the time creating ‘Swaraj’ for itself.

India's genius is intellectual power. Even when the Renaissance had not really taken off in Europe, we were recognized by the world as a knowledge destination. You refer to the books which were written in 10th and 11th centuries – that is the time when Renaissance had not yet started in Europe. They all refer to the volumes of books by Arab historians, whose first chapter is mostly devoted to India as America was not discovered by that time.

There are only five civilizations in the world. The Persian civilization is known for its ‘Majesty’, Roman for their ‘Beauty’, Chinese for their ‘Craftsmanship’ and obedience to the rulers, the Dutch for their ‘Bravery’ and India is the only civilization which is known for promotion of knowledge and wisdom – ‘Gyan’ and ‘Pragya’.

You must have heard, there's a line in Urdu poem which says: मीर-ए-अरब को आईं ठंडी हवा जहाँ से | Here, मीर-ए-अरब means Holy Prophet. So when I read this as a child, I thought India has been a very spiritual country and so the Prophet felt some good vibes from India. But the actual text says – “I am feeling the cool breeze of knowledge coming from the land of India”.

That is our genius, but long periods of slavery has somewhere eroded our self-confidence, created problems for us and unless others

recognize the potential of India and Indians, we are not ready to believe it.

Now, since last few years, the whole world has started talking about India and therefore we are also acquiring that kind of confidence.

No, we were the first in the world to become a knowledge destination and what our sages, our thought leaders, our ‘Rishis’ had envisioned – एतद्देशप्रसूतस्य सकाशादग्रजन्मनः । स्वं स्वं चरित्रं शिक्षेरन्पृथिव्यां सर्वमानवाः । They envisioned in India, people belonging to different civilizations and culture. They will come to India not to study Indian culture and civilization, they will come to study their own culture and civilization.

What does it mean? It means that we will have such erudite and capable teachers who will attract an Arab to come to India to study ‘Islam’. Somebody from Europe coming to study ‘European Civilization’ or ‘Christianity’ and we should not forget that our Christianity is 300 years older than the European Christianity.

Swami Vivekananda said “I have great sense of Pride that I belong to a country which has sheltered all persecuted people and races in the world”. We received them with open arms when the Jews were persecuted, when the Temple of Solomon was destroyed, when it became difficult for the ‘Parsies’ to live in their own country and Christians came to us in the first century itself, so this is our heritage.

I think if we become more familiar with our own heritage, with our own legacy and we try to know it little more, then, I am confident that most of the problems that we are facing whether in the field of governance or other related fields, will be much easier to overcome and that, to my mind, will be a fitting tribute to the ‘Great Sardar Patel’.

लोकाः समस्ताः सुखिनो भवन्तु

Thank you very much,

Jai Hind.

Whither Parliamentary Privileges?

Context

Through a Parliamentary Bulletin issued by the Rajya Sabha Secretariat on February 18, 2023 the Members were informed that the Chairman, Rajya Sabha has referred a question of alleged breach of privilege arising out of gross disorderly conduct displayed by 12 Members of Rajya Sabha in violation of rules and etiquette of Rajya Sabha by repeatedly entering the well of the Council, shouting slogans and persistently and wilfully obstructing the proceedings of the Council, compelling the Chair to repeatedly adjourn the sittings of the Council. The reference was made under rule 203 of the *Rules of Procedure and Conduct of Business* (*Rules*, for short) of the Rajya Sabha to the Committee of Privileges (CoP, for short) for examination, investigation and report.

The fountainhead of the privileges of the Parliament, its Members and committees thereof is article 105 of the Constitution of India. It *inter alia* provides for freedom of speech in Parliament and states that no Member of Parliament shall be liable to any proceedings in any court in respect of anything said or vote given by him in Parliament or any committee thereof. It also states that the Parliament may by law provide for other powers, privileges and immunities to the Parliament and its Members by enacting a law which has not been legislated so far.

However, the Members enjoy freedom from arrest in civil cases during the continuation of the session of the House and 40 days before its commencement and 40 days after its conclusion. *Rules* of the Rajya Sabha and the Lok Sabha empower the Houses to

receive immediate information of the arrest, detention, conviction, imprisonment and release of a Member. The Members are also exempt from service of legal process and arrest within the precincts of the House. Each House has the right to exclude strangers and control publication of its proceedings. There is also provision for non-disclosure of the proceedings of decisions of the secret sitting of the Houses.

What is a Breach of Privilege?

A breach of privilege or contempt of the House may be defined generally as any act of omission or commission which obstructs or impedes either House of parliament in the performance of its functions, or which obstructs or impedes any Member or officer of such House in the discharge of her / his duty, or which has a tendency, directly or indirectly, to produce such results even though there is no precedent of the offence. Further, the House may punish not only contempt arising out of facts of which the ordinary courts will take cognizance, but also those of which they cannot, such as contemptuous insults, gross calumny or foul epithets by words of mouth not within the category of actionable slander or threat of bodily injury.

The power of the Parliament to punish for breach of privilege or its contempt by private individuals is considered necessary in order to enable it to discharge its functions and safeguard its authority. Without such a power the Parliament would sink into utter contempt and inefficiency. This power has been judicially upheld in a number of court cases. The legislature's power to punish for contempt is more or less akin and analogous to the power given to the courts to punish for their contempt. What constitutes a breach of privilege or contempt of the House can be best decided according to the facts and circumstances of each case rather than by specifying them in so many words. The period for which the House can commit an offender to custody or prison for contempt is limited to the duration of the session of the House, that is till the House is prorogued.

Some of the actions which conventionally constitute breach of privileges of Parliament include premature publication of proceedings,

publication of expunged proceedings, and misrepresentation of proceedings, among others. It is a breach of privilege and contempt of the House to make speeches or to print or publish any libels reflecting on proceedings of the House or the character or conduct of a Member as a Member of Parliament or a state legislature.

Rules and Regulations

The *Rules* provide for Members to raise the question involving a breach of privilege either of a Member or of the Rajya / Lok Sabha or of a committee thereof. The *Rules* further provide that the question of privilege should be restricted to a specific matter of recent occurrence which requires the intervention of the Rajya / Lok Sabha. If the Chairman / Speaker gives his consent, the Rajya / Lok Sabha may consider the question and come to a decision or refer it to the Committee of Privileges (CoP) on a motion made in that regard. Rule 203 of Rajya Sabha *Rules* and rule 227 of Lok Sabha *Rules* provide that notwithstanding anything contained in the *Rules*, the Chairman / Speaker may *suo motu* refer a question of privilege to the CoP for examination, investigation and report.

The CoP, while examining a question of privilege, has to determine whether a breach of privilege is involved and, if so, the nature of the breach, the circumstances leading to it and make such recommendations as it may deem fit. The procedure adopted by the CoP is somewhat analogous to court proceedings. The committee has power to hear both sides, and to take evidence or call for papers, records and documents. It is required to submit its report within the time fixed by the Council or one month, as the case may be, but may seek extension of time. Once the report of the committee is presented to the Rajya / Lok Sabha, a motion is moved by the chairman of the committee or any Member of the committee to take it into consideration. If the report is carried, the recommendations of the committee are again put to vote before they are sought to be implemented.

Crime and Punishment

In cases where the offence of breach of privilege or contempt

is not so serious as to warrant the imprisonment of the offender by way of punishment, the person concerned may be summoned to the bar of the House and admonished or reprimanded by an order of the House. Admonition is the mildest form of punishment whereas a reprimand is a more serious mark of the displeasure of the House.

On a couple of occasions visitors to the public gallery in the Lok Sabha who were carrying daggers and explosives on their persons were punished with rigorous imprisonment without prejudice to any other action to which they were liable under the law. There have been cases of persons having been summoned to the bar of the House and reprimanded by the Speaker. One was for breach of privilege on account of libellous dispatch appearing in a weekly magazine. The other was for contempt of the House in deliberately misrepresenting facts and giving false evidence before a parliamentary committee.

The last occasion when a punishment was recommended by the CoP of the Rajya Sabha was way back in 1980, when Garg Brothers, publishers, were reprimanded for publishing the ready reckoner of the budget before the Finance Bill was returned by the Rajya Sabha.

There have been few occasions when the House has agreed to the committee reports wherein it recommended punishment for a person found guilty of contempt of the House / breach of privilege. However, if the report is to the effect that no breach of privilege is involved or committed or that no further action needs to be taken by the House in the matter or that the matter need not be pursued further, then no further proceedings are initiated. Often the reports of the committee have come to the conclusion that the offender has regretted for his offence and tendered unqualified apology or that it does not behove the dignity of the House to proceed further in the matter.

Infractions by Members

The penal power for breach of privilege is exercised by the Parliament not only against outsiders but also against a Member of the House. Each House has the power to punish its Members for disorderly conduct and other contempt committed in the House while it is sitting. This power is vested in the house by virtue of its right to

take exclusive cognizance of matters arising within the House and to regulate its own internal concerns.

It is to be noted that the Rules of Lok Sabha (rule 349) prescribe that whilst the House is sitting, a Member –

- (i) shall not read any book, newspaper or letter except in connection with the business of the House;
- (ii) shall not interrupt any Member while speaking by disorderly expression or noises or in any other disorderly manner;
- (iii) shall bow to the Chair while entering or leaving the House, and also when taking or leaving one's own seat;
- (iv) shall not pass between the Chair and any Member who is speaking;
- (v) shall not leave the House when the Speaker is addressing the House;
- (vi) shall always address the Chair;
- (vii) shall keep to one's own usual seat while addressing the House;
- (viii) shall maintain silence when not speaking in the House;
- (ix) shall not obstruct proceedings, hiss or interrupt and shall avoid making running commentaries when another Member is speaking;
- (x) shall not applaud when a stranger enters any of the Galleries, or the Special Box;
- (xi) shall not shout slogans in the House;
- (xii) shall not sit or stand with back towards the Chair;
- (xiii) shall not approach the Chair personally in the House. The Member may send chits to the officers at the Table, if necessary;
- (xiv) shall not wear to display badges of any kind in the House except the National Flag in the form of a lapel pin or a badge;
- (xv) shall not bring or display arms in the House;
- (xvi) shall not display flags, emblems or any exhibits in the House;
- (xvii) shall not leave the House immediately after delivering the speech;

- (xviii) shall not distribute within the precincts of Parliament House any literature, questionnaire, pamphlets, press notes, leaflets, etc. not connected with the business of the House;
- (xix) shall not place one's hat/cap on the desk in the House, bring boards in the Chamber for keeping files or for writing purposes, smoke or enter the House with the coat hanging on the arms;
- (xx) shall not carry walking stick into the House unless permitted by the Speaker on health grounds;
- (xxi) shall not tear off documents in the House in protest;
- (xxii) shall not bring or play cassette or tape recorder in the House; and
- (xxiii) shall avoid talking or laughing in Lobby loud enough to be heard in the House.

Further rule 351 prescribes the mode of addressing the House. It states that a Member desiring to make any observations on any matter before the House shall speak from one's own place, shall rise when speaking and shall address the Speaker:

Provided that a Member disabled by sickness or infirmity may be permitted to speak sitting.

Again rule 352 States that a Member while speaking shall not –

- (i) refer to any matter of fact on which a judicial decision is pending;
- (ii) make personal reference by way of making an allegation imputing a motive to or questioning the bona fides of any other Member of the House unless it be imperatively necessary for the purpose of the debate being itself a matter in issue or relevant thereto;
- (iii) use offensive expressions about the conduct or proceedings of Parliament or any State Legislature;
- (iv) reflect on any determination of the House except on a motion for rescinding it;
- (v) reflect upon the conduct of persons in high authority unless the discussion is based on a substantive motion drawn in proper terms;

Explanations – The words ‘persons in high authority’ mean persons whose conduct can only be discussed on a substantive motion drawn in proper terms under the Constitution or such other persons whose conduct, in the opinion of the Speaker, should be discussed on a substantive motion drawn up in terms approved by the Speaker;

- (vi) use the President’s name for the purpose of influencing the debate;
- (vii) utter treasonable, seditious or defamatory words;
- (viii) use the right of speech for the purpose of obstructing the business of the House;
- (ix) make any reference to the strangers in any of the galleries;
- (x) refer to Government officials by name; and
- (xi) read a written speech except with the previous permission of the Chair.

Similar provisions have been made in the *Rules* of Council of States (Rajya Sabha) the rules (235-241) to be observed by the Members. In addition, the *Handbooks for Members* of the two Houses list a large number of guidelines relating to parliamentary customs and conventions, parliamentary etiquette and code of conduct for Members.

All the rules and procedures for the conduct of business in the two Houses have been framed by the committees of the two Houses consisting of their own Members. It is, therefore, expected of them to follow those rules.

Both the Houses empower the respective presiding officers (Speaker/Chairman) to preserve order and enforce her/his decisions in the House. For minor infractions in the heat of the moment, she/he can order withdrawal and suspension of Members to enable her/him to enforce discipline on the Members if they resort to disorderly behaviour disregarding the authority of the chair and abuse the rules by wilfully obstructing the business of the House. If an unruly Member does not withdraw from the House even after the direction of the chair to this effect, the latter may name him and put forward a motion to suspend him.

The *Rules* of the two Houses also provide for action to be taken against its own Members for ‘breach of privilege’, the cases relating to which are referred to CoP constituted by the presiding officers. In most cases, the notices of privilege given by a Member of a House against other Members in this regard have, however, proved to be non-starters in the overall interest of the dignity of Parliament.

However, in the Lok Sabha, in 1951 Shri H.G. Mudghal was expelled from the membership of the House for breach of privilege. Again, in 1978 the Lok Sabha adopted a motion resolving that Ms Indira Gandhi be committed to jail till the prorogation of the House and also be expelled from the membership of the House for the serious breach of privilege and contempt of the House committed by her by causing obstruction, intimidation, harassment, and institution of false cases against certain officials who were collecting information for answer to a certain question in the House during the previous Lok Sabha.

The CoP of the Council of States, in its 54th report presented to the House on July 7, 2009, considered two matters pertaining to complaints against Members for allegedly interrupting another Member during a speech and another regarding preventing a Member from raising his question due to continuous interruptions. The committee observed that though such incidents were not uncommon in the Houses of Parliament, they brought down the image of the Parliament and its Members in the eyes of those very people who sent them to the highest institution of democracy. The committee was of the view that every Member has the right to express his views in the House, but certainly that does not give him the right to prevent other Members, who have the similar right to speak when called by the chair. The committee was of the view that while agitating over a particular matter the Members should not violate the *Rules* of the House and that there were ways to express dissent without violating the *Rules*. The committee urged the Members to be more circumspect and abide by the directions of the Chair to avoid recurrence of such incidents.

The primary reason for this impasse, which prevents effective action being taken for breach of privilege against the Members who

disrupt the proceedings of the House, is that the privileges of the honourable Members have not been clearly and specifically defined. Both the relevant articles of the Constitution of India (105 and 194) have, in effect, left it to the respective legislatures to define them by law. This, so far, has not happened.

The Court Judgment

On July 28, 2021, in a landmark judgment, the Supreme Court dismissed the Kerala government's petition seeking to withdraw cases against 6 former Left Democratic Front (LDF) Member of Legislative Assembly (MLAs) who were charged with vandalism in the Kerala State Legislative Assembly in 2015. The MLAs damaged furniture and articles of the Assembly close to Rs. 2.20 lakh on March 13, 2015 when the then finance minister was presenting the budget.

At the behest of the Secretary to the Legislative Assembly, police had registered cases against the MLAs for various offences such as criminal trespass, mischief and destruction of public property under the Indian Penal Code (IPC) and the Prevention of Damage to Public Property Act, 1984. The Chief Judicial Magistrate had taken cognizance of the charge sheet. On appeal, earlier that year, the High Court ruled that the six LDF legislators should face trial in the case. Following this, the Pinarayi Vijayan government in Kerala had moved the apex court seeking permission to withdraw cases against the MLAs. In its plea the Kerala government averred that the budget session of the legislative assembly in 2015 was carried out in a 'charged atmosphere' and the allegations of nepotism were levelled against the finance minister and it was during the protests by opposition MLAs that the alleged chaos ensued. It was argued that the alleged vandalism took place as part of the legislators' right to protest on the floor of the House and, therefore, should not have been taken into the domain of criminal prosecution.

