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

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EDITORIAL

Nothing will ever be attempted if all possible objections must first be overcome."

Samuel Johnson, 1759

There may be differences about the political nature of democratic systems in different countries but on one point there is a broad agreement; that institutions are more central to human development. The institutions of governance have distinct identity, form and boundaries to be easily analyzed and investigated for their performance. The debate on governance should, therefore, be focused on the effectiveness of public institutions. For democracy to widen and deepen, political and bureaucratic state institutions must promote human development and protect the rights of the people. Recently at an international dialogue on democracy, this was the defining theme of the deliberations.

One of the tests of the responsiveness and efficiency of the public institutions is the achievement of Millennium Development Goals (MDGs). At current trends 33 countries with more than one fourth of the population of the world are likely to achieve less than half of the Goals by 2015. Some of the more difficult Goals are poverty reduction and child mortality.

Where institutions work badly, poor and vulnerable people tend to suffer most. Good governance also requires fostering fair, accountable institutions that protect human rights and basic freedoms. The legal processes should be blind to differences of race, class and gender. It is not only necessary to have schools and hospitals, but whether poor and affluent are taught and treated equally.

When democratic governments do not respond to the needs of the people, the public starts losing trust in state institutions. Increasing restlessness is reflected in spontaneous outpouring of public resentment. There are recent instances like Arab Spring, Occupy Wall Street, India against Corruption and the recent agitation for women's security in India.

For the institutions to be effective, they must possess the capacity to deliver. For example, since 1995 an estimated 2

million people have died in famines in North Korea. In 1958-61, nearly 80 million perished in famines in China. But in India since independence there has not been a single death even in the worst years of crop failure. This is due to the capacity of state institutions that reach out to provide relief. Similarly in times of shortage of drinking water in parts of Rajasthan and Gujarat, Indian Railways reached water in tankers to the affected areas. This shows that institutions can help the poor and unprivileged if there is robust public policy support.

But the capacity of institutions is not enough. The same institutions which have prevented famine deaths in India have not succeeded in reaching subsidized food grains regularly to the poor. Therefore, in addition to the required capacity building, there is a need of institutional integrity too. Institutional integrity is determined by the gap between what the institutions are meant to do and what they are doing in reality. There are two components of Institutional Integrity; the 'integrity of design' and 'integrity of application'. The performance of an institution is determined by the relationship between the two components

The articulated standards of public service are not realized in practice because of corruption at all levels, lack of political will, weak voice of the poor, absence of grievance redressal machinery and abuse of authority. A country could not claim to be a full democracy merely by setting up required institutions of democracy without ensuring their internal integrity. The integrity of the public institutions has been compromised over the last six decades so much so that the design of the system itself has started lacking integrity. Experience shows that these institutions were liable to be subverted, thereby diluting the essence of democracy.

While it is primarily for the political executive to provide public policy support to the strengthening of public institutions, the civil servants cannot absolve themselves of the responsibility of implementing the policies and programmes to the satisfaction of the people. Perhaps the assumption that it is not the civil servants' fault is itself faulty. Therefore, the challenge of establishing and enduring institutional integrity is a task to be taken up by the civil services as a matter of faith.

Prabhat Kumar

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R. A. Mashelkar

Governance in Education: The Indian Challenge

Indian Challenges in Higher Education

India's socioeconomic development in the post-independence era so far has been strongly influenced by higher education. But India's future will depend upon how Indian societies become true knowledge societies and how Indian economy becomes a powerful knowledge economy. And this in turn will be strongly influenced by India's prowess in higher education alone.

But what is the current state of higher education in India? Goel and Mashelkar¹ were rather direct, when they said "India's education system suffers from serious problems of low capacity, poor governance and over regulation, low quality and inadequate outputs and functioning, skill deficits and faculty shortages." This might sound a bit harsh, but barring a few notable exceptions (which we will discuss later), this represents the sad reality.

There are many challenges before the Indian higher education system, but we will highlight just five.

The very first is about balancing 'expansion, inclusion and excellence'. Let us deep dive into each of these terms.

First the 'expansion,' Sarvashiksha Abhiyan' was followed by the Right to Education Act. India's gross enrolment ratio has more than doubled up within a decade. This means an exponentially increasing population of young Indian aspirants, who will be craving for higher education. There is, thus, an urgent need for rapid expansion of our education system. The recent creation of large number of new Central Universities, new Indian Institutes of Technology (IITs), new Indian

¹Vinod K. Goel and R.A. Mashelkar, 'Global Competitiveness through Technology in India 2039 – An Affluent Society in one Generation', p. 141-176, Sage Publications, 2009

Institutes of Management (IIMs), new Indian Institutes of Science Education & Research (IISERs), new Indian institutes of information Technology (IITs) etc. is indicative of this sense of urgency. But the need for expansion is both urgent and massive. For instance, National Knowledge Commission (2009) recommended 1500 universities by 2015, which then meant more than a fourfold increase in six years

Now look at 'inclusion' This means access to education for 'all', not just for a 'privileged few'. This means including all those that are excluded. This exclusion could have been due to sections of the society suffering from economic underdevelopment, historical social exclusion and so on. The primary challenge in achieving true 'inclusion' is to provide affordable access to quality education across India.

And the last point is 'excellence' While we are going for rapid expansion, how do you balance it with excellence? Sudden expansions can led to a loss of excellence. For instance, sudden expansion would mean having to meet a quantum jump in a number of required teachers to cater to the needs of the suddenly increased mass of students. Teachers are not simply available in either such numbers or in quality. One can then easily compromise the quality of teachers just to get the required numbers. That will automatically lead to erosion of excellence. Quantity is important but quality is paramount.

So balancing 'expansion, inclusion and excellence' is the first challenge for the Indian system of education.

The Second challenge is managing borderlessness in education. First take the, seamless integration of education, research and innovation. Education disseminates known knowledge. Research creates new knowledge. And innovation converts knowledge into wealth and social good. In India, we have had poor linkages of education to research and innovation.

Indian Institute of Science in Bangalore, which celebrated its centenary in the year 2008, had exclusively focused on research. Now it is integrating itself back into undergraduate education. For close to a century, there was only one Indian Institute of Science (Bangalore) for a country of the size of India (and that too created by Tatas – not by the Government). The Government decided to create new institutions of science.

The Government decided to set up five new Indian Institutes of Science Education & Research, thus integrating education and research.

India has not done well in linking research and innovation though. My friend George Whitesides in Harvard University is the highest cited scientist in the world. On the other hand, the market capitalization of the companies that he has floated based on his research in Harvard University is around US \$ 30 billion. In other words, he has not only created new knowledge but knowledge that is monetisable and then actually monetized it. In India, the likes of George Whitesides do not simply exist. Let alone USA, China is in the overdrive for linking research to innovation. It has created 300 research parks, with incubators, which help in converting ideas into monetisable knowledge. India's research park can be counted in a single digit. One of the missing bit in the Indian innovation system is 'science led innovation'. This needs to change.

In this borderlessness challenge, we have also the challenge of interdisciplinarity. This means breaking borders between different disciplines. Explosive advances in creation of new knowledge will interestingly take place at the intersection of disciplines, not only within natural sciences, but also between natural sciences, social sciences, engineering, etc. Neither our teaching our research is geared towards meeting this challenge of borderslessness.

The third challenge that India faces is to recognize that education is all about 'learning, doing and being'. In terms of 'learning', the quality of teachers, the quality of curricula, the pedagogy, etc. matter. And there, the paradigm shifts due to the advent of 'digital A3 learning' need to be fully understood and exploited. In A3 society (anytime, anyone, anywhere) with ubiquitous broadband availability, new vistas on learning are emerging. India is yet to gear up for this paradigm shift. In terms of 'doing', the physical experience of doing things by a problem solving attitude with one's own hand assumes importance. The Indian education system, based on rote learning, does not encourage this. And finally, the importance of 'being'. How can we create, out of these young people, fine human beings, which will be not only integral to the society but will also integrate the society? Students trained in our elite institutions like IITs get an excellent grounding in

cutting edge engineering, both theory and practice. But not in humanities. In early sixties, during my undergraduate studies in chemical engineering, I remember having courses on social philosophy, logic, ethics, economics, etc. No more so. This must change.

The fourth challenge before India is our low international standing. None of our educational institutions occupy a space in the top one hundred in the global ranking. Forget about global ranking. Where are we even within Asia? The QS Asian University ranking of 2012 have been just released. No Indian institution has made it into the top 30 amongst the 300 Asian institutions. And only 4 make it in the top 50!

The fifth challenge in Indian education is governance. Good governance is essential for laying the foundation of a world class institution and then sustaining it for not just decades but for centuries. The aim of this essay is to discuss this fifth challenge, that of governance in education, and more specifically, in higher education.

Changing National Strategies

The national strategic priorities in education differ from country to country. However, there are five dominant trends that are emerging over the past few years.

These are

- More autonomy within the respective national accountability system
- More injection of public funding
- More diversification of sources of funding
- More accountability by direct linking between the results and the allocated public funding
- More partnerships with global institutes, business and the society

And all these five factors are intimately related to more demand on good governance.

Governance in Education Systems

Governance focusses on the ‘rules and mechanisms’ by which various stakeholders can and will influence the decisions, the ways and means by which these stakeholders could be made accountable, and finally, to whom will they be made accountable. Governance in higher education deals with the formal and informal exercises of autonomy under laws, policies and rules that articulate the rights and responsibilities of various actors, including the rules by which they interact. In other words, governance encompasses the framework in which an institution pursues its goals, objectives and policies in a coherent and objective manner to answer the questions as to who is in charge and what are the sources of legitimacy for executive decision making by different actors. Each country has regulations that deliberate the institutional level governance bodies and their respective rights, duties and responsibilities.

Among the challenges in setting up good governance practices the main ones involve linking institution’s autonomy with accountability, balancing centralized leadership with decentralized decision making, academic self-governance and external stakeholder participation. We will deliberate on all these pillars. We begin with autonomy.

Autonomy: The Vital Lifeline

Autonomy is the lifeline of an academic institution. The Kothari Commission (1966) was eloquent in stating the role of university autonomy. It said “only an autonomous institution, free from regimentation of ideas and pressure of party or power politics, can pursue truth fearlessly and build up in its teachers and students, habits of independent thinking and a spirit of enquiry unfettered by the limitations and prejudices of the near and the immediate which is so essential for the development of a free society”.

Institutions that have gone on to earn and sustain a high national and international status have, without exception, been empowered with robust governance systems with a high degree of autonomy.

National Knowledge Commission (2009) severely indicted the erosion of autonomy in the Indian University system.

It concluded “the autonomy of universities is eroded by interventions from government and intrusions from political processes experience suggests that implicit politicization has made governance of universities exceedingly difficult and much more susceptible to entirely non academic interventions from outside. This problem needs to be recognized and addressed in a systematic manner within universities but also outside, particularly in governments, legislatures and political parties”

Autonomy of the University system is so important that it continues to be discussed and debated even today in Europe, which has a rich history of academic excellence for centuries. For example, the national strategic priorities for higher education were the object of the law passed in France as recently as August 2007. They were referred to as ‘University Autonomy Law’. They provided the Universities with a new system of governance and real autonomy in terms of their budgets and human resource management. Universities were allowed to create University Foundations or even partnership with companies. And this is being done elsewhere in Europe too. For example, in Finland, since 2007, each University can have a legal status of a Foundation, thereby increasing their financial autonomy.

In United Kingdom, the higher educational institutions have always operated with a very high degree of autonomy. Many Universities in UK are developing strong executive structures to replace ‘management by committee’. This approach leads to a dynamic management in an environment, where the decisions cannot wait for the next committee meeting. Creation of clear and well-defined lines of responsibility, clearly delegated authority and coherent management by teams of academics and administration is the key. Indeed, devolution of power is the key word. Experience all around shows that more entrepreneurial culture can be created by more decentralization and more democratization, say by giving powers to departments, schools, facilities, etc.

State of Governance in Indian Education System

What is the state of governance in Indian education system? The centrally funded institutions, such as the Central Universities, Indian Institutes of Technology (IITs), Indian

Institutes of Management (IIMs) and Indian Institutes of Information Technology (IIITs) have enjoyed and preserved relatively robust governance structures for a long time. The implementation of the recommendations of the Mashelkar Committee Report (1998) led to the Regional Engineering Colleges (RCEs) being converted to National Institutes of Technology (NITs) with vastly changed governance structures. New entrants to this list, such as Indian Institutes of Science Education & Research (IISERs), new IITs are being given governance structures that are similar to IITs.

But if we set aside such exceptions, the overall state of governance in our universities is a great cause for concern. What are the main reasons for this?

First and foremost, there are repeated instances, where vested political/commercial interests have led to interference ranging from non-merit based admission of students and teachers to politicization of the appointment of vice-chancellors and faculty to allotment of construction contracts. Autonomy erodes when there is a frequent intervention by governments and unhealthy intrusion from political parties.

Second, the governance structure of our Universities has not changed with changing times. Rules of yester years, that were framed in a different context, continue as such.

Context decides the content. When the context changes, the content has to change. Unfortunately that has not happened. Centralization of decision making with ineffective participation and contribution by faculty and students has created a situation that is far removed from the much desired process of collegial consensus making.

Third, different statutory regulatory bodies as well as governments and universities have often led to multiplicity of authorities. Duplication of inspection and control has become a norm rather than an exception.

Over-regulated systems with interference by multiple agencies tend to stifle innovation and creativity, promote corruption and also malpractices. On the other hand, a under-regulated system encourages exploitation, leads to a disorder and eventually to erosion of social justice. A balanced over achieving and transparent regulatory mechanism that ensures

accountability can instill a sense of confidence amongst all the stakeholders, from the academic community to the society.

The higher education institutions in India are regulated by many statutory agencies such as the All India Council of Technical Education (AICTE), Bar Council of India (BCI), Council of Architecture (COA), Indian Nursing Council (INC), Medical Council of India (MCI), National Council on Teacher Education (NCTE), Pharmacy Council of India (PCI), Distance Education Council (DEC), University Grants Commission (UGC) and so on. In addition, there are regulations of the institutions by Central and State universities as well as by the Directorates of College and Technical Education in each State. As Yashpal Committee correctly points out, this has led to 'undesirable cubicalization of knowledge, unwarranted fragmentation of disciplines and separation of knowledge from application and skill'.

The regulatory provisions of the various Acts were created at different times by different legislations. For instance, as again pointed out by Yashpal Committee, the overall responsibilities for the entire higher education system assigned to the UGC are not validated in the provisions of other Acts. There is very little co-ordination among the statutory bodies in respect of the duration of the degrees, approval mechanisms, accreditation processes, etc.

Fourth is the issue of lack of innovation in education. Innovation means doing things differently, which can make a huge difference. Although knowledge is known to double up every five years, our curricula remain the same. Our methods of delivery, the chalk and talk, has not altered despite the infinite possibilities that have opened up due to the advent of technology. Our often complains about the 'tyranny of large numbers' in India. But taking recourse to new technology can make a difference to the challenge of both numbers and distances. Our methods of assessment are based on rewarding selective and uncritical rote learning rather than analytical abilities and creative thinking. All these and more can be tackled only through innovations.

Fifth, it is unfortunate that the academic community has been a mute spectator to the erosion of the autonomy. It has not generally reacted to the subversions. When there is a

willing abdication on the part of the academic community, the erosion is bound to take place. So certain amount of alertness and even activism from the academic community will always restore the balance. Later on, I will reflect on some of my own personal experiences to illustrate this point.

Good Governance: The Way Forward

Indian higher education system has not only these five grand challenges but many more. What do we do? We must design, develop and deliver new solutions which will not only lead to the adoption of 'best practices' in governance but also hopefully create the 'next practices'.

Here is a ten point agenda for the way forward.

- 1) There is an urgent need for a single apex body in the field of higher education. It should treat knowledge in integrated manner.

There have been repeated pleas on this for almost five decades that have come from commissions to committees to scholarly papers. In fact, almost five decades ago, Kothari Commission (1966) had enunciated a first principle "all higher education should be regarded as an integrated whole". National Knowledge Commission (2009) recommended the establishment of an Independent Regulatory Authority for Higher Education (IRAHE), which will be at arm's length from government and independent of all the stakeholders, including the concerned ministries of the government.

Mashelkar and Goel (2009) had also strongly supported the idea of 'smart regulation with light oversight', with one Apex body drawing on the lessons of agencies such as Telecommunications Regulatory Authority of India and Securities and Exchange Board of India.

It is time for action now.

- 2) The rules that govern the university should lay down principles rather than rigid water tight and quantitative specific stipulations. 'Trust' is the key word. Objective interpretation of broad rules by trusted peers and academicians, should guide the university.
- 3) Rigorous academic and administrative audit of higher

educational institutions is very important but to make it effective, it has to be strongly linked with the financial support. Setting up internal quality assurance cell and enforcing the quality norms without compromise is the key to good governance.