A bench of Justices D Y Chandrachud and M R Shah ruled that legislative privilege cannot be extended to provide legal protection to criminal acts committed by the lawmakers. Offences under the penal laws cannot be protected either by privileges or the right to free speech. There is a growing consensus that acts of destruction

of public and private property in the name of protests should not be tolerated, the Court observed. Privileges and immunities are not gateways to claim exemptions from criminal law which governs the action of every citizen. “To claim an exemption from the application of criminal law would be to betray the trust which is impressed on the character of elected representatives as the makers and enactors of the law.” The court further observed that the object and purpose behind “privileges, immunity and free speech” conferred on Member/s of Parliament (MPs) and MLAs “is to create an environment in which they can perform their functions and discharge their duties freely”. The “essential function” of the House is collective deliberation and decision making, the Court elucidated.

“It was not the intention of the drafters of the Constitution to extend the interpretation of ‘freedom of speech’ to include criminal acts by placing them under a veil of protest. We miss the wood for the trees if we focus on rights without the corresponding duties cast upon elected representatives.” The bench held that allowing the prosecution, therefore, to be withdrawn would only amount to a singular result that elected representatives are exempt from the mandate of criminal law. The apex court consequently held that criminal prosecution of the legislators should continue.

The Implications

The entire episode is not only about violation of common law by way of causing damage to public property—it is equally about defilement of the sanctity of proceedings of the legislative bodies. The Monsoon Session, 2021 of the Parliament of India, too, was witness to its own share of unruly scenes, with the graffiti of torn papers being flung at the Chair by some of the Members assembled in the well of the Houses. This led to the cardinal sin of passing of certain Bill amidst the din. M Venkaiah Naidu, the then Chairman Rajya Sabha, resorted to a unique shaming device by ordering that the daily bulletin should list the business which could not be transacted due to disturbances in the House.

Of course, the *Rules* of the two Houses aforementioned provide for dealing with unruly Members, as has been done in the Parliament

as well as various State Assemblies time and again. Thus, if the unruliness is confined to a few members, the Presiding Officer of the House has no hesitation in taking action against them; but if a large number of Members belonging to several parties troop into the well, it is neither practical nor in the interest of the eclectic proceedings of the House to suspend the entire opposition.

But again, as stated earlier, freedom of speech of some of the Members cannot be allowed to trample upon the freedom of speech of the remaining Members. Disruption of the proceedings of the House denies certain Members of their rights to put questions and hold the government of the day accountable for its actions through other devices. This, too, is a matter of privilege.

The issue of codification of the privileges by enactment of a law by the Parliament has been raised and discussed on various occasions in different fora. The Committee of Privileges of the Lok Sabha took up consideration of this matter on two occasions in the years 1994 and 2008. On both the occasions, after detailed deliberations, it recommended against codification.

International Scenario

Let us briefly look at some of the international precedents. According to the Rules of Senate of Canada [rule 43(1)] the preservation of the privileges of the Senate is the duty of every Senator. The violation of the privileges of any one Senator affects those of all Senators and of the Senate to carry out its functions. Therefore, action to ensure such protection takes priority over every matter before the Senate. The most fundamental privilege of the Senate is the right to regulate its affairs; in other words, to establish its own rules of procedure and enforce them. Any action found by the Parliament to be an offence against any of these specific rights is considered to be a breach of privilege.

South Africa is one of the few countries which have codified the privileges and immunities of its Parliament and Members. In the year 2004, the Parliament enacted the 'Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004', which defines the powers, privileges and immunities of the two Houses, their Members, Ministers, and Deputy Minister (who is not a Member).

The Way Forward

What then is the way forward, as far as Indian Parliament and the State Legislatures are concerned? One option is that in the event of continued disruption of the proceedings of the House, if no substantial business could be transacted during the day, the Members of the House should, in view of the doctrine of collective responsibility, forego at least their sitting fee for the day, because it is neither the treasury benches nor the opposition which could be exclusively held responsible for failure to conduct business in the House. There is also no higher authority to adjudicate the matter.

It is again time that the privileges of the Members of the Parliament as well as the State Legislative bodies are codified to define not only their rights but also their duties, failure to perform which may attract exemplary punishment, including expulsion.

Induction of Women in The Armed Forces

The history of induction of women in the Armed Forces in India starts with the formation of “The Indian Military Nursing Service” in 1888. The nurses of the Indian Army served with distinction in World War I. The role of women was further expanded with the formation of the Women’s Auxiliary Corps, which allowed them to serve in primarily non-combatant roles like communications, accounting, administration etc.

One member of the Corps was the famous Noor Inayat Khan, who served as a spy in World War II for the Allies. The British Government has only recently recognized her services and erected a memorial for her in the United Kingdom. In the Azad Hind Fauj established by Subhash Chandra Bose, there was a women’s regiment named the Rani of Jhansi Regiment which saw active combat when it fought along with the Japanese Army in Burma. Ms. Lakshmi Sahgal of Kanpur was a well-known figure of this contingent.

The Army Act of 1950 made women ineligible for regular commissions, with certain exceptions specified by the Central Government. It was on 1st November 1958 that the Army Medical Corps, became the first Army unit to award regular commissions to women. In 1992, women were allowed to join the Judge Advocate Generals Branch, the Corps of Electronic and Mechanical Engineers, Army Education Corps, Army Postal Service Corps, Army Ordnance Corps, and the Artillery Regiments (non-combatant roles).

In 2018, women were allowed to additionally join the Territorial Army, and from 2020 onwards, the Intelligence Corps, the Corps of

Engineers, Corps of Military Police, Corps of Army Defence and the Army Service Corps.

The Supreme Court of India in February 17, 2020 upheld the right of serving Short Service Commission women officers to be granted permanent Commissions just like their male officers. This judgement was based on the case filed by 17 Short Service Commission officers, who were denied permanent commission despite serving for 14 years.

In 2022, the Supreme Court allowed women candidates to take the National Defence Academy (NDA) exam held in November. Their training is to be the same as of male officers. Infrastructural improvements have been made in the NDA set up. 10 women candidates will be taken up in each course, that is 20 per year. The women cadre in these arms will witness a growth of additional 5% from the existing 15% to 20% in the first year.

In the Navy, gender neutral induction started in 1992 and in the last two decades, women had constituted approximately six percent of the Navy's officer cadre.

In the Air Force, women are being inducted in all its branches and its sub-streams and they were cleared and being trained for all combat roles. The average intake in the last four years of women officers in the eight arms and services had been up to 15% of the total cadre strength.

Rapid changes have taken place in policies in all the arms in 2023. The Indian Navy has made known its intention of inducting a greater number of women, both as officers and sailors, and opening of all branches and cadres/specialisations for officers, except in the submarine cadre, and a majority of Trades for sailors. Induction of women officers will be opened in the five cadres, in the Executive, Engineering and Electrical Branches.

Entry of women through the Union Public Service Commission (UPSC) which started from August 2022 will lead to Permanent Commission in all Cadres/Specialisations, except Air Traffic Control (ATC), Sports and Information Technology (IT) from June 2024. There will be no distinction between male and women Short Service

Commission (SSC) officers for Permanent Commissions in 1:1 ratio. There will be a gender-neutral entrance test, physical and medical standards and merit list for selection. There will be a gender-neutral career profile, including employment on board ships.

As far as sailors are concerned, women have been allowed entry as sailors into 29 out of 47 trades, including sea going trades, under Agniveer scheme. Women sailors will also be placed onboard ships. There will be 20% women in every half yearly batch size of about 1500 Agniveer inductees.

In a recent study to ascertain what were the factors dissuading the women from joining the Navy in the initial years of their induction in 1992, the following issues were identified:

- Lack of flexible work period.
- Lack of awareness/job clarity.
- Prolonged work absence due to physiological life cycle, including pregnancies.
- Fear of sexual misconduct.

Women are more amenable to flexible work careers that will allow them periodic sabbaticals based on family requirements. Pregnancy followed soon after marriage places extremely heavy demands on the body. Sexual harassment in any workplace is an outgrowth of a lingering culture of misogyny. In the initial years women were given marginal roles, not commensurate with their recruitment qualifications, with very little clarity of their professional domain.

To meet the challenges arising out of the above issues in the initial years of induction, there has to be a cultural change from within. Mindsets have to change. There has to be a training given on gender equations, including through case studies. It has been suggested that there should be a subject in training on Gendered Military History which should include stories of prominent historical male warriors/military personalities who fiercely upheld the dignity of women. Stories of famous women warriors like Rani Lakshmibai of Jhansi, Lakshmi Sahgal of Indian National Army (INA), Kittur Chennamma, etc., should also be taught.

Comparative Strength of Women Officers in the Three Services

Service	Total No. of officers	No. of women officers	Percentage
Indian Army	40,800	1650	4
Indian Navy	11,815	730	6.2
Indian Air Force	12,500	1750	14

Situation in Other Countries

In the second World War, Britain, France and USSR, all mobilized women and the United States followed soon after Pearl Harbour. Pregnancy proved a big problem, and pregnant women were given a compassionate discharge.

In USA the US Congress enacted a law in 1948 authorizing the US armed forces to take in women on permanent basis, with restriction in the positions they could fill and limiting their number to 2% of the total strength. Women were barred from sea duty, except aboard transport and hospital naval vessels. In 1967 the 2% cap on proportion of women in the armed forces was removed. In 1967 women were allowed on board ships though not combat ships. Military Academies opened their doors to women. In 1992 all positions, except ground combat, opened for women, including flying, except submarines. At present in the armed forces of USA out of a total of 1,333,922 officers and enlisted personnel, 1,103,889 are male and 2,29,033 are females.

In the United Kingdom (UK), the percentage of females in the UK regular forces, comprises 11.4% of the total strength. The percentage of women in the Royal Navy is 10.4%, in the Army it is 10.1% and in the Air Force it is 15.6%.

In Australia, women are also allowed to serve in submarines.

Agnipath Scheme

The Government of India introduced a Tour of Duty style scheme called Agnipath on 14th June 2022 for recruitment of soldiers below the rank of commissioned officers. Personnel recruited under this scheme will be called Agniveers, which will be a new military

rank. The scheme is for both male and female aspirants of age group 17.5 to 21 years. The recruitment through this scheme is to be twice a year for the Indian Army, the Indian Navy and the Air Force. The posts available are below the officer cadre.

Prior to this, in May 2021, 83 women were inducted as Jawans for the first time in the Indian Army, in the Corps of Military Police.

Finale

Women were being kept out of command posts on the reasoning that largely the rank and file would have problems with women as commanding officers. Thus, changes have to take place in the culture, norms, and values of not only the rank and file of the Army but also that of society at large. The responsibility to usher these changes lies with the senior military and political leadership. It is the right of every woman to pursue a career of her choice since Equality is a constitutional guarantee.

The first lot of women will be commissioned in the Army's artillery regiments this year when they pass out of the Officers Training Academy at Chennai. This will be the first time that women officers, who are already flying fighters in the Indian Air Force (IAF) and serving on board ships in the Navy, will be trained to handle howitzers and rocket systems. They will be commissioned into air defence, signals, engineers, aviation, Army Service Corps (ASC) and ordnance.

Women officers are still not allowed to join the main combat arms—but while artillery may be designated as a combat support arm, it is on the frontlines of war fighting with many regiments deployed along the unresolved volatile borders with both China and Pakistan. The artillery regiments have a variety of guns, howitzers and self-propelled guns etc. Women officers will fight side by side with their male counterparts and show that they are second to none.

Shyam Saran

Climate Change: Impact on India & Policy Imperatives*

The impact of climate change on policy framework in India is a very important subject, and something that I feel very deeply about. Some of you who may have read the pieces that I have written about climate change and ecology will know that this is something which I really feel very deeply about. Sometimes I go for treks in the mountains and when I come back, I usually write about my experiences; very elevating experiences, but at the same time, a very deep concern that I have at the kind of degradation of very fragile ecologies that this country is blessed with. That fragile ecology is really under tremendous amount of threat. You can see what is happening, for example, in Joshimath and in surrounding areas. This is something – whether it is climate change or ecology, and those two to my mind are interlinked. You can't think of climate change without thinking of ecology. Actually climate change is a component of the larger ecology that we are talking about.

I will try to give you a picture of the international aspect because what we are doing and what we need to do has to be in that international context for the reason that this is a global issue. This recognises no national borders, perhaps no regional borders as well. Therefore, this is a truly global challenge and therefore, unless we locate this in that larger picture, it is very difficult to think in terms of how we deal with this.

Internationally, the issue of climate change and ecology actually have been dealt with for the last several decades. Climate change first

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came to the consciousness of people and on the international radar as early as 1972. Mrs. Gandhi made the famous statement that 'Poverty is the greatest polluter' in the Stockholm Conference. She stressed the importance of development as an answer to environmental degradation. And that link between development and climate change or maintenance of the ecological integrity of our planet has, in fact, become even more important today than it was at that time. Now, the high point of international attention on climate change, as many of you might know, was the Rio Convention, famously known as the Rio Convention of 1992.

It was a propitious moment because this was just the end of the Cold War. The kind of Cold War tensions which had been preceding it were at an end and there was a certain sense of hope across the world; that we have come out from this very dark period of confrontation amongst the two superpowers. There was always this danger of nuclear war hanging over our heads. Suddenly, all that got dissipated and there was this sense that now the world has entered a new age where actually there could be collaboration amongst countries in the world. That is really the backdrop to this very successful and rather unique conference which took place in Rio.

I also had the privilege of attending that conference in 1992 where two things happened. One was, for the first time, a very serious note was taken that the world is actually moving towards a very dangerous period where human existence itself could be endangered because of the impending impacts of climate change. Temperatures were already rising across the world. There was an effort to try and come to an international compact to deal with this issue, and it was said that we need to be able to start working on climate change action, which would by the turn of the century, actually reduce global carbon emissions below what it was in 1990. That was the kind of ambition. Now you just think about it, because the emission level at that time was already low compared to today. And here we were talking about reducing it further by the turn of the century. Of course, that's history now. More importantly, it was the consensus that in order to deal with this kind of an international challenge, we needed a global collaborative response. That is, we could not

deal with this as a small group of developed countries, coercing a larger group of developing countries to take certain actions. The science said that climate change is taking place; the greenhouse gases were accumulated in the earth's atmosphere since the dawn of the Industrial Age. The entire climate-change inducing gases which were accumulated in the earth's atmosphere, particularly carbon dioxide, will stay in the earth's atmosphere for 100 years or maybe, 150 years. Who has put it there? Not the developing countries because they started their industrialization process much later. For reasons of justice, a very important principle, it was agreed that those who have been most responsible for putting those greenhouse gases in the earth's atmosphere have the 'historic responsibility' – this term 'historic responsibility' is very important – to take the lead in reducing the accumulated greenhouse gases.

Secondly, because they were more developed, they had higher incomes, they had greater wealth and they had better technology. So, both in terms of financial resources as well as in terms of technological resources, they were the ones who were most capable. Therefore, it was necessary for them to transfer some of those financial resources and technology to enable climate action by the developing countries. That was the compact. It was not that developing countries had no responsibility in dealing with climate change; that's a caricature of the position of developing countries. We didn't say that we will have the right to spew as much carbon as we want into the atmosphere, no. We said we will do what we can, but within the limits of our own resources. But if we have to do more, then we need that support from the international community.

The compact which was agreed at Rio was precisely this: (1) The concept of historical responsibility, (2) The concept of climate justice, and (3) the compact that merely because we are a latecomer to the developmental process, we just cannot be asked to stay behind. It is like what I call the non-proliferation approach to climate change. We get to keep what we have because we got here first and you stay where you are because you are a latecomer. How can we accept that? The compact at that time was that you can't have a non-proliferation approach to climate change because it is a global issue. This is what

came out of Rio and that was really the high point. Mind you, this was a Framework Convention, which was arrived at by consensus. Nobody forced the United States of America; nobody forced Western Europe to agree to this. It was agreed by consensus. What has happened since then is, that having reached that high point, there has been a steady decline in terms of the efficacy of the Rio Convention. Progressively, those who should have delivered on their legal commitments under the Convention finally started diluting them further and further and further.

What is the climate change action? In very, very simple terms, climate change is taking place because of the burning of fossil fuels, of coal, of gas, of oil. This is what is creating carbon dioxide emission. What is the answer to climate change? Unless you get off fossil fuels and make energy transition from fossil fuels to non fossil fuels to cleaner sources of energy, you cannot deal with climate change. That is why our National Action Plan on Climate Change 2008 says energy security and climate change are two sides of the same coin. You cannot have one without the other. It is also very important to remember that we are talking about a very major global transition. This transition is not costless. This transition requires resources. It is expensive. Our Western colleagues tried to tell us that this is in your interest and you should not think of this as a cost to you because this is in your own interest. India is a tropical country. You will suffer more from climate change. Therefore, it is in your own interest. But a transition will require resources. Where are those resources going to come from?