- 4) Universities should be freed of many burdens and one of the important ones is the burden of examinations linked to the affiliated colleges. Large numbers with a significant variation in quality is the big challenge. These colleges should be granted 'graded autonomy' based on some fair and transparent performance indicators. Such a status should be subject to a periodic peer review. The burden of examinations should be reduced also by creating autonomous examination boards. The work of conducting examinations in accordance with the requirements and guidance of the university should be entrusted to autonomous examination boards.
- 5) The role of external stakeholders in institutional governance bodies cannot be underestimated. External stakeholders bring to the table an outside-in-view, new insights, new expertise and much needed transparency. External guidance balanced with a traditional but nuanced collegiate management style, which brings the benefits of managerial self-governance, is critical for setting up the best governance practices.
- 6) Universities and colleges should be regularly reviewed by eminent peers, well known for their independence, domain knowledge as well as critical and visionary thinking. This external peer review process coupled with a rigorous quality assurance framework across the board covering all the functions of the university would act wonders.
- 7) The autonomy must flow across the university from teachers to students. The teacher should have a complete autonomy to design and deliver his course and also the assessment. Similarly, the students should be allowed to take courses of their choice in different disciplines and different universities. They can be awarded a degree on the basis of the credits they have earned. For this a flexible credit based modular curriculum should be created. It should be harmonized across colleges and later perhaps

even across universities. Students should have choices on the subjects, teachers, colleges, etc.

- 8) The urgent and massive expansion of the Indian educational system needs the contribution of the private sector. Very significant enlargement of private sector engagement in higher education should be given a priority. But the same principle of balancing 'expansion, inclusion and excellence' will apply here too. Affordable access to the meritorious and needy students will lead to inclusion. Excellence will be delivered by ensuring that all private institutions, which seek the status of a university, will have to submit to national accreditation system.
- 9) There is a dire need for innovation in every aspect of education, all the from innovation in pedagogy to innovation in financing of higher education. Land is the biggest physical asset that the Universities have. Can it not be used to generate the much needed resources for the university through innovative public-private partnerships? Can we not set up some innovative asset management plans in full consonance with the aims and objectives of an academic institution? Such strategies have worked wonder in some of the advanced nations. The rules of the game must be determined by the government and systems put in place so that they are scrupulously adhered to.
- 10) Finally, it is so important to have the entire nation aligned to the idea that education is equal to future. No education, no future-for the individual, for the nation. So several education reforms bills that are pending before the Parliament need to be cleared on a fast track. These include –The National Commission for Higher Education and Research Bill(2010), The National Accreditation Regulatory Autonomy for Higher Education Institution Bill(2010), Prohibition of Unfair Practices in Education Institutions Bill(2010), The Foreign Educational Institutions (Regulation of Entry and Operations) Bill (2010), Universities for Research and Innovation Bill(2012), etc..Let us just keep aside all the differences that currently dominate the parliament proceedings today for the sake of the future of our children, for the future of our nation.

Some Personal Reflections

I take pride in the fact that I am a product of the educational system in India right from my schooling to my Ph.D. I went to a Municipal school and had the benefit of a free education. I studied in Marathi till my matriculation. I did my Ph. D in India. After brief stints as a faculty in universities in UK and USA, I have spent almost four decades of my life in doing science and leading science in India. During this time I was also closely associated with the Indian education system in a variety of roles. These included the Chancellorships of some Universities, Chairmanships of some education reforms committees, Chairmanships as well as s memberships of the Boards of Governors of some educational institutions, Visiting Professorships in India and abroad and so on. I thought it could be useful to reflect on some of my personal experiences and the lessons one could draw about the systems of governance in education in India

The first lesson was that the continued quest for excellence and good governance can lead to institutional transformations.

I acquired the Bachelor's Degree in Chemical Engineering from University Department of Chemical Technology (UDCT) in University of Bombay in 1966. Although I had several offers of scholarships and fellowships from abroad, I did the unconventional by deciding not to go abroad for my Ph.D. I saw in the 28 year old Cambridge returned Prof. M. M .Sharma, a great Guru, and I decided to work under his guidance for my Ph.D. in UDCT.

The journey of a small Department of University of Mumbai in the form of UDCT to an autonomous institution, viz. Institute of Chemical Technology (ICT) in the year 2004 to a full-fledge University in the year 2008 has been fascinating. I was privileged to be the Chairman of the Board of Governors of ICT, once the institution had acquired an autonomous status. The journey thereafter to acquire the University status was a tough one but was successfully completed thanks to the hard work of some of the leaders from ICT and co-operation by the University. The latest accolade for this university has been the recognition as the "Elite Institute and Centre of Excellence" by the Government of Maharashtra on 20th of April 2012;

My second lesson comes from the Committee that was set up by the Government of India under my Chairmanship to review the Regional Engineering Colleges (RECs). This particular Mashelkar Committee Report(1998) looked at the performance and the promise of RECs and suggested measures by which these institutions could reach the true potential. The recommendations of the committee to convert the Regional Engineering Colleges into National Institutes of Technology(NITs) with an appropriate university status, with central government funding as well as a new governance structure was accepted by the Government of India. Today we have thirty NITs in our fold. It is a long way to go before the NITs. After having been associated with the recommendation of the creation of NITs, which was only Phase I, it is nice to be associated with PhaseII,which will involve fulfilling the ambition of these NITs to become nation's premier institutions. This can be achieved by creating the right ambience, good governance being one of the most important keys.

The transformation of UDCT into ICT and RECs into NITs also has another lesson. While the Government is investing into the creation of entirely new institutions of higher learning, relooking at some of the selected existing institutions of higher learning and transforming them could yield great results. What I needed is investment in improving first, their physical infrastructure and, second, their intellectual infrastructure and third, their governance structure.

My third lesson is on a policy level. The Government of India had created an oversight committee on the implementation of the new reservation policy in higher education institutions under the Chairmanship of Veerappa Moily in the year 2005 to consider the implementation of the Government's plan. I remember my very first meeting with the Chairman. I suggested to him a principle to which we will always go back when we take decisions on the way forward. I said that we must build the report on balancing 'expansion, inclusion and excellence'. I am very happy that this became the central theme of the Moily Committee Report. We kept on coming back to this line again and again. In fact it became clear that sudden expansion will lead to loss of excellence, so we had to arrive at some calibrated expansion. For true inclusion, capacity building was crucial. So measures were suggested for

capacity building. More importantly, this became the driving force for many policy discussions and directions. For instance, the National Knowledge Commission Report (2009) explicitly stated “converting India into a knowledge society shall require, inter alia, addressing the issue of expansion, excellence and inclusion in education” The President of India, in her address to the Parliament on 4 June 2009 said “Government’s strategy for higher education will be formulated around a threefold objective of expansion, inclusion and excellence.”

There will be occasions, when there will be efforts to tamper with the autonomy of the institutions.

My fourth lesson is that an alert an academic community and a responsive government can restore the balance.

I was a member of the Board of Governors of a prestigious IIM . For a number of years, the Board of Governors of that IIM itself used to have the power and the authority to select the next Chairman of the Board as well as the next Director of the Institute. This privilege was taken away during a particular time. There was protest by the stakeholders including a lot of academic leaders. I am so glad to see that the powers of the Board have been now restored today with the Board having a say in the choice of the Chairman as well as the Director. This would not have happened but for an alert academic community and a sensitive political leadership.

Going forward, I understand that the Memorandum of Association of IIM-Ahmedabad, Bangalore, Indore, Lucknow and Kozhikkode have been amended investing greater autonomy on the IIMs including in nominations to the BOGs, setting up off-campus centers and topping up pay of faculty through internal resources.

This augurs well.

The fifth lesson that I have learnt thus is that the trust based systems are vanishing so much so that there is now an emphasis on ‘appearing to be right’ rather than on ‘being just right and not worrying about the consequences’.

I remember a time, when a Governor of a State (in his capacity as a Chancellor) had the courtesy to call me personally to chair the committee to select the Vice-Chancellor of a front ranking University. The search-cum-selection committee was

studded with some of our top most peers. None of the candidates for the post was made to apply, they were either nominated or invited. The names in the final panel that was selected were some of the most distinguished leaders in education and research at that time. The Chancellor went strictly by the order of merit that this committee had recommended.

The same University today has a completely different selection process. There is a three member committee. A senior retired judge chairs the selection committee now. A bureaucrat from the ministry is a member along with another expert. The candidates for Vice- Chancellorship have to apply themselves in a prescribed format. (I wonder which eminent academic scholar will ever bother to apply). The shortlisted candidates are made to have a power point presentation to the committee it is so sad that systems, which were based on search and peer judgment have been completely done away with

Despite all this , let me end on a positive note about the new winds that are blowing in the newly created institutions by the Government. These include IISER (Kolkata), IISER (Mohali), (Gandhinagar) and Academy of Scientific & Innovative Research (ASIR).

All the time, we are reminding ourselves that we are starting from a clean slate. We have no past baggage. Therefore, the scope for innovation from student admission to design of course curricula to the delivery of course material to the governance and the management of the institutes is truly vast. There is a lot of bold new thinking and experimentation that is going on. I have every confidence that these new institutions will emerge as models of 'next practices' in higher education and research.

Arun Kumar

Water Management – Imperatives for 21st Century

1. Introduction

Water scenario has been in the crosswire for quite some time. The looming scarcity has been the subject matter of discussion at many a national and international fora on account of its unquestioned essentiality for survival of all forms of life. With growth of population and consequent exponential rise in demand has steadily been eroding the comfort level. Apart from direct domestic need, it had emerged a major socioeconomic commodity, leading to competing demands which are beginning to strain the already frayed fabric of water management.

Much talked of water wars are here and have been around for quite some time. At the local level, intensity may have varied from mild protests to violent incidents among communities.

Fights for water from irrigation canals leading to heinous crimes and family feuds lasting for generations are well known. Urban areas have their own version. Frequent squabbles take place at community taps and due to their financial condition and sociological factors, slums witness more violence. The wars in affluent areas take different forms. Sample this: in an upmarket colony, per capita demand for water is high, to which the water supply system is unable to cater. Water supply hours are restricted, making it worse. The entire belt along the supply line rushes to store water and pressure becomes so low that one may not get even a day's quota, let alone filling an overhead tank. An enterprising person installs, illegally, a .5 HP motor and pump to extract more water. Neighbours follow suit and soon, pressure is low again and as the .5 HP motor is no longer sufficient, bigger and more powerful motors follow till the system nears breaking point. The war is on.

Water use has been a contentious issue at interstate levels sharing a river basin and does not spare the co-riparian areas within the state either. Several interstate river waters tribunals bear testimony to this. Cauvery, Narmada, Godavari and other Tribunals were set up by the central government. Even after awards were given, the management of waters has continued to give pin pricks. These issues often get blown out of proportion for political reasons and one-upmanship, as the emotive content of water yields greater mileage. This makes it difficult to take saner decisions that could provide win-win solutions. As one former Prime Minister had said (then an MP) water is used to extinguish fire, but here we have a situation when water is setting fire, or words to that effect. Several tribunals had to be set up to adjudicate on interstate river water disputes since independence and how the political agitation has kept the last mile of Sutlej Yamuna canal unfinished, are still fresh in our memories. Indian subcontinent is not unique in this regard. In many countries like USA and Australia, interstate rivers have caused dissensions among co-riparian states.

At international level too there have been squabbles and skirmishes and pressure has been put on weaker co-riparian countries by their more powerful neighbours to agree to inequitable treaties. UN has intervened in many cases to bring about settlement. It is not always that settlements are honoured in letter and spirit. Everybody would like to get away with his pound of flesh. Some of the well known international river agreements are Mekong Delta basin agreement among Thailand, Vietnam, Cambodia and Laos. Tigris river water sharing among Iraq, Jordan, Syria, Turkey and Israel has seldom been smooth.

Our own Indus Basin Treaty between India and Pakistan was intended to facilitate the process of development of the basin in the two countries and it worked well for many years. In recent years though, Pakistan has been raising unwarranted objections calculated to delay and disrupt our projects, even where they do not lead to storage of water and hence don't deny them full use of their allocated share.

2. Indian water scenario

India is a vast country having world's second largest

population but has a highly skewed availability of water. Two thirds of water resources occur in Indo –Gangetic plain, which covers one third of the country, while the peninsular part covering two thirds of land mass gets only one third of total precipitation. Large tracts of arid areas have had a marginal to sub-marginal existence, but now even the surplus areas are slowly becoming water stressed. Our dwindling resources of useable water have been talked about for at least a few decades. Rising population and growing demand at all other fronts have steadily but surely led to reduction in availability of good quality water. People living in water scarce areas had learnt to survive using several innovative techniques of water harvesting, storage and conservation. Many of these have been forgotten or abandoned lured by the promise of modern systems, which alas! have often proved to be a mirage and added to their misery.

Hence the problem has to be tackled by use of traditional methods in conjunction with modern in right proportion and with ingenuity. Let us first look at the serious problems that need to be countered:

- ▶ Absence of assured, regular supply of a minimum quantity water for domestic as well as other purposes in both rural and urban areas
- ▶ Water fights due to shortages
- ▶ sanitation
- ▶ Pollution and contamination of water sources and other environmental damages
- ▶ Dwindling availability of utilizable water
- ▶ Low water use efficiency; wastages in use and transmission
- ▶ Irrigation through canals highly capital intensive, often iniquitous and benefits not commensurate with costs

3. Population and Livelihood

According to most promising projections, population in India will stabilize in 2050 at around 1.6 billion. This would mean food-grain requirement of the order of 400 MT, ensuring which alone would be a daunting task. Water requirement for

drinking and domestic need and for a variety of other purposes in aggregate terms would be sizeable. It is also projected that over 50% of population will by then be in urban areas in contrast to over 70% in rural areas as at present. This may be driven by the shift from rural agrarian economy—which cannot sustain even the existing numbers-- to other sectors, thereby creating more demand for resources in those sectors including water. Therefore a well knit programme of managing urban settlements and providing infrastructure and especially water has to be in place at the earliest. It is well nigh impossible to transfer water to every point in the country spread over several million sq km and a combination of options most suited to each area have to be worked out. Engineering solutions, though useful and necessary, alone can't meet the challenges in cost effective way.

4. Harnessing water: Strategy since 19th Century

For decades, water has been seen as a major input for agriculture and multipurpose projects as panacea for all our problems: economic prosperity, food security, power generation and transmission of water to far flung areas. Engineering solutions have been hailed as the quickest road to prosperity. This was obviously on account of Indian economy being based essentially on primary sector. Irrigation canals were constructed by the British to earn more revenues from the additional agricultural production that resulted. There was no concern for deteriorating lands due to seepage. The process continued in independent India, led by Pt. Jawahar Lal Nehru. That later realization of very same Pandit Nehru, who initially called dams to be temples of modern India, regarding their negative impact, seems to have remained out of public knowledge. Comprehensive study of projects, could throw light on their performance. Let us take the example of Nagarjunasagar. The multi-purpose project that was sanctioned in 1960 and was expected to create irrigation potential of 8.95 lakh Ha or 22.5 lakh acres in 5 districts of AP, at a cost of Rs. 160 crores. The cost had crossed over 1300 crores by 2001-02, but the irrigation benefits reached only 10 lakh acres in 2 districts. Though dam construction was over in 1967, it took 40 years to complete rehabilitation of 24000 dislocated persons. There are enough examples to draw upon and learn lessons from.

It is time that no more projects are proposed ostensibly for creating further 'irrigation potential' in India, which is a misnomer and indefinable. Total cultivated area is about 140 million hectares (mha) out of recorded area of 305 mha since last two decades from culturable area of 195 mha. Net irrigated area is now about 65 mha and balance is rain-fed. Irrigation water availability invariably leads to change in cropping pattern leading to more water intensive crops on account of their higher value. Besides, the lands in upper reaches of canals are usually drawing more than their fair share of water, with lower reaches having perennial complaint of getting less than their fair share. Due to poor management there is incidence of water logging making lands alkaline, while sparing little water for lower reaches.

Per capita availability of water is inadequate as a yardstick. Engineering solutions have led to construction of dams to store water to address the temporal aspect. Spatial aspect necessitates that water be provided where one lives and follows his vocation. Diversion of water has but limited utility, mostly within the basin. Abundance of Brahmaputra in NE would not quench the thirst of residents of Bidar in Karnataka. Feasibility of transferring large volume of water from "surplus" rivers to "deficit" ones is fraught with uncertainties and unforeseen problems. Ergo, more localized solutions are needed.

Unfortunately, quite often the shortages are actually used for justifying larger projects, often with 50% dependability of inflows, which help storage of otherwise evanescent waters and their use in dry seasons. Water availability in areas which are actually water starved may or may not improve through them.

It is fairly clear that large projects have not been unmixed blessing. These are too well known to be laboured. The main focus for economic growth would now be through services, industry and mining etc. The agriculture focus should be mainly for meeting all the requirements for the population of 1600 million in 2050. All planning for use of water should be keeping that in view and the sharing and allocation of water for each purpose should be on that basis with 90% probability.