As I said, from that high point of 1992, progressively there has been a dilution of the commitments made in a solemn legal treaty by the developed countries who have since then started rescinding from the commitments that they have made. I came into the process in 2007, when there was a meeting in Bali. It was said that the sense of urgency which drove 1992, that sense of urgency is several times higher today, in 2007, because all the scientific evidence is showing that actually the situation is much worse than what we had anticipated. Therefore, the decision taken in Bali just before we got into the negotiating process, was that we have to have a negotiating process

for the enhanced implementation of the principles and provisions of the Rio Convention. You need enhancement because the problem has become much more urgent. That also was agreed upon by consensus. Then I got into the negotiating process. What happened was that you had the global financial economic crisis of 2007-08; whatever willingness there had been earlier to make available some resources, share some technology with the developing countries, was completely ruined.

By the time we came to Copenhagen, a very important conference of parties in 2009, we were not able to get anything. In fact, the developed countries basically said that the distinction that has been made in the Rio Convention between the developed countries and developing countries was a false distinction. Everybody has to make a contribution for reducing greenhouse gases. And what did they say on things like transfer of financial resources or transfer of technology? On financial resources, they said that it was all private capital. You have to then improve your investment climate, you must be more welcoming of foreign capital and then money will come. Secondly, as far as technology was concerned, all technology in the Western countries is proprietary technology with private sector. How can we force them to give the technology to you? Therefore, there again, your Intellectual Property Rights (IPR) protection is more important. If your IPR protection is better, then the technology will flow. Don't ask us to transfer technology.

All the commitments which were made in Rio at the governmental level were, in fact, diluted. Let us understand that the power equations are such that despite tremendous amount of fightback that we did as developing countries, we were not able to prevent that kind of dilution of the Rio convention – and since then, it has been worse. Actually, if you look at the Paris Agreement, it is even worse than what we were at Copenhagen. Why was Paris very important? It was because the principle of 'historical responsibility', which was crucial in the Rio Convention, was given up in Paris. It was like – just forget about history and all of us will start afresh. You are going to be a problem because your energy needs are increasing. As India, you are already the 3rd largest emitter. Ten years later, you may be the largest

emitter. You are the problem. Forget about what was happening historically. You can see how the whole shift has taken place. The transition is now being put on your shoulders.

This is the backdrop against which we, as India, now have to deal with the issue of climate change. This background is very important because if it is a global challenge, can we expect support from a global regime to enable us to engage in more ambitious climate change action? My stark response to that is 'no'. If you are expecting that you will get any technology or if you are expecting that you are going to get any money in order to undertake more ambitious climate change action, as was promised in an international compact as far back as 1992, it is not going to happen. The stark reality is that today, whatever you need to do, you have to do it yourself. And whatever collaboration you can do with others, yes, that will help, but essentially this is your problem.

What does India do? That's really the second part of my presentation. The good news is that energy transition in India is something which is actually in our interest. Even if there was no climate change challenge, energy security challenge would actually push you in the same direction. Why? Today, if you take oil, about 90% of our oil is imported and it is imported from countries which are politically not so stable areas. If something were to happen tomorrow, some major political turmoil in the Middle East or in the Gulf, you would be in trouble. The more you diversify your oil supplies, the better it is for you. Your dependence on imported gas is increasing and you have seen how badly we have been impacted because of the Ukraine war. If you take even something like coal, we say we are a coal rich country and that whatever pressure you are putting on us, our energy security means that we cannot give up coal immediately. It can only happen over a period of time. But today, you are also dependent upon imported coal for several of your newer coal-based thermal power plants like the new generation of coal-based thermal power plants which are known as supercritical plants and the more advanced ones which are known as ultra supercritical plants (where the combustion rate is something like 45 to 46% and sub critical is 33-34%). It is a huge jump if you are going to use ultra

supercritical, but for that, you need such quality of coal which is not available in India. As you know, most of our coal is high ash coal. That cannot be used in those coal-based thermal power plants. Today, our dependence on imported coal has also kept on increasing. I am looking at this purely from the point of view of energy security, forget about climate change. If you are looking at this only from the point of view of energy security, India's interests are, in fact, better served by making an accelerated shift from our current reliance on fossil fuels to a pattern of economic activity which is based increasingly and progressively on renewable sources of energy, and cleaner sources of energy such as nuclear energy. There is no doubt that this is the logical step to take.

Another advantage for India is that we did not follow China, which actually copied and mimicked the kind of fossil fuel based growth which was the Western industrial experience. China is probably the last country which has, in fact, used that strategy of growth which is very resource-intensive, very energy-intensive, to reach where it is. China is today one of the largest consumers of both energy resources as well as other resources. For India, the advantage that you have is that, unlike China, you have not yet locked into a high energy-intensive and a resource-intensive strategy of growth. It seems to me that we are at the crossroads. Can we make a shift in our strategy of growth? I am not very sure, but certainly you have the opportunity to do that because you have not locked into that strategy of growth like China has. Most of our infrastructure remains to be built.

What kind of infrastructure you build from now on is going to be very critical, but those require choices and sometimes, you have to make very difficult choices. Are you prepared to now move to a strategy of growth, which is not so energy-intensive, which is not so resource-intensive? And by the way, if you do go in that direction, there is no room in the world, to my mind, for another China. If you are looking at the distribution of resources in the world, whether it is energy resources or other natural resources, China has cornered quite a lot of those resources. If you try, given your scale, to get to that same point as China, I am afraid not all the resources in the world

will be able to, in fact, support your development. It makes sense for you to look for a different strategy of growth, which is what we call ecologically sustainable growth, environmentally sustainable growth.

The Indian mind still thinks of development and sustainability as there has to be a trade-off, as if I have to sacrifice some environmental considerations in order to have a goal. After all, what is happening in Joshimath is precisely that; that sometimes we have to sacrifice our environmental considerations because we want to bring roads to the people in remote areas, we want to bring tourism to these remote areas. Therefore, you say, even if there is a trade off, I will make a trade-off in favour of development. To my mind actually, that kind of a contradiction is a completely false contradiction. Today, environmental sustainability is the only assurance of continued growth. If you do not take into account these considerations, then you are destined to reach a dead end as far as your developmental process is concerned. This is something which needs to be understood. I am afraid it is not being understood. Tinkering here and tinkering there, some increase in renewable energy target, some diversification here and there, is not the answer to the question. You have to opt for something very different. You have to pioneer a different strategy of growth.

Now, people will ask me if there is an alternative strategy of growth which is even possible. I can only say that in some of the areas that I have been familiar with, like agriculture, right now, you have an agricultural sector which is very, very ecologically destructive. What succeeded in the 1960s, early 70s, under your intensive agriculture development programme? What did you do? You had small holdings, hybrid seeds, lots of chemical fertilizers. Inevitably, you had to have lots of toxic pesticides and huge amount of water and that did give you results. Your crop yields increased. It was a major contribution to your food security. I do not contest that. But by now, it has completely outlived its utility. Already for years now, it has been giving diminishing returns.

What has happened? The water table in most places has gone down. You are facing water security issues. Since you are using toxic pesticides, you are using chemical fertilizers without any protective

gear for your farmers. People are talking about farmers suicides. The investigation that I was involved in, I found most of the bankruptcies were taking place not because of crop failure but because of bankrupting health costs since they were constantly being exposed to these toxic chemicals. They had respiratory problems, they had problems with their eyesight and they had problems with their skin. They would go to hospitals and they would be completely bankrupt. Suicides were not taking place because of crop failure. This strategy of growth, even if it was giving higher crop yields, never took into account the attendant cost of continuing with that, and is still not being taken into account. You still have fertiliser subsidies. Fertiliser subsidies are actually worsening the complete destruction of the natural fertility of the soil in many parts of our country.

If you are looking in terms of an alternative kind of strategy of agricultural growth, in many areas in India very innovative kind of changes have been made, where instead of focusing on crop yield, you are focusing on the economic viability of the farmer. You are not looking at whether the wheat yield is increasing or rice yield is increasing. You are looking at what will make the farmer a viable economic entity. Things like multiple cropping, integration of horticulture and animal husbandry, in fact, improve his viability. Today, in many of the areas where such innovative practices have been carried out, there is non-pesticide agriculture, which has become very successful, allowing the natural fertility of the soil to recover. The idea is to primarily use micro nutrients and use organic manure. All this has actually ensured that instead of the yield going down, it has marginally increased. I do not claim that it has been a huge increase; but it is not that you have lost out in terms of food security. It is important that you start looking at alternative ways by which we can pursue development because the current path is not sustainable.

To conclude, I feel that you actually require a much more dramatic turn in your policies than is visible at the moment, considering what the policy implications are of the kind of challenge which we are facing. I also believe that the current path on which we are, will lead to a dead end. Thank you.

Amod K. Kanth

Civil Society Organizations in Education & Skilling *Revisiting the Prayas Experience*

This paper emphasises the significant role played by Civil Society Organisations (CSOs) in advancing education on a global scale, particularly for the disadvantaged children and the education-skill connectivities. Since their emergence in the 19th century, CSOs have been pivotal in advocating for education reform, providing educational opportunities to marginalized populations, and promoting equitable access to quality education. The paper underscores the necessity of recognizing the contribution of voluntary organizations while establishing meaningful connections between the government and civil society to ensure universal elementary education and uphold child rights. Additionally, the paper proposes the utilization of non-formal education and alternative modes of education to cater to the needs of over 35 million children. By examining the historical and contemporary functions of CSOs in education, the paper sheds light on the challenges they encounter in promoting education in the overall context of the Sustainable Development Goals (SDGs), quality education being No. 4, to which the Government of India and the CSOs alike are committed. The Prayas JAC (Juvenile Aid Centre) Education model is presented as an illustrative example regarding the participation of CSOs in certain areas of education alongside other services for the children and marginalized sections of society.

Introduction

Education is a fundamental human right and a critical tool for achieving sustainable development, Quality Education being one of the SDGs (Number 4). Since our Independence, India has made tremendous progress in all fields of development, Literacy and Education being one of them. As against 18% literacy in 1947, in 2021 our literacy rate was over 77%, the GER (Gross Enrolment Ratio) being over 96% at the elementary level. However, in the Global

Sustainable Development Report, 2022, released by the United Nations (UN), India was ranked 121 out of the 163 countries, being ranked 117 in 2020 and 120 in 2021. According to the SDG Index Report 2021, India's ranking had improved significantly in achieving SDG 4 compared to the previous year. In 2021, India's overall SDG index score for Goal 4 was 55 out of 100, which was the same as the global average. However, there is still much to be done to achieve the targets set for SDG 4, and India needs to focus on increasing educational enrollment ratio, reducing dropout rates, and improving the quality of education. At this crucial period—*Amrit Kaal*, between the 75 years to 100 years of our Independence, the participation of India's civil society through its organizations—representing the Voluntary Sector alongside the government and the market—may add tremendous value and help in fulfilling these glaring gaps.

Education being one of the most important Human Development Indicators (HDIs), it is an essential component of social and economic development as well. The United Nations Human Development Programme (UNDP)-Human Development Report (HDR 2022) in its Index (HDI) ranking India 132nd among the 191 countries, raises a fundamental question as to why it is so with the world's fastest-growing 5th largest (United States Dollar [USD] 3.5 trillion) economy. Educational expectations being amongst the most important parameters for human development, all stakeholders including the government, the private sector including the corporate and the voluntary sector must play the critical role in promoting human dignity, reducing poverty and disparity, creating empowerment for the marginalized and achieving gender equality.

Despite the progress made in recent years, due to various factors such as poverty, discrimination, disparities and inadequate allocation of resources etc., millions of people around the world are still denied access to basic literacy, numeracy or 3 Rs (Reading, Writing and Arithmetic), let alone the 'quality education'. India, now the world's largest country with 1.4 billion population, also happens to be the home for the largest number of people deprived of education. The National Education Policy (NEP 2020), considered to be the most comprehensive and aspirational document for all aspects of

education, creates the road-map for different segments of the country including over 32 million SEDG (Socio-Economically Disadvantaged Groups) of children who were found out of the school system.

As mentioned, education is considered to be the single most important factor that ushers in development and social justice. It enables meaningful participation of people in the mainstream of national life. The much-talked-about universalisation of school education – Foundational, Preparatory, Middle & Secondary Stages (5+3+3+4) under the National Education Policy 2020 – is fundamental to the development of children below 18 years of age, an impossible task without the equal participation of the government and the civil society at all levels. Following more than 7 decades of efforts to fulfill the constitutional commitment of education to each child below 14 years of age and now, since The Children's Right to Free and Compulsory Education (RTE Act 2009) became a Fundamental Right to the children between 6 to 14 years of age, the Government needs to realize that it can never create the requisite infrastructure and national ethos, particularly for 'the unreached and unreachable children' except through a movement, call it 'Education for All' or 'Sarva Shiksha Abhiyan (SSA)' or something else.

Although there has been major emphasis on the formal system of education or putting every child in school, the non-formal education (NFE) and different forms of Alternative and Innovative Education (AIE) programmes were being run by the CSOs which earlier found a place within the SSA but were given up subsequently. The CSOs like Prayas JAC Society were working in partnership with the government across the country, either running the NFE or AIE centers for education alone or running the integrated programmes with education as one of the important components to mainstream large numbers of the Children in Need of Care and Protection (CNCP under the Juvenile Justice [Care and Protection of Children] Act 2000/2015) and in various situations of deprivations and disadvantages.

Some CSOs serving the children up to 18 years or the youth beyond 18 years as well, conducted the vocational training programmes, skill-building initiatives and the community-based

learning-cum-skilling projects like the Shramik Vidyapeeth (SVP)-turned Jan Shikshan Sansthan (JSSs) creating education-skilling-livelihood continuum for the poor, neo and semi-literates and the school drop-outs. These programmes earlier being run by the Ministry of Human Resource Development, Government of India (HRD GOI) have since been transferred to the Ministry of Skill Development and Entrepreneurship (MSDE GOI), most appropriately subsuming the educational programmes, now being covered within the integrated MSDE & Education Ministry.

Somehow, the participation of the NGOs (Non-Government Organisations)—call them CSOs, CBOs (Civil Society Organisations or Community Based Organisations) etc.—which was taken away from the SSA, erroneously presuming that every child shall go to school, remains peripheral within the legal framework of the RTE Act as well as within the most ambitious ‘Skilling India’ schemes being run by the MSDE. The national level skill development programmes being led by the MSDE and NSDC (National Skill development Corporation) primarily concentrated on the Industry-based skilling projects, finding NGOs to be unsuitable for these programmes—the exceptions being a few organizations like Prayas JAC society which had been running the vocational Training Programmes with the Shramik Vidyapeeth (now Jan Shikshan Sansthan or JSS) since inception in 1988.

The participation of the voluntary organizations in the educational programmes for the SEDG out-of-school, inaccessible and unreachable children, who happen to be in myriad situations of crises and deprivations, is sine qua non for the implementation of the RTE Act and for the NEP 2020 in order to make the children’s right to quality and meaningful education a reality. Similarly, the biggest gap in the ‘Skilling India’ Programmes is the disconnect between the education and the community, which can be filled up by the NGOs or CBOs alone at the grassroots levels from the villages to metropolitan slums, and the programme should create the much-needed space for them.

While recognizing the need for concerted planning and action by the Government, the respective roles of the other stakeholders and

the crucial responsibility of the voluntary sector is to be understood and appreciated. However, the rapid changes taking place in the Indian economy and the consequent effect on the society, has left the ‘social sector’ with reference to the ‘voluntary sector’ in some kind of wilderness. Amongst the segments of the social sector, education and health should definitely be given the highest priority in terms of the allocation of funds, which is not happening to the desired level. At the same time, in all policy formulations, there is a commitment for devolution of power and the mobilization of the masses to achieve the national goals, among which ‘Education For All’ is one of the accepted themes.

When discussing the on-going churning in the sub-sectors of education—particularly for the ‘unreached and unreachable’ children (estimated to be nearly 35 million) whom the organizations like Prayas attempt to serve directly—the role of CSOs becomes very important. In the given situation, there is a need to ascertain the desired and actual role of the voluntary organizations which stands transfixed somewhere between a somewhat insensitive civil society, a government machinery unconcerned with the CSOs and an indifferent political leadership from the level of Panchayati Raj institutions to the national leadership. Still, it is being projected in the policy domains that the demands being made by the ill-equipped, mismanaged and resource-starved voluntary sector, is somewhat unreasonable. The volunteers or social workers, in the common parlance, are supposed to perform without being paid and act mostly in the spirit of charity.