6. The way forward

First and foremost, water needs to be handled by a single department in all its facets. This ‘reform’ can brook no further delay. Powers that be could find the way if there is a will. This would mean all the functions now carried out by present MoWR, Ministries/Departments of Drinking Water, Sanitation, Agriculture and Environment should operate under a single umbrella.

Let technology assist in choosing the best alternatives, raw materials, systems to quicken the works and avoidance of hazardous contaminants etc. Other aspects of water utilization must definitely be kept in view to ensure fairness i.e. equity, ecology, gender bias, livelihood, economy and food security among others. Existing dams should be improved and managed efficiently on the basis of 90% dependability of inflows. To borrow an old saying –technology should be subservient to the mankind rather than become its master. In fact, with other available tools and techniques, it can be easily surmised, to what extent its use will yield positive outcomes and at what stage they will start becoming self defeating in terms of net benefits and costs not forgetting the social costs.

With supply of water being more or less constant and there also being limits to reuse and recycling—since some make up water will always be required—we have to make do with what is available and can be made useable in various ways. Looming spectre of water stress and scarcity¹ in years to come requires holistic or integrated management of water, after fully understanding what that means and actions required. Firstly, we must come to grips with the real nature of the problem for the worst affected, who are already experiencing stress or scarcity. They have learnt to survive with innovative measures, discipline and rigour, but that does not take the harsh truth of scarcity or forced migration away. The problem areas must be identified as such and targeted for long as well as short term measures. It has become inevitable that new and innovative approaches are conceptualized and implemented with a sense of urgency. There is bound to be inertia and opposition and have to be given time to get wide acceptance, but once the merits are seen and appreciated, they will be more readily followed. The best way is to apply

¹ Water stress is defined as annual per capita availability of less than 1700 cubic metres of water and scarcity as less than 1000 cubic metres availability.

age old wisdom with added advantage of technical advances in use of materials and designing long lasting assets.

As the next step, we have to keep in mind that the population will continue to rise and is expected to start stabilizing only around year 2050. All along demand for water will rise in geometric progression. Hence all actions, even when intended to tackle immediate problems, should still be a part of larger scheme and avoid negative impacts. Tackling of challenges needs many a paradigm shift.

In dealing with subject such as this, problems have to be addressed areawise. Overall planning must encompass the small units and be an aggregate of their individual needs. It is also not enough to make provision for domestic purposes alone; livelihoods have also to be provided. Water being multipurpose commodity, its most efficient use becomes imperative. Inputs including water would be needed for activities in secondary and tertiary sectors which will become more prominent along with urbanisation, throwing up its special needs. Deployment of resources will also move in these directions in absolute terms as well as proportionately. At the same time, food requirement and other agricultural produce is still needed and of a much higher order. With land and water both being limited, much more efficient management should be mandated to achieve all these objectives. This also means that there is urgent need for developing new towns in a planned manner, so that they can share the benefits of surrounding villages at short distances, say 20-25 km.-- rather than allowing them to become more and more congested and unlivable, create slums and put pressure on services and resources. If properly planned, these towns will provide all that the rural folks come looking for away from villages – like education and medical facilities, opportunities for livelihood among others. If properly connected to villages around them, it may even be possible for people to continue to live in the villages, which can then be developed enough to provide best of both rural and urban characteristics, make life more comfortable and ease pressures of various kinds, especially on housing and urban services. At the same time villages can be improved and facilities heretofore denied, brought in, water supply improved and wastages controlled. New opportunities for livelihood will open up, a major concern for the well being of people.

The requirements of these sectors, which are also replacing agrarian sector as major contributors to GDP, naturally go up and they command respect because of that. The priorities therefore will also get redefined. There is no gainsaying the primacy of drinking and domestic needs and emphasis on food security, but allocations to other sectors of economy and for urban life style also have to be factored in. The competing demand for this commodity can't be in purely economic terms. Hence appropriate schemes for allocation and pricing specific to a given place have to be formulated and scrupulously implemented. While doing so equity and special consideration for women must be kept in view. Several pressures from vested interests will also arise and attempts made to preserve their primacy. Provisions can be given the legal cover with stiff penalties for using scarce resources for banned activities. At the same time there has to be fairness and promised quantities of water must be made available to rightful persons. If this is done, there will be no legitimate excuse for violators, nor undue pressures caused by tendency to "hoard" and mindset of shortages.

7. New Approach in a Nutshell

We may take a look at the most widely acceptable alternative approach that has been propagated viz. watershed development along with basin being considered as the administrative unit. It need not be limited to the context of rural development and can be applied for other areas with modifications. When referring to large areas, there may be rural as well as urban complexes and can also be a mix of the two, partly rural and partly urban. Admirable use of technology can be made to make the watersheds self sufficient and even supportive of neighbouring areas, should they happen to be water scarce. Use of satellite imagery, local geo-hydrology, local materials for making bunds etc. of appropriate size and design can be a boon to the area. The mindset of large is beautiful must be shed in favour of that which yields most benefit and is therefore really the best. Till recently, availability and quality of water was seldom a concern, but that is no longer the case.

Watershed has several definitions, but we may settle for a general concept whereby an area that drains into a common river, stream or water body is a watershed. Watershed can be as large as a river basin, a sub-basin or a much smaller area

like a village or even a part of a large village. For practical purposes, a manageable administrative unit should be taken up for development. For this purpose, river basin approach seems the best which can be divided into sub basins, which can be further subdivided into units, each of which will form an independent watershed. Each large area can be subdivided into several independent watersheds. If the area is served by a stream, additional water could be available by simple, in inexpensive and economical means of diversion, obviating the need for large dams and canal systems. Means of conservation are an absolute necessity even in water rich areas. This would meet the water demand of the area to large extent, by engaging in activities that can be sustained with available water and after providing for basic necessities, such as drinking and domestic requirements.

The size may be determined by local factors and administrative convenience. An administrative unit like a panchayat or village could be taken for the purpose and maximum utilization of water ensured through various means of water harvesting and building groundwater. Local factors may be: climate, geology and hydrology, economic activity such as agriculture, animal husbandry, industry, mining etc. Each unit would have its own characteristics and that would determine its water needs (same may be true of energy needs also). To be as fair and equitable as possible, community will have to make allocation of water according to a set of guidelines, which would ensure minimum domestic need of each household are first met. This would naturally depend on total resource availability and no absolute figure can be put. However, to ensure that the weaker sections of the community get fair and equitable deal, NGOs of good repute should be associated. They may also be able to provide guidance in the matters of resource management and its various facets. It is bound to be a dynamic process, since neither demand nor the supply nor yet again the final outcome is likely to be one time exercise. A formal set up is therefore recommended, in which persons knowledgeable in matters of hydrology, water harvesting and conservation, good practices etc are associated with the community. This process has to be followed in all the units starting with the lowest and moving upwards till the entire basin is covered. Multi level coordinating bodies would work out water budget of all the immediate lower units

and ultimately the entire basin. Like any budgetary exercise, it would be foolhardy to expect a perfectly balanced picture of supply and demand. More likely than not, the demand will always be in excess of need, partly because of scarcity syndrome and partly with an eye on establishing a claim. Besides, with growing population, demand is bound to rise but the supply is constant and hence a continuous struggle would ensue, which can be kept under check through innovations, recycling conservation and good management practices. In case of basins which are intrinsically scarce, conservation and allocations should be made for activities, which are most water efficient. This may include adjusting crops to suit the agro-climatic conditions and avoid water guzzling crops, disallowing them altogether.

In this exercise there would be genuinely deficit areas even in an otherwise surplus basin and in such cases, it may be possible to divert waters from surplus areas to deficit ones with the consent of the community and with such appropriate and reasonable conditions. Being within the basin- and especially if within the state it may not pose much difficulty, but it may still require efforts to prepare people for accepting it. It should also be possible for similar inter basin and interstate transfers, if done with total transparency and demonstrative cumulative mutual advantage. In fact this may be much more practical and economically viable approach than to propagate transfer of waters over thousands of kilometers and at exorbitant cost, with no certainty of end result. Economic factors could be used to leverage the proposition.

It has already been seen and demonstrated² that the existing dam and canal infrastructure is sufficient for our needs now and many years to come. What is needed is consolidation and using innovative and simple techniques that will further increase land and water productivity. In many “ongoing” projects, if a diligent analysis is made, they will be seen to have reached stage of diminishing returns in economic terms. It is therefore nothing short of suicidal to give them further extension of life through various means. Most desirable are the need for equity and environment protection, of which river system is the most vulnerable and crucial. There would also be situations where dams, bunds and barrages would still

² GN Kathpalia And Rakesh Kapoor

be found to be the most viable options and may be useful in several ways, such as flood mitigation and augmenting drinking water supply with minimal intervention of river stream. They must, however be made with above stipulations in the fore front: size may be on 90% dependability of inflows instead of often used 50% dependability.