We have to understand that volunteers and voluntary organizations are not a class of people who are supposed to be driven by emotions and sense of social service alone as if they have no needs of day-to-day existence, livelihood or any demands towards themselves and their families. Over the years, fortunately, when the activists and managers in the voluntary sector are attempting to institutionalize their efforts, their attempts should be recognized as an alternative or complementary to the governmental efforts. In almost all the policies and programmes now, particularly in the social sector, in most of the schemes being implemented by the national and the

State Governments, there are ritualistic mentions of voluntary efforts (CSOs). It is besides the point that the voluntary efforts are still not being taken to be a serious alternative or partners in the educational programmes, except in the case of some known organizations (NGO) having their own capacity or having corporate support who have created their powerful models.

Statistics on Civil Society Organisations and their outreach

Generally, it is believed that the largest number of NGOs are working for children and education, but in this regard there is paucity of data in the country. Ministry of Statistics and Programme Implementation, Government of India (MOSPI GOI) in 2017 recommended the development of an appropriate mechanism to compile data on all National Provider Identifiers (NPIs) serving households, including NGOs at the national and state level. Other stakeholders such as VANI and the Ashoka Centre for Social Impact and Philanthropy (CSIP) have also strongly advocated the need for such databases.

Furthermore, due to the lack of a common definition of CSOs in India, the current data vary based on different interpretations of the term, such as NGOs, NPIs, or voluntary organizations. Data have been most commonly collected based on the legislation under which the organization is registered.

The most comprehensive nationwide statistics on civil society are from the report released by MOSPI in 2013. The study captures statistics on NPIs, including all institutions registered under the Societies Registration Act (SRA) 1860, Bombay Public Trusts Act 1950 or its state variants, and Section 25 of the Indian Companies Act 1956. Most CSOs in India are registered at least as societies under the SRA. The report includes data up to 2008. To provide a more recent estimate, this brief collates data from a diverse set of sources to explain the statistics on civil society in India today.

Following a Supreme Court order, the Central Bureau of Investigation (CBI) mapped all registered NGOs in India in 2015. Their 2015-2016 report revealed 3.1 million registered NGOs in the country, excluding three states that had not received data by then.

This figure is based on the number of NGOs registered with the SRA etc. After incorporating data from the other three states, the total number of NGOs in the country will obviously exceed 3.1 million. Only 8-10% of them have filed their accounts with the Registrar of Societies on a regular basis, outlining the receipt and expenditure of financial transactions. This emphasised the importance of the government engaging with organizations and ensuring accurate records are kept, including a higher compliance rate by CSOs in completing their accounts. Out of the 3.1 million registered legal entities, the state of Uttar Pradesh has the maximum number of NGOs with 548,148, followed by Maharashtra (518,437) and Kerala (369,137). Delhi has the maximum number of 76,566 registered non-governmental organizations (NGOs) among others, including the Union Territories.

NGOs and, for the most part CSOs, can be categorized based on the sector(s) they work in or the purpose of their organization. While the 2012 MOSPI database divides organizations in 12 categories, there has been no subsequent large-scale data collection exercise. The current government has created a platform within the Government of India's apex policy think-tank NITI (National Institution for Transforming India) Aayog, called NGO Darpan, for the registration of organizations to promote collaboration with them. It provides sector wise focus areas of the 118,350 NGOs registered on the portal (nearly 4% of the total in India). The highest number of organizations are focused on education and literacy, followed by health and family welfare, children's issues, women's development and empowerment, and vocational training.

We may illustratively observe some examples of educational work for children in India, particularly those in difficult and socioeconomically disadvantaged situations, highlighting a few organizations including Prayas JAC Society and their purposes over time.

Prayas JAC Society, established in 1988, is committed to empowering street and working children through education and vocational training. They rescue children from exploitative situations by providing shelters, education, and skills development

opportunities, with a focus on restoring their rights. Prayas is dedicated to upholding the constitutional provision of education as a fundamental right for all children, acting as a leader in championing justice for children. With a focus on holistic development, Prayas recognizes that a majority of the children it serves come from deprived backgrounds, lacking protection and facing threats from various societal systems. These children often find themselves without shelter or sustenance. Prayas understands that their childhoods are at great risk and therefore endeavours to provide education alongside essential factors such as protection, care, health, and nutrition. In order to make education more meaningful, Prayas has incorporated life and vocational education, offering carefully designed courses for older children that encompass both traditional and new-economy skills. The Prayas Institute of Economic Empowerment (PIEE) and Jan Shikshan Sansthan (JSS), initially an agency of the Ministry of HRD which has now been shifted to the Ministry of Skill Development GOI, collaborate to provide vocational training, production opportunities, placement services, and marketing support to empower youth. Prayas also implements community empowerment programmes, including Self Help Groups and Micro Credit, to ensure that the most vulnerable segments of the society receive the necessary support, while also empowering women and youth in the surrounding communities.

Ekal Vidyalaya Foundation, founded in 1989, aims to eradicate illiteracy from rural and tribal areas of India through the establishment of one-teacher schools called "Ekal Vidyalayas" in remote villages. **Pratham**, established in 1995, focuses on providing quality education to underprivileged children and youth, improving foundational skills in reading, writing, and mathematics, and enhancing overall learning outcomes. **Akshara Foundation**, established in 2000, improves access to education by providing nutritious mid-day meals to school children, addressing the issue of hunger. **Room to Read**, operating in India since 2003, promotes literacy and education by improving reading skills, establishing libraries, and empowering girls to complete secondary school. **Save the Children**, active in India since 2008, collaborates with government agencies and communities to ensure

children's rights, including access to quality education, and provides support to marginalized or emergency-affected children. **Teach For India**, starting in 2009, recruits and trains fellows who work as full-time teachers in low-income schools, aiming to bridge the educational inequity gap and provide excellent education to all children. These organizations highlight the diverse efforts being made to improve education and empower disadvantaged children across India.

These are just a few examples of CSOs in India that have made significant contributions to the field of education. Their efforts have helped in addressing educational disparities, promoting inclusive learning environments, and empowering disadvantaged children and communities. CSOs continue to play a vital role in shaping the education landscape in India, collaborating with the government and other stakeholders to create a brighter future for the nation's youth.

National and International Commitment

The Indian Constitution recognizes the importance of education for social transformation and has made commitments to ensure free and compulsory education. The 'Directive Principles' in the Constitution guarantee free and compulsory education to all children up to 14 years of age. The 93rd Amendment converted this provision into the right to free and compulsory education for children aged 6-14 years. The Constitution also emphasises the importance of education for the development of children in a healthy and dignified manner.

The National Policy for Children, formulated in 1974 and revised in 2013, aligns with the constitutional and international commitments regarding education. The Right to Education (RTE) Act of 2009 made free and compulsory education a reality for children between 6 and 14 years of age. However, children below 6 years and those between 14 and 18 years were not covered.

India has ratified the UN Convention on the Rights of the Child (UNCRC) and has committed to fulfilling the basic rights of children, including education. Various national plans and policies have included education as a key component alongside health, nutrition, and other aspects.

Despite these commitments, the voluntary organizations have not

been given their due participation and recognition, limiting its impact on disadvantaged children. To make the 'Education For All' campaign a reality, the participation of the voluntary sector along with the government is crucial. The government's initiatives, such as, 'Sarva Shiksha Abhiyan' and 'Madhyamik Shiksha Abhiyan' primarily target children between 6 and 14 years and the school-going middle level children, while the Early Childhood Care & Development (ECCD) programmes which cater to children between 3 and 6 years are being left out or at best covered under the Integrated Child Development Services (ICDS) (Anganwadis etc.) .

Despite the Government's efforts to promote education for children, there is still a significant issue with a high dropout rate. According to the latest data from the World Bank in 2022, approximately 31 million children are currently out of school at the primary level in India. However, when we examine the overall literacy rate in India at the national level, there has been a steady improvement over the years. Based on census data, the literacy rate in India was 74.37% in 2018, showing a 5.07% increase compared to 2011. In 2011, the literacy rate was 69.30%, indicating a 6.55% growth from 2006. Similarly, in 2006, the literacy rate stood at 62.75%, showing a 1.74% increase from 2001. Going further back, in 2001, the literacy rate was 61.01%, signifying a significant 12.79% rise from 1991. These statistics highlight the progress made in improving literacy levels in India, although the issue of children dropping out of school remains a challenge that needs to be addressed.

This further necessitates a qualitative expansion in elementary education. More planned funds need to be diverted to the areas of necessity within the elementary education budget.

Resources and Priorities in Government's Educational Programmes

The expenditure of education decreased from 4.9% of the Gross Domestic Product (GDP) in 1991 to 3.6% in 2001 of which 50% of the total expenditure was on elementary education. Recent data by the World Bank also says that by the year 2022, only 4.47% of India's expenditure is in the education sector.

India's expenditure on education is one of the lowest in the world. Some East Asian countries spend 70% of the budget on primary education. Though education has been on the concurrent list since 1976, the share of the Centre has been increasing over the years from 6.8% in 1980-81 to 11.1% in 1998-99. A large part of the funds for the education sector are dependent on external aid. Recognising the importance of the primary education sector, the Central Government has been working with State Governments on the Principle of shared responsibility for achieving the goals of Universalisation of Elementary Education (UEE). This becomes more important in the context of our long standing commitment to make 'elementary education' a fundamental right.

Mobilizing additional resources to reach the 6% mark of the GDP for education is a goal towards which the country will continue to strive. Besides adequate resources, the major challenge for the basic education sector is to design a system of education that is relevant and integrated with the economic needs of the people. Keeping this in view, the approach during the years to come needs to specifically deal with the question of equity with focus on the educational needs of the following special categories:

- Unreached and Unreachable children
- Migrant and Working children
- Street children / urban disadvantaged children
- Children affected by disasters, crises and conflicts
- Child marriage, poverty and gender disparity affected girls
- Children with disabilities and deviance
- Educationally backward pockets in different states

Keeping in view the ground realities, there is an urgent need to transform the design of education to include vocational and non-formal education so that there is no dichotomy between the educational system and the workplace. This calls for radical transformation in the manner in which education schemes and programmes are designed and implemented. Recent surveys have captured the strong community demand for basic education especially

among the poor and the backward communities. There is a need to create a plan for ‘community ownership’ of schools that can engage and supervise the work of teachers. The National Policy on Education (1986) had proposed decentralisation as a fundamental requirement for improving the efficiency of the education planning and management system and creating a meaningful framework for accountability. Involvement of civil society and NGOs is central to the urgent need for rapid access of Education.

The Ministry of Social Justice and Empowerment and the Ministry of Human Resource Development (HRD) have taken steps towards universalization of education. The Alternative Schooling system, operated through the District Primary Education Programme (DPEP), aims to provide education to various marginalized groups such as dropouts, street children, migrants, and adolescent girls. However, the programme is still being developed and requires diverse strategies to address the heterogeneous needs of the target group. Vocational education is emphasised after completing primary education.

The National Council for Educational Research and Training (NCERT) and the Ministry of HRD have developed the Inclusive Education programme to integrate disabled children into mainstream education. NCERT has collaborated with NGOs to create a non-formal education curriculum for street children, focusing on visual impairment, hearing and speech problems, and slow learners.

NCERT has been associated with several educational programmes pertaining to the street children for more than a decade, directly associating with the NGOs like Prayas in developing the Non-formal education curriculum for street children. The curriculum and course materials developed by Prof.C.J.Daswani, former Head of the Non-formal education department of NCERT, are being implemented by several NGOs across the country.

The Sarva Shiksha Abhiyan programme aims to provide universal education for children aged 6-14 and has brought infrastructural and resource-related changes. Key measures include providing one teacher for every 40 children, establishing primary schools/alternate schooling facilities within one kilometre of every habitation, free

textbooks for Scheduled Castes and Scheduled Tribes (SC/ST) children and girls, and involving local bodies and Panchayats in education planning and supervision.

Teacher skill development, provision of basic amenities, and involvement of women's empowerment movements contribute to quality education. The mid-day meal programme has improved attendance and retention when properly cooked meals are served. Efforts should be made to provide hot cooked meals, especially in backward and tribal areas where children need supplementary nutrition.

There is also a need to develop opportunities for skill development among school dropouts and other adolescent groups. The combination of the 'Sarva Shiksha Abhiyaan' with the 'Jan Shikshan Sansthan' at the grassroots level would perhaps be one solution for integrating basic education with vocational skills. Focussed programmes for female literacy must begin with initiatives for the girl child at the stage of primary education itself. The concept and strategy for the education sector, therefore, need not just reform but a radical transformation since it facilitates the participation of the community in the larger development process.

Contemporary & Evolving CSOs' programmes and Prayas Experience

In the present context, CSOs continue to play a critical role in advancing education worldwide. They work to promote equitable access to quality education, advocate for education reform, and provide educational opportunities to marginalized populations. For example, in sub-Saharan Africa, CSOs such as the African Network Campaign on Education for All (ANCEFA) and the Forum for African Women Educationalists (FAWE) have been instrumental in promoting girls' education and reducing gender disparities in education. In South Asia, organizations such as BRAC (Bangladesh Rural Advancement Committee) and the Aga Khan Development Network have been working to provide educational opportunities to children from disadvantaged communities. During an official visit to Bangladesh, I had the opportunity to visit the massive NGO BRAC

which covered nearly 15 lakh out of school children through highly structured and well-managed alternative education programmes. BRAC model was very helpful to us in creating our modified Non-formal Education / Alternative & Innovative Education (NFE/AIE) programmes at Prayas with the support from NCERT and our Governing Body (GB) member Prof. CJ Daswani.

In the common parlance, volunteerism and CSOs are talked about as being two facets of similar kind of activities – the first being in the nature of a spirit and the second being organizational. Volunteerism is considered to be a doctrine in which the free will of an individual to act is a dominant factor. A volunteer is a person who offers his services spontaneously without any extra incentives. His work is conscious, automatic and instinctive, a desire translated into some goal-oriented activity. A voluntary organization may be considered to be a conglomeration of volunteers joining hands with shared values of common concern for specific goals. The *raison d'être* of a voluntary organization is based on the principle interests of a group constituting the organization.

In the changing times, in India as well, the CSOs are stated to play the most pivotal role in the field of education and child development. They have emerged as an important feature on the Indian social landscape and, for appropriate reasons, the 21st century is being described as the age of CSOs. Whereas the growth of the voluntary sector is becoming pronounced worldwide, in India, it attains far more significance on account of the need for massive participation of the people. With the State parcelling out a number of its responsibilities to the voluntary sector, and many non-profit organizations undertaking entrepreneurial activities to subsidize their charitable operations, the line between the sectors like State voluntary groups and corporate sector, is getting blurred. What, then, will be the distinctive contribution of the voluntary sector, and where lies its comparative advantage?

While discussing the spirit of volunteerism, the voluntary efforts (both organized and unorganized), the respective roles of the State and the Civil Society, we also need to understand the dynamics of the social and political mobilization and that of the market economy. While confronting the gigantic problems like education and primary

health which are deeply interrelated with the overall development of the country, all these factors become extremely relevant and can't be dealt with in isolation.

As of now, nearly 750 CSOs are supplementing the governmental efforts towards UEE by rendering cooperation and resource support to non-formal education with assistance from the Government. CSOs are emerging as important partners in efforts of the Government towards UEE.

The participation of CSOs together with community support has helped to improve the physical conditions and environment of schools as well as promotion for girls and children. All these voluntary initiatives unanimously believe in the efficacy of education as the gateway to the wellbeing of these children, but their efforts are scattered and still not focused to galvanize into a national programme. This also creates the problem of sustainability.

Prayas as a Model in NFE, AIE (Non-Formal Education, Alternative & Innovative Education)

Prayas NFE model, established in 1988, focuses on out-of-school children, school dropouts (aged 6 to 14), and neglected, disadvantaged, and working children (aged 15 to 18). It offers basic education and life skills through tailored programmes and resources. The model was developed with the support of NCERT and has its own curriculum, teaching materials, and resource mobilization. It caters to children who cannot consistently attend formal education due to socio-economic reasons. Prayas initially started in Delhi slums, providing NFE alongside basic necessities and later expanded to other regions and disaster-affected areas. Over the past three decades, Prayas has served around 2 million children through various projects and partnerships with governments, charities, and corporations. The NFE model is child-centric, utilizing child-friendly tools and emphasising community involvement and parental engagement through bodies like 'Prayas Samudai Samiti'.

Prayas Model of Active Experimentation in Education: Key Features

- Uses Non-formal/ Alternative Education Centres (NFECs/ AECs) to bridge formal schooling gaps.

- Provides Crèche facilities for early childhood care and education (ECCE). Adopts the active pedagogic interventions of the BRAC model.
- Enhances teacher capacity through training and monthly review meetings.
- Emphasises joyful and peer learning through Bal Sabhas.
- Integrates creative expression and counselling in AECs.
- Offers distance education programmes through Jan Shikshan Sansthan (JSS).
- Develops community libraries to encourage reading habits.
- Operates in 10 States/UTs across India, serving 50,000 children, youth & women.
- Supports youth and women through skills training centres.
- Potential role model for other civil society organizations (CSOs).

Prayas could serve as a model for CSOs attempting similar work in the voluntary sector. Prayas has accomplished significant work in the field of Education, Women empowerment, Child rights, and community development, making it a potential role model for other civil society organizations (CSOs). A notable factor contributing to their success is their stress on community empowerment and participation. Additionally, Prayas utilizes innovative strategies to tackle social issues, emphasising the value of creativity and adaptability in the voluntary sector. CSOs can learn from Prayas by incorporating these principles into their social development work.

Challenges

The National Education Policy 2020 (NEP) aimed to bring about significant changes in India's education system, focusing on learner-centric approaches. Previous education policies in India mainly concentrated on equitable access, as seen in the NEPs of 1968, 1986, and the 1992 amendment, along with the Right of Children to Free and Compulsory Education Act 2009 (RTE). These policies formed

the foundation for achieving universal elementary education besides making educational programmes more connected to the functional requirements of life and work. The hiatus between education and realistic learning-cum-employability is also being covered within the new and more dynamic systems of education which emerge from the NEP 2020.

In today's rapidly changing world, certain skills have become essential and non-negotiable. The NEP allows for the integration of subjects like scientific temper, evidence-based thinking, gender sensitivity, digital literacy, coding skills, computational thinking, ethical reasoning, moral reasoning, and skill-based learning. By incorporating these subjects into the curriculum, students can acquire knowledge and grow in a technology-oriented environment.

NEP also addresses the issue of the government's role in education regulation. Previously, there was a conflict of interest as the government played multiple roles, including policy-making, regulating private schools, and operating state schools. The NEP proposes the separation of these functions by establishing independent regulatory bodies called State School Standards Authorities. This move ensures true federalism, as states can exercise their authority in regulating education while cooperating with the central government.

Recognizing the role of low-cost Budget Private Schools in providing education to millions of children, the NEP proposes a "light but tight" regulatory approach. These schools, despite their limited resources and low budgets, have been successful in delivering quality education to economically weaker families. To empower these schools, the NEP suggests minimal standards of operation that are responsive to the practical challenges faced by such institutions. State governments must take responsibility for implementing the NEP effectively to achieve its goals.

Moreover, the NEP promotes inclusivity by encouraging partnerships with Civil Society Organizations (CSOs) and community members. It emphasises vocational and alternative education, setting a target for at least 50% of learners in schools and higher education institutions to have exposure to vocational education by 2025.

Institutions are encouraged to collaborate with CSOs that possess on-ground expertise and can provide students with contemporary knowledge. Additionally, the NEP highlights the importance of lifelong learning and urges states to collaborate with CSOs and community organizations to enhance skill-based education.

However, the implementation of the NEP faces challenges. Despite its visionary approach, the policy lacks specific implementation, guidance and details. Some of its recommendations are impractical and could disrupt educational institutions, students, and instructors, necessitating a significant increase in public education spending. The NEP promises to gradually increase government spending on education to 6% of GDP, but previous pledges to increase funding have not materialized. It is crucial for the government to demonstrate a genuine commitment to enhancing the budgeted expenditure on education.

Moreover, the NEP's ambiguity and certain proposals raise concerns about centralisation, which may undermine federalism and the autonomy of academic bodies. There are worries about increased commercialisation, widening access disparities, and the imposition of a uniform approach driven by government ideology. Such a direction discourages rationality, promotes obscurantism and unscientific thinking, and limits the intellectual freedom of the younger generation. It is essential to prioritise our children's development of scientific temperament and encourage critical thinking instead of promoting conformity to a particular ideology.

Two challenges which are thrown up by the NEP 2020 which are extremely relevant to the role of the CSOs like Prayas happen to be:

- recognition of the fact that there are nearly 32 million out-of-school children from the Socio-Economically Disadvantaged Groups who need an entirely different strategy to get them into its aspirational situations, and
- the millions of the semi-literate and neo-literate youth of India facing the stark realities of unemployment or underemployment. Perhaps, more than the existing educational and vocational programmes of the government, the NGOs having experience of running the NFE/

AIE and Vocational training programmes in the community-settings, could be better qualified to undertake these tasks.

Conclusion

In conclusion, this paper highlights the vital role of CSOs in advancing education, particularly in India. Through their diverse approaches and strategies, CSOs have contributed to enhancing access, quality, and relevance of education, thereby promoting social inclusion, economic growth, and human development. However, CSOs face various challenges in their efforts to promote education, including limited funding, political resistance, and coordination among different actors. Therefore, it is crucial for governments, donors, and other stakeholders to recognize and support the critical role of CSOs in advancing education, and collaborate with them to build equitable and inclusive education systems.

In the end, it can be said that the task to provide education to all the children is indeed a colossal challenge. The governmental machinery in any case cannot address the problem within its own strength and resources. Through direct interventions, not more than a few thousand, maybe lakhs, out of the existing millions out of the school child population, could be covered. Mainstreaming them into the formal school system alone is not the solution. Considering the potentialities and nature of such children with pressing economic compulsions, Alternative School Education appears to be an answer. The central and the state governments will have to collaborate with the National Open School, national and state level literacy and vocational programmes to encourage spirited individuals and Civil Society organizations to run educational programmes for children. The task is indeed gigantic, but with the support of partners including international bodies, funding agencies, government agencies and voluntary sector and a strong political will, the objective of universalisation of education is achievable.

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Raghu Dayal

Railways and Army: India's Crown Jewels *In the service of the country*

There are two institutions or organisations in our country that can stand out as national icons and that really engender instant pride and deference – the Army and the Railways. They are indeed two iconic institutions of India and share obvious similarities in terms of size, salience, and structure – the military as nation's sentinel, keeping it secure and safe; railways, as its life-line, arteries and sinews of its economy. With pan-India presence, Indian Railways (IR) is India's largest landlord, the military a close second. Army's cantonments much like IR's colonies are in themselves mini townships, complete with education and healthcare, sports and recreation facilities.

India's army and railways knit the country together, each coincidentally having around 1.3 million strong manpower, that too, fortuitously, in eight functional departments/cadres in IR and a similar number of arms and services in army. Initial railway construction in India was largely supervised by British military engineers. Logistics, railways' raison d'être, and military's integral part of all its operations, owes its genesis and evolution to military. Both these behemoths impact, as no other institution, millions of India's men, women and children, directly sustaining them. Country's largest employers, Military and Railways serve as repositories of officers and other ranks – among the best trained and dedicated human resources in the country.

Railways and military evolve war machines

Since its inception, railways has been a mainstay of military, a bulwark for the transport of myriad equipment as well as personnel to and from exercises or a theatre of operations. Notwithstanding

the improvements in other forms of transport that have, to an extent, eroded railways' importance to the military since the end of World War II and the Cold War, it still commands a critical, elemental relationship with military for its vital logistics support system. Military use of railways is, as a rule, based on a pre-existing civilian railway network rather than a military-owned system. Nevertheless, specialized, custom-built rolling stocks have generally been used.

A vital partner in U.S. military operations for some 200 years, railways have transported troops and supplies. Often termed the 'first railroad war' – the American Civil War (1861-1865) was the first major military engagement in which railway networks were both a major tool and a major target of military action. Since the Civil War, American railroads have rendered vital support to U.S. combat efforts, developing innovative technologies needed to strengthen military operations. For instance, they introduced ironclad wagons, capable of carrying big guns and artillery, which later evolved into modern armoured combat vehicles.

Hailed by General Robert E. Lee in 1862, the newly conceived iron-plated battery mounting a heavy gun on a wagon, first used during the Siege of Petersburg in Virginia, provided the mobility and force that changed future combat. The cannon weighed around 8,000 kg when mounted on a flatbed railcar, enabling a battery to fire while moving. These iron boxcars, with openings for artillery fire, became the precursors to today's tanks. Battleships would also adopt similar mounted guns and weapons technology in World Wars I and II. Take the diesel-electric locomotion: although introduced during World War I, it was during World War II that it became truly integral to expanding America's rail capacity during wartime.

Hospital trains: The Civil War introduced wartime use of trains for medical evacuation, improvising them as hospital cars from available rolling stock. In 1917, the wounded were moved in custom-built unit trains made from converted Pullman coaches. Two years before America entered World War II, the U.S. Army began building enhanced hospital unit cars, boasting new features such as side doors to facilitate patient loading and compact operating rooms.

Railways like a second army

The early phase of World War I was influenced to a large degree by the speed of military mobilization via railways. The German Schlieffen Plan relied on an extensive network of strategic railways to allow crushing France before Russia could mobilize. However, Russia mobilized more quickly than Germany had anticipated, and Germany's offensive on the western front ground down to stalemate and trench warfare. The resulting unprecedented heavy use of artillery required transport on an unprecedented scale, and narrow gauge military trench railways were quickly built to service the western front for both sides.

German bombing of Polish railways contributed greatly to the swift success of the 1939 invasion of Poland. In turn, losses due to air attacks on Deutsche Reichsbahn in 1944 severely handicapped German logistics. Leaders also used military trains, for example Adolf Hitler's Amerika and Hermann Goering's Asien. Trains were protected by railcars armed with anti-aircraft guns.

As World War II unfolded, railroads moved approximately two million troops a month for deployment following the attack on Pearl Harbour. They were instrumental in hauling the coal, iron ore and steel needed to produce military supplies and the finished products. In 1940, just before World War II, American railroads moved 70% of all freight transported in the United States. That number skyrocketed between the war years of 1942 and 1944. There were record-setting increases in passenger and freight volume, with railroads carrying more than 90% of the military's freight and 98% of its personnel.

Japan built several railways for military purposes, notably the Burma-Siam Railway, known as the 'Death Railway', because of the number of Allied prisoners-of-war and Asian labourers who died while constructing it. Railways in India's North-east were expanded by the Americans to supply China via the Ledo Road.

America's railroads continued transporting armed forces personnel in the Korean War (1950-1953), with large numbers of unit trains bringing troops west to ship out to Japan and Korea. During the Korean War, the Army deployed flatcars capable of moving the new,

heavier M46 Patton tanks. At the same time, the Navy purchased DF damage-free boxcars, specially constructed with a load securement system for safe transportation of ammunition.

Consider the ongoing Russia-Ukraine war, and the Ukraine Railways' key wartime role: "Trains have played a crucial role in countering the Russian offensive", said Oleksandr Kamyshin, head of Ukraine Railways. "Some say the railways have been like a second army", he added. "Since the start of the war, 3.8 million people were evacuated from the east and the south of Ukraine toward the west, and 600,000 people in the west toward neighbouring countries," like Poland, Romania and Moldavia, said Kamyshin.

The network has also found itself in the sight of Russian bombers. Kamyshin said that, in April, Moscow was systematically targeting Ukraine's railway infrastructure, suspecting the trains were being used to bring in Western arms. "Dozens of bridges were destroyed, but we are constantly rebuilding," Kamyshin lamented, pointing to a bridge in Irpin, a strategic suburb west of Kyiv, which was "rebuilt in 29 days" – a job that would normally have taken months. He explained how it will take years to rebuild Ukraine's rail network, Europe's third-longest after Germany and France, with 23,000 kilometres of track.

Indian Railways has been in the forefront, operating in tandem with country's security agencies in war and peace, railwaymen ever ready to operate amidst hazardous circumstances, in fact, delivering the goods with exemplary devotion. The latest instance is IR's speedy and efficient delivery in aid of military at the Line of Actual Control (LAC); in recent years, India has undertaken a massive upgradation of the roads and other infrastructure along the Line of Actual Control with China. Albeit the urgent movement of men and material in emergency cases, like it happened in case of Ladakh, happens by air, the second tier and further deployments are done by rail, followed by roads.

A specialised wing of the Indian Railways, Mil Rail is responsible for coordinating the rail movement of armed forces' personnel and equipment when and where needed, during peacetime as well as war. A control room within the Mil Rail stays in constant touch

with the Ministries of Defence, Home and the Zonal Railways. Information about moves carrying troops or equipment reaches the concerned railway Zones/Divisions from the Mil Rail. For example, even during the nationwide Covid-19 lockdown, when all passenger trains were suspended, Army arranged for special trains to ferry hundreds of troops from different parts of the country across the borders. The Mil Rail ran multiple trains to get workers from different places, far and near, to Ladakh for the Border Road Organisation to continue building roads and other infrastructure during the standoff with China.

Rail connectivity to the LAC is now being accelerated. For example, the three strategically important railway lines in the North-eastern states, first proposed by the Army in 2010-11, are put on fast track, for which the final survey has been completed. These strategically important railway lines, which will bring many important border areas in Arunachal Pradesh, Manipur and Sikkim into the Broad Gauge (B.G) railway system over the next 10 years, are expected to help the military transport soldiers, weapons, supplies and equipment faster to the LAC, especially in Arunachal Pradesh.

In a rare felicitation of a civilian government servant, Amresh Kumar Choudhary, the head of the Mil Rail control room, was awarded the Chief of Army Staff commendation on the Army Day. He was closely involved in managing operations in the aftermath of the Pulwama attack in 2019 and the current India-China standoff. Somehow, there has been little recognition by IR management of numerous instances of railwaymen, much like our jawans on a battle-front, volitionally performing tasks, unmindful of grave risks involved.

In this context, I feel smitten with remorse at failing to plead for a brave khalasi who volunteered to do an incredibly risky job of nursing a tank wagon on a galloping train over a long stretch – from Bilaspur (Chhattisgarh) to Kalaikunda (near Kharagpur, West Bengal). During a critical phase in the 1971 India-Pakistan war of liberation for Bangladesh, an aviation fuel train, of 2-axle wagons, all with screw coupling and friction bearing, was needed to move from Bombay to the Air Force depot at Kalaikunda most expeditiously. In the Rail Board emergency control that night, I alerted the South

Eastern Railway (SER) and Central Railway (CR) central controls, to get the train precedence even over the Bombay-Calcutta Mail, arrange change of crew and essential Carriage and Wagon (C&W) check with utmost expedition, Station Masters/ Assistant Station Masters (SMs/ ASMs) along the route to keep through signals down and be fully alert to notice any potential risk and instantly report.

As the train rolled into Bilaspur, a spark was detected in a wagon bearing. A quick chat with a known ASM and C&W fitter on duty (known since the blissful days of first posting as Assistant Operating Superintendent [AOS]) let me summon the courage to avoid detachment of the wagon, and have train moving after quickly nursing of the journal of the wagon. Providentially came a soul-lifting offer from a courageous khalasi, who of his own volition would perch on the wagon's screw coupling and buffers, to keep oiling the bearing on the running train all the way from Bilaspur to Kalaikunda. Oh God, where would I hide if the journal gave way! It was a life-and-death issue, a matter of honour of the country. Fortune helps the brave. The train made it well in time, clocking an average speed of almost 60 kilometres per hour, for the parched and thirsty aircraft to gulp the elixir, and take off to conquer the skies. We all heaved a sigh of relief. We owed a fitting tribute to the Khalasi, a citation as a brave soldier would merit a coveted Shaurya chakra. I failed to record nation's gratitude to the colleague worthy of the highest honour.

A symbiotic relationship

The very birth and growth of India's railways came about from mercantilist as much as strategic considerations of the British colonial power. As the historian David A. Campion puts it, "For the British, the railways remained the most visible symbol (with the possible exception of the army) of their technical superiority and the physical conquest of the land as well as their political control over its people".

Much of the shape, policies and practices of railways in India emanated from the concepts set out by Lord Dalhousie, 'an imperious and imperialist Governor General' (Mark Tully, in his *A view of the history of Indian Railways*), who addressed the two renowned 'minutes'

of 1850 and 1853 to the East India Company's Court of Directors, especially the 1853 minute, running to 216 pages, written personally in long hand. Dalhousie felt that, if the railways were to fulfil roles far beyond their commercial potential, the lines would have to be built keeping in view a larger perspective, in which the defence of the fledgling Empire was to be of paramount importance.

While the Great Indian Peninsula Railway (GIPR) was supported by Liverpool merchants who wanted to get their hand on Indian cotton, weave in England, and then use the railways to deliver the cloth to Indian customers, Dalhousie was certain that the British needed railways in India. To subjugate the economy to Britain's interests, India itself had to remain subjugated too. So lines were built specially to facilitate the rapid movement of troops. Mark Tully writes that the North Western railway was known as a strategic line. The Frontier Mail running from Bombay to the North Western Frontier province, where Britain's interests were almost entirely strategic, became one of the best known trains in the world.