While the country has to be prepared to deal with emerging scenario and be able to deal with water needs in and beyond the year 2050, current problems can't be given a go by. In addition to long term problems, short term solutions are also crying for attention. It has to be ensured that when embarking on long term plan, care would be taken to see that in the shortest possible time not only the current situation, but the developing scenarios at different intervals are also kept in firm control.

8. Conclusion

To come to grip with the current problems as well as make progress towards effective management and stay ahead of problems even as need rises for utilizable water, ensuring equity; fight gender bias and avoid pitfalls in development effort leading the country in quest of good life to every citizen with his basic needs adequately met.

A brief indicative set of actions suggested are:

- Integrate water related functions of all Ministries and departments
- Identify watersheds , from micro to major within the basin following a bottom up approach
- Collect and collate data on rainfall, geology, topography, existence of a river/stream/canal in the watershed, soil and agricultural practices
- Conservation practices, which include scientific irrigation, recycling where possible, avoiding wastages and leakages etc.
- Rainwater harvesting, creating groundwater recharge structures as required depending on local conditions (Caution: for reasons of equity vis a vis down stream areas

and ecology, recharge structures should not completely stop the streams)

- Allow transfer of water to deficit areas within the higher echelon watersheds at first and within the sub-basin/basin in ultimate analysis
- Use flood waters to recharge dried aquifers make up loss of groundwater; this may include transfer through small channels from nearby canals
- In areas where groundwater is heavily contaminated or has fluoride or other chemicals, structures for storage of waters may be used. In canal served areas also there is great need for conservation and following practices for better management. Following additional points are noted for these areas:
- Warabandi with community controlling the system below minors or other appropriate outlets. Community should also be responsible for repair and maintenance of the system under their charge and collection of revenues
- Compulsory conjunctive use of canal and groundwater, as the seepage would cause building up of water table in the region
- Use of drip, furrow or other economical ways of irrigation depending on suitability
- Ensuring that cropping pattern conforms to agro climatic conditions

These approaches have been talked about and given limited credence. It is time that they are tried out in earnest in a dynamic mode so that corrective actions are initiated as and when needed.

A. P. Saxena

Governance-The Way Ahead

It can be nobody's case that the idea of governance is simply a myth and there is no need for an obligatory faith in the rationality and pursuit of governance. In this Milleu, a critically projected version is the demoralizing conclusion that "nothing can be done". Admittedly governance may face a historically limited range of choices depending on an inherited conditioned style and structures. Yet there is need to accept that many things could be and should be done. In spite of an inherited embargo of varying degrees of equity or inequality, governance should aspire for a transfer from a static "not so good" situation to a static "good".

Governance observed from whatever differing view point cannot be portrayed as a outworn and misleading myth or a faded xerox copy of the much biased bureaucracy. On the other hand what can be forcefully argued is the need to rewire, even retool the system—sub systems included. Any prevailing irrational exuberance to diminish the case for governance needs a forceful rebuttal.

Today one often notices a degree of resentment, often bordering on systematic distrust—consciously planted and circulated one suspects as a psycho-political ploy—an assault—on governance. The target of resentment can be broadly configured e.g relating to incidents, individuals and institutions. Incidents keep happening and will keep happening across the vast country, but events though often transitory they can be easily enlarged and undergo a subtle process of manipulation. The seemingly simplistic tenor of the planted resentment is recklessly extended to institutions—our Parliament not excluded. This strikes at the root of faith and value of governance. Our institutions demand respect, even

reverence founded as they are by law and nurtured over historical periods as part of nations history and tradition. They have an uncontested sanctity and even relate to the legitimacy of the nation state.

The flavour of the resentment more like a carefully orchestrated attack – often not thinly veiled in the ongoing political discourse is made tangy by ‘threats’ e.g. fast, immolation. These instantly become part of the ‘Breaking News’ syndrome in the electronic media without even a faintest effort to check the content and context. The print media, not to be left behind, too falls in line. Soon there is a credence –however minimal, suggesting a need not only to rescue faith and trust in governance, but to consciously strengthen the concept, content and place of governance.

As the resentment on individuals and on institutions get further enlarged, no opportunity is lost to label the governance scenario as a ‘crisis’. The reference to governance is even expanded to imply an imminent breakdown, a cloud of performance failure

Let us explore the possible definition of ‘Crisis’. Webster’s Third New International Dictionary offers several definitions of the term, among them the following:

- (i) ‘The point of time when it is decided whether-.course of action shall proceed, be modified or terminate’
- (ii) Decisive moment
- (iii) Turning part
- (iv) Reaching cross roads

The meaning emerging out (in the specific context of the prevailing anti-governance discourse) is of a Crisis i.e. a dramatic feeling of impending disaster. On the other hand a reasoned interpretation of the concept of crisis will not be a worst scenario, indeed far from it. In the rigorous definitional contest, one could refer to a deteriorating tendency which if left unchecked may lead to negative governance consequence, but not irreversible. As an example, the timely or even non –

issue of water bills in a metro city of one crore plus population cannot be rationally trumpeted as a crisis.

The issue of governance effectiveness can be approached as an example in either more or less demanding terms. For example, we demand not more from governance but 'much'. One approach could be to set up standards whereby some objective profile of society's problems could be evolved and against which the capacity of governance to resolve stipulated problems would be appreciated in an open, rational zone. Of course it has to be agreed by all that the emerging profile is feasible to achieve and measurable to an extent possible.

Governance is about giving space to people to work, empathizing with colleagues and listening to their views and comments. Indeed any public servant aspiring to work for governance must convey a vision to motivate and inspire his co-workers, for then alone he can build a strong and effective team for improved, sustainable performance. After all in a milieu concerning everyone, all must have space to grow which has to be respected as a human need. This framework extends beyond platitudinous exhortation to usher in good governance.

But the above framework can be easily wrecked beyond performance if the space is appropriated by senior functionaries immersed in details and calling for more and more "notes" and "files." The classic assertion of Field Marshal Montgomery recorded in his "Memoirs" is worth a recall: It is absolutely vital that a senior commander should keep himself from being immersed in details. This principle applies equally in civil life and especially in Governmental offices. Many high government officials might well have the following inscribed on their tombstones when they die.

"Here lies a man who died of exhaustion brought about by preoccupation with detail. He never had time to think because he was always reading papers. He saw every tree, but never the whole wood". (1)

Governance need to be considered as a functioning activity - ongoing conveyance of accomplished tasks, duly completed,

advised and delivered. In a way a chain of accomplished tasks is the output of governance -at the micro, macro or at the point of summation – within expected time frame keeping in view the objective purpose in mind or a chain of accomplished tasks converging at a defined focus conveying a sense of constructive completion of activities within definable time spans.

In simple terms the tasks of Governance forms the general character of the state commonly envisaged along a wide stream of rational interests (often marked by lack of cooperation). What is the national interest in governance, how is it determined as to what extent does it have objective existence, how is it determined as to what extent can its establishment be replaced and determined from a subjective view point. More directly, the character of state can be stated by the question how government is maintained—by consent, by constraint or more usually by both. Why are decisions (part of governance) obeyed and the extent of constant underpinning respected, accepted or both? Today, however, largely because of plurastic criticism and expectations—often unreasonable and politically propelled—the usual traditional definitions of the state are no longer in vogue.

While critics at home are not tired of crying loud and shrill over a dysfunctional government (its governability and instruments) it is heartening to take note of an India-Centric positive,constructive vision behind Oxford University's new governance school- the Blavatnik School of Government—planned to train a new generation of world leaders. The Blavatnik School set up with a \$ 75 million endowment by the Russian-American philanthropist Leonard Blavatnik and headed by a distinguish Indophile Professor Ngaire Woods will have links with Indian academics and policy makers. The \$100 million high profile Centre of Excellence will formally open its doors next year to pursue a vision of better government, stronger societies and richer human opportunities across the world. But more importantly the vision of the school accepts as a basis for its programme “how the different regions, traditions and systems of government (in India) provide endless examples of how government can

work with its constant balancing of commitments to growth and prosperity on the one hand and equality and greater opportunity on the other”.

The resulting country-specific Case Studies with focus on public policy and public administration will be available to Universities across the world as teaching material of course with a special focus on India.

Some Issues

Often referred to as a demographic dividend, India has upto 70% of the population in the age group below 30. This youthful group profile poses altogether a new non-precedent governance tasks along with a matrix of often conflicting interests. In a lead essay on “Asians Next Revolution—Reinventing the Welfare state” The Economist (23 September 2012) notes that “today China has 5 workers for every old person and America still has 3 workers per retired person. In India, however, where some 40 million households benefit from a government scheme to promote minimum wages(MNREGA) , the state has extended health insurance measures to some 110 million people, more than double the number of uninsured in America!