From its inception, colonial British planners viewed the railways as the cornerstone of an interconnected structure of transportation and communication which would link virtually every region of the subcontinent to the industrial economy of imperial Britain. Yet no less important to the British were the benefits the railway would provide in solidifying control over their Indian conquests and maintaining internal security in the largest and the most diverse part of their empire.

Martin Green, in his book *Dreams of Adventure, Deeds of Empire* remarks that 'geography became a sort of heraldry of imperialism – every mountain and river evokes the excitement of conquest and possession'. Tennyson and Whitman wrote their poems in the 1840s; they invoked both God and colonial masculinity in their appreciation of the immense possibility of the railways in the oriental world in general or India in particular. Alfred Lord Tennyson (*Locksley Hall* poems) was aware of the strength and usefulness of steamships and railways. Walt Whitman, informed by the same Anglo-Saxon pattern of romanticism, was more outright in his vision; he saw the railway in the "Passage to India"!

Railways nurturing the Raj

Christian Wolmar explains in his *Railways & the Raj* that Governor General Lord Hardinge (1844-1848) was clear about the compelling reasons for wanting to see the east-west line (Calcutta to Delhi) built as, in his opinion, on military considerations alone. Hardinge argued that facilitating rapid transport between major cities would permit a reduction in the number of troops required to be kept in barracks. Similarly, post-Afghan war, the Government of Lord Ripon addressed the need to implement the recommendations of the Famine Commission on the one hand, and build strategic rail lines on the other.

Following the intervention by Viceroy Lord Lytton in 1879, a series of schools were founded by the railway companies and churches for the children of lower-paid European and Eurasian railway staff, including few boarding schools such as the one at Jamalpur. The boys in these schools were required to carry out frequent military drills; the older ones were attached to railway battalions of the auxiliary force, known as the Railway Volunteer Force, which Indians were barred from joining. The Force was expected to act as a permanent deterrent to repeats of the 1857 mutiny, as was noted by Rudyard Kipling, writing in 1888, on a visit to the headquarters of the East Indian Railway in Jamalpur. On a visit to Lahore, just prior to his trip to Jamalpur, Kipling also noted the workshops there had built an armoured train fitted with heavy artillery and machine guns.

Railways were a symbol of the might of the Raj. Many stations were rebuilt in this period, as fortresses which would provide protection for Europeans in the case of a repeat of the 1857. In fact, emphasis was on building stations in city centres rather than outside them; the city-centre stations would allow troops to arrive rapidly by train to where the riot was likely to be taking place. Mighty stations were built to overawe the subjects – the Victoria Terminus in Bombay built in a Gothic Revival style, partly redolent of St Pancras, Calcutta's Howrah sprawling along the banks of the Hooghly river and boasting of being the largest station in Asia, Madras with its clock tower a red-brick Big Ben, and Lahore more of a fortress than a railway junction.

Most of the ‘strategic’ railways were built on the then India’s North-west Frontier, bordering Afghanistan, their construction stimulated by a recurring fear that Russia was constructing railways in central Asia with designs on invading Afghanistan, seen as a buffer state. The North Western Railway, a state-owned company created in 1886 by merging the various railways, built a line to Jamrud, the entrance to the Khyber Pass. Construction actually started in 1905; progress was slow, the project was no longer a political imperative. In 1909, the whole scheme was abandoned. But the Third Afghan War, which started in 1919, and the fear of expansionary policies by the Bolshevik government, which came to power in 1917, renewed interest in the line. The railway was completed to Landi Kotal in November 1925. The Khyber Railway was the last of the great railway constructions undertaken on the frontier during the British Raj.

The Afghan campaign revealed the need not only for improved means of moving troops to and along the frontier, but for improvement in the carrying capacity of existing lines. ‘One train in a day of 16 hours,’ according to an official account, ‘was found to do the work which it would have required 2,500 camels to do in a fortnight.’ The second Afghan War (1878-80) provided the impetus for the construction of these railways. During the war, the most remarkable project was the construction of the Kandahar State Railway.

Towards the end of the nineteenth century Lord Roberts argued that the railways justified a wholesale change in the character of the Indian army. He wanted it transformed from a force limited to dealing with trouble at home to a fighting machine capable of facing ‘European foes’. This was possible, he said, because, ‘with railway and telegraph communications from one end of India to the other, the risk of internal trouble is greatly diminished and the possibility of external complications had become daily more apparent’. The gallantry of the two Indian Divisions sent to fight in France during World War I proved Roberts right.

During World War I, a heavy strain was placed on India’s railways by the transportation of troops and war material at high priority. As Ian J. Kerr (*Engines of Change: The Railroads That Made India*) notes, ‘By

December 1916, the railroads could no longer handle all the traffic requiring railed transportation; passenger traffic was curtailed, fares increased, pilgrim traffic prohibited and a Central Priority Committee set up to control goods traffic⁷. India was called upon to meet heavy demands for staff and material for railways in East Africa and elsewhere. Large quantities of stores and tools and plants of all kinds necessary for the construction, repair and working of railways were requisitioned for military purposes in East Africa, Mesopotamia, etc. Additionally, railway workshops were made to divert their resources to the production of high explosive shells, hospital trains and other war equipment.

Likewise, during World War II, Indian Railways were called upon to release locomotives, wagons and track material for the Middle East, necessitating the dismantling of as many as 26 branch lines. A large number of workshops were diverted to the manufacture of ammunition. At the end of the war, there were abnormal arrears of renewals and replacements; the whole railway system had virtually broken down. According to J.N. Sahnî, the system emerged from the war in a battered and dilapidated condition.

As in World War I, railways were the cornerstone of transport for the war effort. The Japanese attack of Pearl Harbour in December 1941 was far closer home for India, and railways played an even greater role than during World War I. In the first part of the war, before Pearl Harbour, Indian railways were called upon to accommodate not only the transport needs of the expanding Indian army, its numbers increasing more than ten-fold, to a staggering 2.5 million, but also was compelled to close several lines and despatch the dismantled equipment to build and expand railways in the Middle East. It was mostly the metre-gauge lines that were closed, and provided hundreds of locomotives and several thousand wagons, besides 4000 miles of rails.

After Japan had overrun much of South-east Asia, and Burma, a province of India until 1937, was overrun in 1942, the priorities changed. Some branch and minor lines that had been little-used suddenly became vital links in the logistical exercise of defending India's eastern borders. Ironically, while all the effort to build up

railways on the North-west Frontier from where an attack on India had been apprehended, proved futile, railways in the north-east, with three different gauges and many single-track lines that had been little used and ignored, assumed critical importance.

This route was not only important for resisting the Japanese invasion; it gained importance as the Allied forces in China were supplied by an airlift over the Himalayas from a series of landing strips dotted along the railway lines in Assam. John Thomas, an officer, wrote a somewhat hyperbolic account of the way the line assumed importance during the war, “The fate of India, and to a degree, the British Empire, depended on this slender line of communication”.

Railways and Army today face common problems

Both railways and army face formidable challenges arising from severe financial crunch, sectoral virus, outmoded organisational regime, etc. Hamstrung by a major chunk of budgetary resources committed to leaping expenditure on pay and pensions, leaving little to adequately provide for essential fire-power – armaments and equipment, top army brass realised the imperative of reforming and restructuring it. Of course, protagonists of reforming and restructuring the armed forces have had to move ahead in the teeth of resistance, amidst ruffling of many feathers, a crescendo of protests.

Old and big, with long history and traditions, the Army as much as the Railways have a complex structure to reckon with. In the case of the army, like railways, it is complex because of the presence of diverse departments. Take the army, the complexity shows up across its Arms and Services. First are the Combat Arms: Infantry, Mechanized Infantry, Armoured Corps, besides Artillery (though classically not counted among Arms, it is colloquially counted as such). Then come the Combat Support Arms: Signals, Engineers, Army Air Defence, Aviation and Intelligence. Thereafter there are the Services: Army Service Corps (ASC), Army Ordnance Corps (AOC) and the Electrical and Mechanical Engineers (EME). Further, there are also two other departments: Army Education Corps (AEC) and the Judge Advocate General’s Branch (JAG).

Army on course to reform

Abjuring the prevalent propensity towards ‘consultivitis’ for seeking remedies for its ailments, Army has relied mostly on its own resources of experienced leaders to critically scan the system in groups as think tanks, and articulate the steps and solutions. Among a flurry of reforms, for example, the army brass has contemplated (i) the slashing of non-operational flab, flattening hierarchy of higher headquarters, and downsizing Army Headquarters (HQ); and (ii) increasing the combat force ratio by merging different directorates, reconfiguring its Divisions and Corps into agile integrated battle groups, forming theatre commands, creating integrated composite Brigades, each under a Major General.

Currently, the Division, with about 18,000-20,000 soldiers, is the lowest formation that comprises all the elements needed for combat – infantry, armour, artillery, engineers, signals and logistics. Extending that model of decentralisation to peacetime as well would eliminate numerous manpower-heavy Division HQ, placing the Brigades directly under Corps HQ. It is advocated that a Divisional HQ would be useful for coordinating an operation that involves two or three brigades, such as a strike Corps offensive, which requires several armoured brigades to operate in unison.

A close scrutiny has been initiated to examine whether the army's current officer shortfall of about 8,000 officers must be made up, or whether the overall authorisation be reduced by about 5,000. “Making up the full strength would make the competition for promotion even more intense than it already is. The percentage of officers approved for promotion in each board – already worryingly low – will fall even lower”, maintains a senior officer. It has been seriously examined whether a larger number of meritorious soldiers and junior commissioned officers (JCOs) can be promoted from the ranks to fill up officer vacancies. There is also a proposal to recruit JCOs directly – currently a soldier serves about 15-18 years in the ranks before being promoted as JCO.

Railways seem to remain inert

Strangely, Indian Railways has been starkly remiss in regard to

meaningful, intensive reforms, when it has been more of a necessity for it to effect deep reforms. Being an essentially commercial entity, it is responsible to optimally balance its income and expenditure to remain healthy and robust. IR continues to wallow in the pernicious dynamics of *status quo*. It has been living far beyond its means, its expenses galloping far ahead of its income. With lop-sided fare and freight tariffs, and spiralling costs, it has been outpricing itself in freight business, its bread and butter. Its share in India's freight as well as passenger transport market has continuously fallen. Today IR is left with less than 20% share in country's freight and just about 5% of passenger business.

Like country's Army, its Railways is old and big. The big tends to become bigger. Again, as old and tradition-tied, it gets swamped by inertia and inaction, resistant to change, failing to adapt to new callings. And here, a big danger is the future. The pace of change continues to accelerate as its scale expands; markets move faster; change happens faster. The future will be more volatile. In order to succeed, it ought to understand that one has to grasp the nettle – with commitment to innovate, restructure, and grow.

IR needed to settle on its identity and its mission: Is IR a department, an enterprise, or a business? Doesn't it revel in parasitic ambivalence inherent in its perceived role of a departmental undertaking with public service obligation, when, instead, it ought to have embraced an unambiguous commitment to being essentially a corporate entity with inalienable responsibility to carry nation's freight and passengers efficiently and economically? A notable reform did come by, when the anachronistic separate budget for railways was abolished in 2016. An essential, and concomitant, next step was for it to discard its departmental character with competitive 'empire-building', bureaucratic mind-set, with misconceived public service obligation.

IR's management structure and organisation, hierarchical and feudal, that has endured over 150 years, served well in the wake of the first industrial revolution. Now, amidst revolutionary technological changes that overwhelm the business environment, it became obligatory that IR designed and followed an astute plan to rationalize

and reorganize the apex level managerial cadres, to trim the tiers that only retard and slow down decision-making and blur responsibility.

Two major reforms initiated by army appear to be particularly pertinent for IR to embrace: streamlining army's overall manpower count – identifying around 150,000 personnel to be shed over 6-7 years, besides examining whether its current shortfall of about 8,000 officers must be made up or, instead, the overall authorisation reduced by about 5,000.

With railways facing a deep ember signal ahead, Government realized how the IR Board, 'far from a well-knit, cohesive corporate body, its departmental silos sapping its energy and vitality', needed to be drastically re-structured. A general reform of the system stressed as not only desirable, is obligatory. As reforming IR required large scale financial restructuring, it also involved the shedding or even ring-fencing of its non-core assets, activities, and businesses. Basic business prudence demanded that it meaningfully pruned unit cost of operation, and raised productivity of assets and resources consistent with the manifold costs of new gadgets and technologies it inducts and deploys.

Railways has a lot among its vast web of installations – its zonal and divisional offices, and Rail Bhawan itself, its workshops and sheds, stations and yards, depots and colonies – that it needed to critically scan, to determine the need and utility of each one of them. It has added layers when it needed to become far flatter, nimble, and lean. Costly technologies are inducted; several services and activities are outsourced/corporatized, but permanent cadres show no shrinking. IR remains over-staffed, heavily so, and has a drag effect on its efficiency, economy and accountability. It inducts costly technologies, yet carries large numbers of unskilled workers. They needed to be re-trained, and re-deployed in more gainful tasks.

Again, like army forming effective integrated theatre commands, railways ought to have considered its major activity hubs such as large station complexes, freight centres, maintenance depots and installations to be endowed with duly and effectively empowered local Area Managers for quick/timely decision-making and efficient service delivery.

The Bibek Debroy Committee found that “IR’s efficiency was better with 9 zones than with 16”. IR needed to sincerely examine the efficacy and utility of streamlining its 4-tiered organisation into a 3-tiered system, as Chinese Railways did in 2005, by abolishing its 44 sub-regional entities – equivalent of IR’s 68 Divisions. If required, IR could thereafter re-draw the geographical areas of its 16 zonal administrations, even increasing their number to, say, 22-25.

Career progression predicated on stringent regime

The Army tests its officers in command capability before any selection for promotion. The requisite training and opportunity to assume command is fixed at the rank of Colonel as the first “selection grade” rank. Officers of this rank command units of respective Arms and Services, but not all are given such opportunity; it is strictly through a stringent selection by a Promotion Board. They are tested in command capability as Colonels, which makes them eligible for further selection for progression to higher ranks.

There is a very important functional issue – that of command opportunities. The need for the right combination of training, exposure, and expertise in commanders is insisted at every level of operational responsibility. “Otherwise, we will have too many instances of senior commanders ‘learning on the job’ instead of being in a more advantageous position of ‘directing and teaching on the job’.”

There is an inviolable emphasis on ‘Merit’ for promotion to senior ranks, determined by the power to analyse and visualise strategic outcomes rather than just by conforming to existing policies, and ‘loyally’ following orders of their superiors. For instance, every Brigade commander is required to be ‘passed staff college’ (PSC), every Divisional commander should be Higher Command (HC) or Higher Defence Management course (HDMC) qualified and every Corps commander must be National Defence College (NDC) qualified. And ideally, every officer should have ‘joint services’ exposure by the time he comes up for ‘General Officer’ rank.

- The pre-commission stage of training provides the officer cadet individual skills in tactical field craft, ‘skill-at-arms’

and unit administration as well as leadership exposure to the kind of challenges that he would face up to the level of infantry platoon commander, i.e. the rank of Captain. Today, all officers, without exception, have to serve in operational situations at the initial Senior Leadership, even if he is commissioned into the services, i.e., ASC, aide-de-camp (ADC), or EME.

- The junior level: This stage of training provides the Young Officer (YO) the knowledge that he needs to function effectively up to the company commander level.
- The middle level: If the officer is selected for the staff course, he is put through a rigorous one-year dose of focused training at Wellington. Thereafter, all officers who are likely to be promoted to the rank of Colonel for taking over responsibilities of Commanding Officer of a unit are put through the senior command course to prepare them for their unit command functions. The command performance of officers is the most important criteria for selecting officers for promotion thereafter as senior leaders of the Army.
- The senior level: The officers for promotion to the next levels are generally identified on the basis of their performance as commanding officers and put through consolidated training programmes, namely, the Higher Command, Higher Defence Management Course, and National Defence Academy for Colonels.
- The next and final level of institutionalised training provided to officers is the year-long training programme for select officers at the Brigadier level at the NDC. At the general officer level, select officers are detailed to attend a week-long joint strategic workshop called the 'Core Programme', where a dose of strategic exposure is provided to a limited number of officers, who are likely to be assigned senior positions at the highest levels of leadership in the Army.

Army maintains utmost emphasis on right combination of training and experience. Its institutional regime precludes instances

of senior commanders ‘learning on the job’. The rank of Colonel is the first “selection grade” rank, done strictly through a stringent selection process. Thereafter, officers are put through strict selection regime reinforced with mandatory training schedules at different rungs of the ladder: officers for command of an operational corps to have essentially commanded a Brigade in the same operational environment; every Brigade commander be ‘passed Staff College’; every Division commander Higher Command or Higher Defence Management course qualified; and every Corps commander National Defence College qualified, and those going up for ‘General Officer’ rank should ideally have had ‘joint services’ exposure.

Here too, railways has been trudging along a purely bureaucratic path, with little concern of matching the attributes and experiences of officers with the demands of the job. Although IR has developed extensive training facilities for its managers and other ranks, these are almost entirely department-oriented at all levels. There is little evidence of job-oriented exposure, with a grasp of evolving integrated logistics services, and of leadership role required at crucial Divisional and Zonal levels.

For IR to institutionalize the selection for general management pool, the departmental representation in the managerial cadres may not go beyond the mid-career level of administrative grade, say, on completion of 12-15 years of service, when officers from all disciplines be given an opportunity to be considered for selection to a general management pool. A rigorous selection process, preferably by UPSC, or a standing selection panel of external eminent experts, will help an enduring management cadre to evolve, for appointment as empowered local area managers at large stations, workshops and depots, also in Planning, Vigilance, Public Relations, and, of course, following regular specialized courses, as Divisional and Zonal managers.

Sharing similar diversity and complexity in its departments and services, an important area for railways to emulate is army’s selection process for command posts that has stood the test of time. Like army filling senior ‘command’ posts (Brigade, Division, Corps, Army) mostly from among those from the fighting ‘arms’ (infantry,

armoured, artillery), not from corps of Engineers, EME, Signal, Ordnance, posts of railway zonal General Managers were required to be manned only by 'battle-inoculated' officers exposed to 'life in trenches', rigours of operational and commercial action in the field.

Railways' primary task being production and marketing transport efficiently and economically, its top management posts must perforce be manned only by those who are appropriately trained and exposed to the vagaries of market and rigours of operations in the field, who are duly "battle-inoculated", exposed to the rigours of operating and marketing action, extensive exposure to and close interaction with industry and trade, as well as other logistics services providers.

Those others who provide vital support for railways' primary business would naturally be enabled to rise in their specialized domains. That is how the Tandon Committee on Organisational Structure & Management Ethos of Indian Railways (1994) advised for suitable selection of officers with "needed combination of managerial ability and knowledge" for senior general management positions, while others "would seek their advancement in the areas of their broad specializations rising up to positions of ...Director General".

Severe damage was done to IR's basic management ethos when, in the decade of 1980s, established precepts for selection of General Managers and Board Members for railways were thoughtlessly altered. Board Members were invariably from among General Managers from zones (termed 'Open Line'), not from production units or projects.

Seized of IR Board being far from a well-knit, cohesive corporate body, its departmental silos sapping its energy and vitality, Government decided two years ago to integrate railways' eight Group 'A' services into a single unified Indian Railways Management Service, and downsize the Railway Board, re-designating its members on functional basis, instead of departments. The clock thereafter remains stuck. Call it inertia, pusillanimity, or else.

As an enviable repository of immense managerial talent, IR is known to have lent a number of its senior officers to manage at apex level some of India's earliest strategic enterprises in public

sector. It is also acknowledged to have delivered nation's goods with distinction, especially in challenging times of war and strife. Their sterling track record during the traumatizing pandemic has elicited nation's gratitude. Surely, their 10,000 strong managerial cadres have within them many a potential change-agents like some of those in earlier years who lifted it from troughs of despondency. Imperative is it that the individual is identified and empowered, who then will infuse urgency and drive into the behemoth. It's vital and essential for IR's own sustainability as much for the economy.

The Indian Forest Service & imperatives of Green Economy

This paper tries to look into the emerging social and environmental landscapes of forest, wildlife and biodiversity conservation management in the context of climate change and biodiversity loss. While dwelling upon the above imperatives, it throws light on some of the critical human resource functions of the Indian Forest Service that need to be relooked and be addressed now in the conservation governance of the country, focusing on the need to keep local public at the center of conservation agenda in the contextual landscapes. This paper has been written based on author's own experience of working on social innovations with public to address conservation agenda through landscape approach on the ground.

Challenges in the Forest, Wildlife and Environment Sectors: From now to 2030 and beyond

A. National scenario

- The social and environmental challenges of our country are aggravating. It is costing hugely to the nation—we need to mitigate and adapt the effects of climate change and ameliorate our degraded bio-environment.
- According to Forest Survey of India Technical Paper (2019)¹, the recorded forest areas (natural forest managed for conservation) constitute about 72% of India's forest cover. Of the total forest

¹ Technical information series Volume I No.3 2019, 'India's Nationally Determined Contribution of Creating an Additional Carbon Sink of 2.5 to 3 billion tonnes of CO₂ eq through Additional Forest & Tree Cover: Possibilities, Scale & Costs for Formulating Strategy' by Dr. Subhash Ashutosh (DG, FSI) et al.

area in the country, about 42% of India's forest cover is in open forest category with canopy density between 10% to 40%. There is significant scope of increasing carbon sink in this segment of forest cover by improving stocking of trees along with improving the stocking in the natural forest.

- According to Forest Survey of India (FSI) Technical Report (2019), for creating additional carbon sink of 2.5 to 3.0 billion tonnes through additional forest & tree cover by 2030, India has the potential area available to the tune of 75.8 million hectares (m ha) under ten identified activities for this purpose. These ten activities and the land available for each activity are: Restoration of Impaired Forests (13.7m ha), Restoration of Open Forests (18.9m ha), Plantation in Culturable Wastelands (12.5m ha), Agroforestry Plantations (13.7m ha), Green Corridors along National and State Highways (1.40m ha), Plantation along Other Roads (2.89m ha), Plantation along Railways Tracks (0.07m ha) and Railway Sidings (0.01m ha), Plantation along Important Canals (0.39m ha) and Expanding Urban Green Spaces and Avenue Plantations (12.2m ha).²
- Of the above ten activities, the first three activities amount to 45% of the potential area available for additional Forest and Tree Cover and also, in tandem, have higher livelihoods stakes for the local public and ecological stakes for other living beings. Hence, the restoration drive through Additional Forest and Tree Cover under these three activities can become possible only if the local ecological and livelihood stakes are understood and underlying tradeoffs are settled transparently with the local stakeholders and the public before bringing any such areas under green cover. *Will the Indian Forest Service officer have the requisite soft skills to understand the livelihood and ecological stakes to avoid conflict of interest with the primary stakeholders before taking up the areas under green cover?*
- To bring the above areas under forest and tree cover will require the Government a huge funding, which the Government is unable to meet. Already there are major gaps in Green India Mission

² FSI Technical Paper (2019)

funding and in the funding to implement National Biodiversity Action Plan. Since the Government is not in a position to meet these funding requirements, the funds for these initiatives need to be mobilized from the market and other sources. *How far is the Indian Forest Service officer equipped to mobilize resource and expertise from outside the Government for this?*

- Youth unemployment and poverty in forest fringe villages have caused civil unrest (like Naxalism) that has caused huge damage to forest and wildlife. For a country like India, where the level of employment is not adequate for the growing population, the economy needs to grow, and grow in a manner that generates local livelihoods, especially the rural livelihoods which depend a lot on natural resources from the forests. *How can the Indian Forest Service officer contribute to the green economy by supporting the green enterprises and green jobs in forest fringe villages?*
- The national governance is increasingly moving toward minimum government and maximum governance. This is impacting the conservation governance also. People now want to be treated as active citizens and not as mere recipients of the benefits from the Government. This is the opportune time to bring Jan Bhagidari for self-governance of public on the conservation agenda. The readiness is now needed in the Indian Forest Service to go to the public, be with them and ensure general public's long term participation and commitment in the conservation governance. This would also require the competence to build effective partnerships with the stakeholders at all levels for making public participation work on the ground, while taking advantage of every emerging opportunity to co-manage natural resources sustainably. *What type of attitude, skill and competence are required in the Indian Forest Service officers to mobilize the public for attaining self-regulation on conservation agenda?*
- Finally, the collective action of State, Market, and Civil Society entities with the Civilians will decide the ways livelihood assets are acquired, protected and transformed in favor or against conservation of forest and biodiversity. This is the essence of working through landscape approach. As a key State actor dealing

with natural resources, the Forest Department has the most prominent role here to play. *How far is Indian Forest Service ready and capable to work through the landscape approach?*

Given the above, in the present-day context, the traditional regulatory role of Indian Forest Service as the manager of a territorial entity based on technical knowledge of forestry, wildlife and environment, although important, has limited opportunities to take care of ever depleting natural resources and serve the larger interest of sustenance of humankind.

This needs a deeper rethinking to refocus on organizational vision and mission of the Forest Department and bring changes in the organizational functions accordingly based on the new emerging environmental challenges where there are huge opportunities to work through landscape approach to bring in appropriate solutions. This may even lead to reviewing the organizational structure of the Forest Department.

Hence, it will be proper to first decide the roadmap from 2023 to 2030 with a clear mandate (where would the Forest Department like to focus upon and what would it like to deliver?) under the changing circumstances and see the role critical to the Indian Forest Service therein in order to decide structure/approaches and work profile of the Indian Forest Service.

The new opportunities that are expected to emerge due to the changes in the connected landscape

Of all the emerging opportunities, the two major areas most relevant today for the nation and the world, where the Indian Forest Service can contribute most, are mentioned as under:

- **Restoration of potential area available under ten identified activities for Regaining Forest and Tree Cover through Landscape Approach (Greening of India).** The potential area is 75.8m ha according to FSI (2019).

Regenerating India's degraded forest lands and drying water bodies through landscape approach by integrating well-coordinated solutions to equity and environmental problems on the ground needs

a great deal of cross cutting domain knowledge, and public service attitude backed by soft skills to deal with public and staff. There has to be a process driven approach where the citizens play the role of day-to-day custodians and take responsibility of managing the natural resources.

- **Promotion of Biodiversity through landscape approach:** India, with only 2.4% of the geographical area of the world, harbours nearly 8% of the globally known species including 1,01,167 faunal and 48,655 floral species. It is also an acknowledged center of crop plant diversity and their wild relatives.³

For India, conservation of biodiversity is crucial not only because it provides a range of goods and services necessary for human survival, but also because it is directly linked with providing livelihoods to and improving socio-economic conditions for millions of local citizens, thereby contributing to sustainable development and poverty alleviation in a sustainable manner. Biodiversity also has a great relevance for our common future.

As climate change becomes more evident, there will be great need for adaptive genes in every biological form. Our forests and forest fringe villages are very rich in biodiversity. It is the most opportune time for Forest Service to consider not only timber and non-timber forest products (NTFP) as forest wealth but concentrate more on the genetic wealth as a commodity and leverage the genetic strength of forest and forest fringe villages for posterity along with benefiting the forest fringe villages with agriculture-biotech based trade. Focusing on biodiversity would be a very important part of forest management for the future. The sound management of forest and biodiversity is only possible when foresters along with the local community have an innate understanding of the process that help them co-build the system to handle biodiversity promotion related transactions in a transparent, inclusive, empowering and sustainable manner. The National Biodiversity Act 2002 and National Biodiversity Action

³ Biodiversity Finance Initiative (BIOFIN) India Brochure (2021) published jointly by Ministry of Environment, Forest and Climate Change, GoI, National Biodiversity Authority and United Nation's Development Program.

Plan 2008 (addendum 2014) provisions all such instruments. But the Human Resource (HR) systems to implement this Act in true spirit needs organizational revamping of stakeholder Government Departments like Forest, Rural Development and Panchayati Raj on the ground.

How is the ecosystem evolving for green economy?

Some of the random State and Market initiatives in this decade favoring restoration of potential forest and green cover area through landscape approach (Greening of India) and promotion of Biodiversity through landscape approach, are: rise in the Green Economy, mandating Environmental, Social and Governance (ESG) reporting by Corporates in India, Policy on Trees Outside Forests, Smart Cities – Green Cities, Framework on Forest Certification in India (Network for Certification and Conservation of Forests [NCCF]), Revision of National Forest Policy underway, National Biodiversity Act 2002 and National Biodiversity Action Plan 2008 (addendum 2014), Biodiversity Finance Initiative (BIOFIN) implemented since 2015 in India, Forest and Environment in Sustainable Development Goals (SDG) and Corporate Social Responsibility (CSR) list, Chartered Forester's Course at Indian Institute of Forest Management (IIFM), and Social Venture Capital Fund brought under alternate investment fund by Securities and Exchange Board of India (SEBI) in 2014 and Social Stock Exchange approved by SEBI Board (2021).

The changes that would be required in the existing structure/ approaches/ work profile of the Indian Forest Service to brace itself to face the new challenges and to efficiently use the upcoming opportunities

In the above context, it is imperative that the Indian Forest Service rethink the services it is providing now to stay relevant in the present and future context. There are huge opportunities to facilitate, harness and play a leadership role in the green economy at present, provided the Indian Forest Service officers recognize the urgency of the need to bring change.

For facilitating market-based solutions to bio-diversity conservation and ecological services from the forests as well as trees outside forests and biodiversity (inside and outside the forests), the Indian Forest Service officers would require the knowledge and skill to handle the ecosystem components and its players. Equally important is to connect with the stakeholders in the ecosystem with efficiency and effectiveness for creating impact with sustainable results of the interventions made through market-based approach.

Internal HR challenges in the Indian Forest Service

The current HR Challenges in Indian Forest Service in the context of embarking upon the role that is needed now, are as under:

- Management is still very much a focused territory based on working plan prescriptions; forest officers seldom show interest in works beyond their territorial jurisdiction, whereas the range of environmental products and services which forests can deliver has moved far beyond the territorial concept.
- There is still much reliance on the top, rule bound practices, risk aversion, and distrust and limited disclosures many a times do not solicit innovation in Forest Service. This is observed not only with Forest Department but also with other regulatory Government Departments with whom Forest Department has to work in tandem to create change.
- The current organizational function and structure do not give much space for new roles. There is a need to challenge some of the top-down regulatory role giving way to bottom-up facilitative role to co-create impact with the ecosystem stakeholders, especially with the stakeholder public. This is greatly impairing the power of Forest Department to harness collaboration with a range of important stakeholders for creating larger impact through landscape approach.
- Being a traditional department, much organizational learning disabilities exist, like the inability to assess environmental threats and opportunities; slow in analysis and solution generation to the challenges; lack of variety of skills, information, ideas and values, and more. The inability to share the relevant ideas within and

outside the organization is commonly seen as great weaknesses of Forest Officers by the stakeholders to handle the present-day professional challenges. Nevertheless, there are some excellent examples and they need to be integrated in systemic learning.

- Most importantly, Indian Forest Service officers should be groomed to feel proud to be in a unique position to serve and move the country and the world towards a sustainable future. This grand vision has to be made loud and clear and should resonate with the work of every officer in the Indian Forest Service. This impinges upon the organizational culture in the Indian Forest Service. This has to be a cross-cutting theme to be attended to in this exercise.

Keeping in view the above mentioned points, it will be good to focus first on organizing vision and mission of Forest Service in India from 2023 to 2030. Simultaneously, a clear HR mandate of the Indian Forest Service Officers can be drawn on emerging challenges/opportunities of the Forest Department (FD) within this time frame. Two of the encompassing thematic areas needing attention at present have been mentioned earlier, as restoration of potential forest and green cover area through landscape approach and biodiversity conservation through landscape approach. To keep the focus, HR functions of the Indian Forest Service are being discussed as under keeping in view the present-day delivery challenges on these two thematic areas in this paper.

The way to move ahead with the changes in the structure/ approaches/ work profiles for achieving the desired impact could be as under:

- **Map the complete functions and functionalities of FD** on the collaboration roles critical to the Forest Service in bringing distinct value in different market sub-segments of impact value chain with the stakeholder public, other Government Departments (including Research and Academia), Market Players, Financial Institutions and Civil Society Organizations and the local Civic Bodies on the above mentioned two initiatives.