With this increasing trend towards entitlements secured by statutory institutions (that extend beyond budgetary cycles) the welfare provisions will be demand led and not supply driven. Welfare will become integral to governance which shall have to view welfare beyond a right or entitlement as an investment in manpower. “Enforcing national welfare standards in a country like India will be more akin to establishing common standards not in a single country like Germany or Greece but in the European Union as a whole”. The scale and complexity of implied government tasks can only be imagined.

The youthful India noted above will be marked by individuals who shall be ambitious, restless, demanding and keen for results. Their catalogue of needs has no expiry date. They belong to the “Internet Age” which is no longer a speculative terrain but fast emerging reality which shall determine the contours of governance in the days ahead.

A recent, well researched Mckinsey Report on the “*Impact of Internet on the Indian Economy*” concluded that India could well become a new anchor for governments’ programmes to enhance digital citizenship. By 2015, based on existing projections, India, which has 120 million users as the third largest Internet user base in the world, is projected to hit 350 million, pushing it to a global ranking of 2 with the fastest rate of growth. With this growth, its contribution to Indian GDP will explode to \$ 100 billion (Rs. 5 lakh crores) in 2015, from \$ 30 million (Rs. 1.5 lakh crore) at present.(2)

The tasks before governance in the near future even by optimistic standards will be different with frightening prospects while fixing e.g. specific time and cost parameters for performance. But one thing seems certain, governance, concerned as a definable bundle of performing entities will need to operate beyond a comfort zone of pushing out answers from a programmed tool box of rules, regulations, precedents and keep relying on the obsolete wisdom of hindsight. Instead, to meet new situations, governance has to travel way up and even beyond the highest point in any entrepreneurship model e.g. an Entrepreneurship Pyramid projected by the National Knowledge Commission in its latest study of Indian Entrepreneurship, 2012. The instruments of governance and that includes the personnel in the concerned schemes will need to overcome all blocking pre-set paradigms .These have to be met head on, with innovation and trust.

Governance cannot yield its decision space to the never ending, ever increasing lurking fear of post-facto; often opinionated appraisals which eventually serve little purpose except to strain and dent-often irreversibly-the pace of performance. New delivery models and solution options, based on out of the box ideas have to be encouraged to pave the way for performance

Further, Governance cannot yield its decision space under pressure. Governance, however conceived, is not a Rubic Cubic. It is eventually a performing dynamic living entity, with a sovereign decision space. If it turns static it will loose its high purpose, relevance and even trust of the people . In the

larger interest of its mandated purpose (also constitutional) and outcomes committed to reach the beneficiaries it has to serve and as well save itself from the never ending badgering of presumptive appraisals long after the events are over. If it be not so, probably like Aesops fable it may have to run twice as fast to remain standing at the same point.

There can be no comprehensive mapping of governance in general and its performing investments in particular. What can be stated, perhaps is that both are going through a definitive phase of transition where in the contents of the past are being interrogated by the imperative of the present and the expectations of the future.

But taking a limited view there are good reasons to believe that the Civil Services, not with standing the cacophony of unending criticism are capable of rising to the occasion. Already there is a qualitative morphing of its composition being brought about by the entry of engineers, doctors, management professionals from prestigious IIM's and IIT's, by passing the lure of more paying jobs with the MNC's.

Is it part of the prevailing scenario which has unveiled the myth of globalization and the virtues of capitalism in tandem. The recent economic meltdown and the collapse of giant international entities considered beyond the touch of the market is much more than mechanical but moral: a lure of money, markets and material things.

A brief recall of the dynamics of globalization in the early phase of the present century is useful to understand the prevailing philosophy of international institutes in Washington. Over whelmed by the mighty U S Federal Reserve System and presided over till recently by the near infallible, so it seems, Allen Greenspan- there was a prevailing joke in the corridors of World Bank and IMF that if Greenspan sneezed the bourses in Tokyo and London will catch flu.

In a post retirement memoir, 'The Age of Turbulence-Adventure in a New World' Greenspan described himself as a renowned defender of capitalism, yet very frankly enveloping governance in his theme of capitalism and market. He

affirms frequently that creative destruction then leads to the emergence of increasing concentration of incomes and wealth! It thus gives undue advantage to the strong and make it not possible to have fair competition. The governance vectors thus badly trampled only look to extra political aid and the military (for any scope of survival) (3)

One is reminded of the remarks of Thomas Friedman—another supporter of capitalism tacked to globalization that the hidden hand of the market will never work without a hidden fist, the fist in today’s world is called the U S Army, Navy and Marines.

Conclusions

As the state moves forward more and more in its quest for inclusive development, governance will face an altogether new set of challenges. As of now there are neither institutions nor trained instruments available to take charge of implementation of the vast range of non- precedent tasks firming the base of decentralized development (4). These tasks are largely non-precedent and part of a vast state envisaged social security net.

Let us take a brief look at some key related aspects. Firstly the scale of the programmes and projects envisaged as part of the social sector which embraces the Central, regional and local levels. Next the sheer size of intended beneficiaries considering the billion plus population. The immensity of the scale and size is further enhanced by the geographical spread of the beneficiaries ranging from urban fringes to deep rural interiors not easily accessible.

Additionally the constraining logistics are the nightmare of best planned governance. Firstly the accessibility of the target groups. Good intentions and commitments cannot alone overcome the immense problems of accessibility. Another equally important implementation block is the literacy aspect. Our decades of development experience has confirmed that a two way communication is essential to eliminate middle level slippages and diversions. Can the available government

instruments devise a non-porous bucket of benefits to reach the target group in time. In fact, even if it be so, the literacy embargo as part of requisite communication blocks leads to another governance task making the potential recipient aware of the available entitlements. This adds to the load of overall quantitative and qualitative hurdles inherent in the barest catalogue of governance tasks.

Governance can proceed, indeed it is already progressing where other parametric factors are clear e.g, reaching the targeted beneficiaries in time and thus ensure timely disposal of entitlements. This will determine the success of governance in the sprawling social sector programmes which is now becoming more and more qualitative and not quantitative and amenable to standardized audit exercises. In fact, it is the human content which is emerging as the ultimate challenge before governance in respect of the social sector programmes.

Technology can help in these hugely challenging tasks. The case in fact is the very successful emergence of Unique Identification Project which only recently (20 October)-completed two years of its launch. It is remarkable to imagine that the process of issue of Aadhar cards—indeed an Aadhar to its recipients—has achieved and recorded physical eyeball documented contact with over 24 crore individuals already registered by now. The card offers proof of identity and address anywhere in the country and now seeks to integrate the government run flagship programmes with the Aadhar network. Indeed the UID project is already an on-line identity platform used for authentication of established NREGA data base to ensure that in practice there are no duplicates and fakes. Technology through the already vastly expanded telephony network is now emerging as a near proven shield for satisfactory governance in the vastly complicated social sector.

In fact a cost benefit analysis done by the National Institute of Public Finance and Policy (NIPFF) of eleven major government schemes including NREGA has estimated that

Aadhar Project would result in saving of about Rs. 1,10,000 crore by 2020, around 58 % of expenditure of major public welfare schemes. This excludes the many gains from Aadhar which are intangible and difficult to quantify. “Aadhar will save Rs. 1.10 trillion for government” (Hindustan Times 12 Nov 2012) (5)

But the scale of challenges facing the governance need not be a source of personnel despair. With only nearly five decade of operational planning process behind us there is no need to write off the intrinsic capability of the governance instruments. Today’s catalogue of non-precedent tasks may well become the operating norm in the decades ahead. With the enlarging arena of internal connectivity it is not inconceivable that many more variants of Aadhar be successfully crisscrossing the entire country reaching the unreached masses. We can then recall Amartya Sen who, some years back while examining the Issue of “Equality of What(6) raised the bar to achieve universalization as outlined by Richard Hare” giving equal weights to the equal interests of the occupants of all the roles(7)

Governability

The attacks on governance, build up an ‘expanding resentment’ factor extending it to an image of state in crisis, invariably leading to the issue of governability or lack of it. Governability refers to a state’s competence to govern. There could be multiple reasons, indeed there are which impinge on the factor of capacity and /or competence. Institutions in this context have an important role in the sphere of governability. One of quoted definitions of institutions in this specific context would be the one developed by Huntington: ‘Organizations and procedures that have come to be accepted by a society and thus have acquired a measure of value and stability’ (8). Organisations and procedures as part of governance could thus become institutions.