- **Mapping the capacity of Indian Forest Service officers to deliver** on the initiative mentioned earlier (restoration of potential forest and green cover area through landscape approach and biodiversity conservation through landscape approach) with respect to the following: (1) Behavioural attitude to serve is most important (2) Functional competency of the officer to deliver these roles on the two initiatives (3) Domain understanding of the officer to create impact in the eco-system.
- **Creating an understanding of mapping competencies in the Indian Forest Service:** It is normally seen that the Indian Forest Service officers are comfortable to handle Forestry and Wildlife sector through a territorial approach, although the officers aspire to work for afforestation and biodiversity conservation (behavioural attitude to serve). But the officers have very less functional competency in terms of knowledge and skill to promote forestry and biodiversity through landscape approach where the interest of local public and the ecosystem stakeholders counts considerably in promoting these two initiatives (functional competency). And most of the time, despite having the above two capacities, most officers fall short of the understanding of the critical cross cutting issues and agenda of the other sectors that will contribute or negate the process of building right ecosystem for impact and sustainability of the interventions to be made in the landscape. This also pertains to socio-economic dynamics (gender, caste etc.) and livelihoods concerns of public that interplay with the conservation realities of the area (domain knowledge). If one does the competency mapping of Indian Forest Service officers today, most of the officers possess capacity no. 1 (behavioural attitude towards landscape approach) and few officers with capacities 1+2 (behavioural attitude + functional competency) and very few officers have capacities 1+2+3 (behavioural attitude + functional competency + domain knowledge) to serve with the landscape approach.
- **Reviewing mission driven functions of Forest Service to stay relevant:** It is not that the Indian Forest Service officers have not been trained in capacity number 2 and 3 at different phases

of their career. It is because the present organizational functions of FD seldom make use of these capacities as per the current organizational missions of FD in India. This is the time to do a thorough review of such organizational functions to bring in the needed organizational change.

- **Framework needed for consistently acknowledging and addressing the change:** For the above review to be done, it is recommended to prepare a framework for acknowledging and addressing change needed at all the levels in the Forest Department. This framework needs to constantly map the emerging functional challenges of the Forest Department on a yearly basis at the Centre and in the State Forest Departments in achieving the outcome (on restoration of potential forest and green cover area through landscape approach and biodiversity conservation through landscape approach); and this has to be a serious and constant exercise.

Grooming Indian Forest Officers for change:

- **Need for multi-sectoral exposure at junior level –** Officers need to be given exposure to multisectoral works through landscape approach to promote forest cover (within and outside the forest area) and in promotion of biodiversity with the landscape approach. A more process driven role needs to be encouraged in solving local social and environmental problems with the public and with the relevant stakeholders from State, Market and Civil Society Organizations (CSOs) rather than working in a siloed manner using solution driven principle drawn by the experts. Just to give an idea, the following are few of the new roles that the Indian Forest Service needs to pay attention to be market-ready to promote conservation:
 - Promote collaboration and convergence between State agencies, Market and Civil Society entities and actors for supporting Social/Environmental Enterprises that promote conservation of forest, wildlife and biodiversity conservation through local people's initiatives.
 - Search for potential, replicable and scalable finance solutions

for filling the funding gap to be funded either through philanthropy (CSR) or socio-environmental impact financing (donation/grant/investments).

- Understand the importance of green jobs – its potential and need for promotion of forest and biodiversity. It is only the skilled workforce (own staff and local people) that can create value and build traction for funding for the cause of forest and biodiversity. For example, training and certifying the local youth as professionals for record keeping at various levels of transactions of bio-resources can establish the chain of custody of bio- resources while implementing National Biodiversity Action Plan. Such green jobs will help make the locals the real custodians of the natural resources.
- **Need of convergence at program and policy level** – The functional competency and domain knowledge to handle the works as above needs to be learned practically in the Forest Divisional postings by the young Indian Forest Service officers. These competencies are required to be enhanced, needfully curated and skillfully harnessed with the stakeholders, as the officer moves up in his/ her career ladder. Hence, a great deal of attention needs to be paid on convergence of programs and policies right from Divisional Forest Officer (DFO) level to the top as per the functional role to cater to the two initiatives earlier mentioned (restoration of potential forest area through landscape approach and biodiversity conservation through landscape approach). It is possible to specify and quantify the convergence attended by the officer. These need assessment annually in the Annual Performance Appraisal Report (APAR) at every level in the Indian Forest Service. This will greatly help fight silos and encourage seamless information sharing, prevent wastage of Government resources and make real impact on the ground, and will bring more traction for financing expertise to promote the cause on these two initiatives.
- **Harnessing social and institutional capital of the community** – Given the challenge of public participation in managing common property resources like forest, biodiversity,

water and air, FD needs to focus a lot on creation of social capital with the public to overcome these challenges in real terms. This needs to be promoted with a great positive attitude in the public space. Qualities like becoming accessible, patient listening, sharing information and touching hearts for collective problem solving with staff and the stakeholders would lead to meaningful social innovations with the public on the ground. The Indian Forest Service officers in the field need to be given space and encouragement to try out social innovations with the public for creating lasting environmental impact through functioning of local institutions and on voluntary compliance of regulation by the public. Paying attention to life skills and soft skills would form the backbone of process driven approach to systematically handle the landscape initiative on the two main initiatives mentioned earlier. To integrate the related competence into the functioning of an Indian Forest Service officer, the impact made in the quality of natural resource management through social innovations needs to form a part of the annual assessment in the APAR.

- **Leveraging Information Technology (IT) for better conservation governance** – Understanding the stakeholder and public interface through better use of IT would enhance the transactions of the Indian Forest Service officers for regulation implementation. This would quickly help build sound and transparent relations with the public and the concerned stakeholders to address any process change needed in the ecosystem to promote the two targeted initiatives mentioned earlier.
- **Documenting best practices for policy support** – One of the most important competences required in the Indian Forest Service today is that the officers need to document best practices in conservation governance. The best practices documented meticulously and followed up immediately for policy support will create a huge faith in the public to sustain any good initiative and would create a tremendous impact on conservation governance. Publication of the innovative works should also form a part of the APAR assessment.

- **Strengthening the Forest Department from the bottom up**—Most importantly, there is a need to strengthen the delivery capacity of FD at the cutting-edge level on the two initiatives. At present, the functioning of the Forest Department is very much Forest Division Office focused (as per the Forest Manuals). Range Office now has to deal with multiple tasks having public interface on new roles. Hence, it is important that FD pays due attention to the strengthening of Range Level Office infrastructure and builds the strength and capacity of the staff to handle the changed roles and responsibilities. Needful amendments in the Forest Manuals of the states will help Indian Forest Service Officers deliver better results through landscape approach on the ground.

Disclaimer: *The views of the author are personal and not those of the Government of India.*

Nitish Anand

Pension Schemes in India: A Debate on New vs Old

Retirement planning is a crucial aspect of financial security, and pension systems play an important role in ensuring individuals experience a secure future once they leave active employment. Pensions, being a source of both financial savings and old-age income security, is an obvious decision for an individual. However, this is not the case in practice. Retirement is distant from one's mind in the early stages of employment when one begins to save. As a result, in the formal sector, the employer's provision of a choice of superannuation benefit, which is mostly based on regulatory requirements, becomes the default option. In India, it has usually been the provident fund, offered by the Employees' Provident Fund Organisation (EPFO), to which employers are also required to make a co-contribution. The Employees' Pension Scheme (EPS) is a pension component for low-income participants. Furthermore, insurance firms provide annuity-based pensions, and certain mutual funds offer medium to long-term monthly income plans. Pension systems have changed throughout time in accordance with changing demographics, economic situations, and societal demands.

India's population is growing fast—currently it is estimated at more than 138 crores. As per the available data for 2019-20, the labour force was predicted to be 56.3 crores, with 53.5 crore employed¹. However, employment in the official sector, where people might get some sort of social security, is 5.9 crores. The majority of the worker force, estimated at 43.2 crores, works in the unorganised informal sector, which lacks legislative social

¹Government of India: Economic Survey 2021-22.

security benefits. There was no structured pension programme for the unorganised informal sector till the implementation of the Atal Pension Yojana (APY) in 2015. In recent years, different stakeholders of society have started to think about Pension Benefits to ensure social security. Many states have also implemented the Old Pension Scheme in the light of greater benefits for the eligible individual, but it is for limited sections. If we revisit the concept of the Pension system, the global pension system framework may be roughly divided into three pillars: Pillar I: Government-funded non-contributory basic social pension. It might be both universal and means-tested. Pillar II: Contributory occupational pension plans, which might be voluntary or required. A defined contribution (DC) or defined benefit (DB) plan might be used. Pillar III: Fully funded voluntary personal pension schemes.

The pension industry is significant in advanced nations, owing to the high proportion of regular paid work. While the state does give some basic pensions, it is not always financed, making it a pay-as-you-go programme that relies on current government income to pay pensions. Pension assets in Organization for Economic Cooperation and Development (OECD) nations exceeded \$34 trillion by 2020. In terms of Gross Domestic Product (GDP), they amounted to more than 63 percent. Pension assets in certain OECD nations exceeded 100 percent of GDP.

Prior to the implementation of the National Pension Scheme (NPS) in January 2004, the predominant pension scheme for government employees was a pay-as-you-go defined benefit plan. Many different organisations, such as the defence, mariners, railways, coal miners, Assam Tea Plantation, and so on, had their own autonomous pension programmes. These plans, taken collectively, might be deemed occupational pension categories that could be classed under Pillar-II. The private corporate sector overwhelmingly chose EPFO provident funds. It should be noted, however, that low-income EPFO members do have a pension component. The EPFO membership was anticipated to be about 26 crores, as of March 2021; however, only 4.6 crore members were actively contributing on average, and there were approximately 69.2 lakh pensioners.

There are, however, a number of specific schemes that could be considered under Pillar I, such as the Indira Gandhi National Old Age Pension Scheme (IGNOAPS), which provides a pension of Rs. 200 per month to below-poverty-line (BPL) persons aged 60 years or older under the National Social Assistance Programme (NSAP). Around 4.2 crore people were covered by the NSAP. The life insurance industry has around 1.0 crore core beneficiaries; mutual funds have approximately 27 lakh folios; and other companies, such as coal miners, have approximately 20 lakh provident fund beneficiaries. Until recently, the coverage under Pillars I and II was insufficient to guarantee appropriate old-age income security. Besides ensuring greater social benefits for the employees of the nation, India has gone through several reforms in the pension sector and among them is the New Pension Scheme (NPS). However, the implementation of this scheme has been debated in comparison with the Old Pension Scheme. In this essay, we will compare and contrast the new and the old pension schemes, evaluating their essential characteristics, benefits, and potential downsides.

Old Pension Scheme

In many countries, the old pension system, often known as a defined benefit plan, has been a conventional type of retirement coverage. Employers guarantee a specified pension pay-out under this system depending on parameters such as an employee's income, length of service, and age at retirement. The old pension scheme, introduced in India in the 1950s, is exclusive to government employees. To qualify for these benefits, employees must have completed ten years of service. The key feature of the traditional pension system was that the employer bears the investment risk and is responsible for financing the promised benefits. The term "old pension system" in India refers to the system in effect before the implementation of the National Pension System (NPS) in 2004. The former pension system had a defined benefit structure, which meant that the pension amount was fixed based on characteristics such as years of service and average wage. Employees received a pension under the former programme based on a predetermined formula equal to 50% of their final drawn wage. They also benefitted from

the biannual modification of Dearness Relief (DR). There was no reduction from the wages and the payment was predetermined. In addition, the OPS included a provision for the General Provident Fund (GPF). GPF is exclusively offered to government employees in India. Essentially, it permits all government employees to pay a portion of their salaries to the GPF. And the whole amount accrued throughout the employment tenure is reimbursed to the employee upon retirement. The cost of the pension is borne by the government. The plan was phased down in 2004.

Advantages:

- **Retirement Income Security:** The previous pension plan provided a consistent and set income after retirement, providing individuals with a sense of financial security.
- **Employer Responsibility:** By taking on investment risk and guaranteeing enough financing, companies share the responsibility of retirement planning, alleviating employees' financial load.
- **Long-Term Planning:** Employees could plan their retirement funds more precisely with a fixed benefit structure, allowing for long-term financial goals.

Drawbacks:

- **Employer Dependency:** The former pension plan put employees' retirement funds at the whim of their companies, thereby exposing them to the risk of underfunding or insolvency.
- **Participants had minimal influence over their pension assets,** with no capacity to pick particular investment alternatives or actively manage their money.
- **Lack of Portability:** Changing jobs might be difficult in terms of keeping pension benefits, since the former system may not allow for easy portability.

The New Pension Scheme

In recent years, the new pension system, also known as a defined

contribution plan, has grown in popularity. This programme transfers responsibility for retirement savings from companies to employees, giving them more power and flexibility over investing selections. Individuals under the new pension plan contribute a percentage of their salary to an individual retirement account, which is invested in a variety of financial assets such as stocks, bonds, and mutual funds. With the implementation of NPS, which became required for government personnel joining services beginning in 2004, Pillar-II gained traction. This programme for government employees is a defined contribution plan with government co-contribution. The NPS includes the central and state governments (with the exception of two). NPS is a two-tier contribution-based portfolio in which an individual enjoys full control over where his or her money is spent. Under it, four types of investments are available: equities, corporate debt, government bonds, and alternative investment funds. Two investing options are available to the individual: active choice and auto choice. One can pick a personalised combination of investing alternatives under active choice, with a maximum of 75% in stocks up to the age of 50. Furthermore, the contribution to alternative investment cannot exceed 5%. The allocation under auto choice is decided automatically by NPS based on the investor's age. The contributions are pooled into one pension fund and invested by professional fund managers authorised by the Pension Fund Regulatory & Development Authority (PFRDA) in accordance with the approved investment standards. NPS accounts are divided into two categories: Tier I and Tier II. While Tier I NPS does not allow for early withdrawal, Tier II allows for withdrawals before maturity. For both accounts, the minimum yearly contribution for each individual is Rs 1,000.

In 2009, it became available to all citizens, regardless of work status. In other words, anyone between the ages of 18 and 70 can register an NPS account. NPS was then made available to the business sector in 2011. As a result, corporations can choose between EPFO and NPS for their staff. NPS is also available to non-resident Indians (NRIs) and Indian citizens living abroad (OCIs). The idea is that NPS is now open to everyone. While

corporations have typically used EPFO, they now have the option to totally transition to NPS, even with their legacy funds for current subscribers. Corporates are increasingly shifting to NPS, although employees can remain with EPFO or NPS. Resident as well as non-resident Indians in the age group of 18-65 years² (as on the date of submission of NPS application) are eligible for the scheme and can continue up to the age of 70 years. NPS also has tax advantages. Section 80C of the Income-tax Act, 1961 allows to claim a tax deduction of up to Rs 1.5 lakh. An extra deduction of Rs 50,000 is provided for investments made under 80CCD (1b).

Advantages:

- Individual Control: The new pension programme allows people to actively manage their retirement assets, allowing for personalised investment strategies and the possibility for greater returns.
- Employees may effortlessly transfer their pension funds while moving employment, guaranteeing continuity and consolidation of retirement savings.
- Transparency: Participants have better insight into their pension investments, allowing them to monitor performance, change contributions, and make educated decisions.

Drawbacks:

- Individuals face investment risk under the new pension plan since the success of their pension fund directly impacts their retirement income. Market volatility and bad investment selections might have an influence on the eventual pension amount.
- Uncertain Retirement Income: Unlike the former pension plan, the new programme does not guarantee a fixed income throughout retirement. The pension amount is determined by market circumstances, contribution amounts, and investment results.

² <https://www.pfrda.org.in/>

- **Financial Literacy:** The new pension system needs participants to have a specific degree of financial knowledge and competence in order to make educated investment decisions. Inadequate comprehension might lead to poor financial decisions or excessive risk-taking.

How is OPS distinct from NPS?

The primary distinction between OPS and NPS is that NPS invests employees' contributions in market instruments such as shares throughout the course of their employment. As a result, the NPS generates market-linked returns without the assurance of returns that the OPS provides by basing the monthly pension on the employee's last salary drawn. On retirement, NPS offers a pension fund that is 60% tax-free on redemption, but the remainder must be invested in an annuity, which is completely taxable. OPS income is not taxed. OPS may force governments to reconsider their economic priorities, whereas NPS was designed to alleviate this obligation. OPS offers monthly payments that are roughly 50% of the most recently earned wage; in other words, the monthly benefits under the Old Pension Scheme are nearly equal to 50% of the wage that employees received the last time before retirement. Employees contribute 10% of their earnings to the New Pension Scheme, while businesses contribute 14%. Only persons working in the government sector are eligible to earn a pension under the Old Pension Scheme once they retire from their service. However, any Indian citizen between the ages of 18 and 65 who lives in India can benefit from the New Pension Scheme.

Conclusion

The transfer from the old pension scheme to the new pension scheme signifies a shift in the dynamics of retirement planning. Each pension system (OPS or NPS) has its own set of benefits as well as drawbacks. There's a degree of reliability in returns and tax-free income with OPS. However, NPS offers greater autonomy, management, and the potential for larger returns. While the previous pension programme provides security and stability, the new pension scheme gives individuals more autonomy and freedom.

Both schemes have advantages and disadvantages, and the choice relies on personal preferences, risk tolerance, and financial goals.

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