This classification, though brief is necessary as the issues of context generally are too society-centric along with other strong determining interactions e.g political, conflicts and

violence, to straight away predict any verdict on the status of governance. It cannot be denied that a problem before governance is the open emerging pursuit of political (even extra political) goals by violent means in the garb of peaceful protests. In this state of governance under stress, it is not inconceivable that the operational instruments of governance may lose sight of limiting boundary functions and travel beyond.

According to contemporary researches involving institutes today ideas and even structures along with institutions move across social and geographical space. In the specific context of governance and the characteristic of governability, there is an inevitable shift of policies arising out of circulation of ideas, traditions along with creation of unspecified networks and intermediaries. In consequence, adaptation, restriction, even transformation and governance with its interfaces may as well become a historical phenomenon. With cultures and institutes in motion, as hypothesised, the entire spectrum of ideas, institutes, structures moves across geographical space leaving behind any fixity of governance and governability as commonly understood. After all, many countries represent at the present time, a wide spectrum of societies in transition, in differing stages of growth –some advancing rapidly, others making slow but steady progress, a few actually losing ground.

Is it thus possible to produce a template of governability and the instruments of governance claiming to be the answer to governance—its performance gaps—ignoring, even side tracking the corpus of decades of performance and dedicated nation building, as well as the competence of individuals comprising the system.

But an eminent political scientist, Prof. Harold Laski did analyze the elements of civil service template in England and its colonies. In 'Parliamentary Democracy in England'(1938), Laski noted that about 65% of the Civil Service came from 16 leading public schools and later mostly from Oxford and Cambridge. They portrayed a strong perception against change

in an ethos of neutrality. This expanded to a remarkable capacity for detachment. (9)

The ways of life they knew, the habits of thought in which they have been brought up, the departmental traditions in which they were immersed, all represented a mental climate so different from the issues they had to handle. They reflected “the historic danger of bureaucracy namely, of consciously suspecting all innovation it has not itself organized. Drawn from the upper strata of society they were separated from experience and outlook from the great mass of those whose problems it decided”.

By Prof. Laski’s own euphemistic conclusions the style and content of governance, was unworthy of the people it was supposed to serve. The template of governance fabricated from the metal of select schools and later Oxbridge was no good in practice for the tasks of governance and extended capacity for governability.

But not far away, Jawaharlal Nehru himself a product of the elite British Public School System (Harrow) and later Cambridge(1907-10) was well aware of the characteristics noted by Laski. While analyzing the record of British rule in India, Jawaharlal recorded his observations in his Autobiography published two years before Laski’s book appeared in 1938. This critical convergence of the appreciation of British civil servants is remarkable. Nehru noted that the original training of many of the members of the ICS was classical which gave them a certain culture and a certain charm, but they had no appreciation of the forces at work in contemporary society. ‘In spite of their amusing assumption of being the trustees and guardians of the India’s masses they know little about them’. They judged Indians from the sycophants who surrounded them. Their knowledge of post war changes all over the world was of the slightest and they were too much in the roots to adjust themselves to changing conditions. They did not realize that the order they represented was out of date and they were approaching as a group more and more the type which T.S Elliot described as Hollow Men.

No wonder as Nehru further noted, 'as part of their work style they encouraged rigid conformity, became part of the big machine, their minds impressed by the dull routine work. They developed the qualities of a bureaucracy—a competent knowledge of clerkship and the diplomatic art of keeping offices'.

But with the iron fist of foreign rule the governance survived—indeed survived too long. They reflected that in the name of continuity of policy there was a brake on innovation all along. There was no opportunity to talk about lack of governability as the “British concept of ruling India was the police conception of the governments job to protect the state”.

But it is years when Jawahar Lal Nehru expressed his thoughts on British governance in his Autobiography (1936) (10) predated Laski's Parliamentary Government in England published in 1938. Social order along with the geo-political matrix of contents and countries has changed, undergoing revolutionary changes. Independence has opened new fresh windows of socio-political analysis. We can and do debate freely with the knowledge of the past and a vision of the future the character of governance, the role of the instruments and profile of governability.

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Jagdeep S. Chhokar

What Ails Governance in India?

Recent years have seen a lot of discussion and concern about the state of governance in India. The series of scams that have been unraveled and reported over the last few years have heightened the interest in issues pertaining to governance or mis-governance in the country.

The word “governance” seems to have become a fad over recent years and is therefore much in use. It is used in a variety of ways and contexts, and with a variety of implicit meanings but its exact understanding seems to escape many who use it. Its most common dictionary meaning is “exercise of authority; control.” Since this does not seem to tell us much, let us look at some other descriptions.

The World Bank defines governance as “the manner in which power is exercised in the management of a country's economic and social resources for development.” Another description maintains it to be “the use of institutions, structures of authority and even collaboration to allocate resources and coordinate or control activity in society or the economy.”

According to the United Nations Development Programme (UNDP), governance has been defined as the “rules of the political system to solve conflicts between actors and adopt decisions” (legality). It has also been used to describe the “proper functioning of institutions and their acceptance by the public” (legitimacy). And it has been used to invoke the “efficacy of government and the achievement of consensus by democratic means” (participation).

The Worldwide Governance Indicators project of the World Bank defines governance as “the traditions and

institutions by which authority in a country is exercised.” It considers governance to be “the process by which governments are selected, monitored and replaced; the capacity of the government to effectively formulate and implement sound policies and the respect of citizens and the state of the institutions that govern economic and social interactions among them.”

How *should* India be governed? This question engaged the Constituent Assembly and the members of that body provided an answer in Parts V and VI of the Constitution of India. These parts refer to the Central and State governments respectively. Chapter I of Part V is about “The Executive”. In it are discussed “The President, and Vice President”, “Council of Ministers”, “The Attorney General of India”, and “Conduct of Government Business”. Chapter II is about the “Parliament”, Chapter III lays down the “Legislative Powers of The President”, Chapter IV is about “The Union Judiciary”, and the last, Chapter V is about the “Comptroller Auditor-General of India”. Part VI has an almost identical structure which applies to the States. Another part of the Constitution that refers to governance is Part XIV, titled “Services under the Union and the States”. Of particular relevance are Articles 311 and 312, which contain provisions about civil servants. Article 311 provides conditions for the “Dismissal, removal or reduction in rank of persons employed in civil capacities under the Union or a State”, and Article 312 provides some general conditions about the “All-India services”.

It seems clear from the above that the scheme of governance was to be divided in two parts: one, permanent and the other temporary. The permanent part was provided by Part XIV of the Constitution, particularly Articles 311 and 312 which, over the early years of independent India, came to be called the “steel frame” of the Government of India. The Steel Frame was expected to, and actually did, steady the ship of the State during stormy weather and troubled times.

The temporary, and arguably the more important, part of the system of governance was to be the one accountable to the people, through of course the elected representatives

of the people, the members of Parliament. It is the Council of Ministers headed by the Prime Minister, who, according to Article 74(3) of the Constitution “shall be collectively responsible to the House of the People.” This is considered to be the temporary limb of the governance scheme as their mandate is to be reviewed periodically through elections.

The working arrangement between these two limbs of the governance scheme evolved out of the working of the Indian Civil Service (ICS) of the British era, the predecessor of the Indian Administrative Service (IAS) that was formed after independence. It was anticipated that the political limb of the governance scheme, the ministers, may be susceptible to political and electoral pressures and therefore may stray from the straight and narrow principles of national and public interest. It was to guard against such possibilities that the strength of the “steel frame” was designed. Whenever the political limb of the governance scheme tried to do something for political exigencies, the “steel frame” or the administrative limb of the governance scheme would, with the safeguards that it was provided under the Constitution, ensure that nothing against the letter and spirit of the Constitution was done. The working model followed for quite a few years after independence was for the members of the “steel frame” to express their views and provide their advice to the political limb of the governance scheme, without the risk of fear or expectation of favour, fearlessly or frankly, in keeping with the Constitutional provisions, precedent, and the overall well-being of the society and the nation. Examples of famous members of the “steel frame” who stood their ground even in the face of tremendous pressure from political quarters, and also of upright and understanding members of the political limb of the governance scheme, ministers, who overruled the views and suggestions of the “steel frame,” openly on file, recording reasons for their disagreement, but continued to respect the integrity of the “steel frame,” have become legends over the years.

A well-known maxim is that schemes or systems do not work, they are worked, and by the people who man them.

The same applies to schemes or systems of governance. Going by the history of the governance experience in India, the same scheme of governance, which seemed to have worked as intended, during the first couple of decades after independence, seems to have started to falter from the late 1960s to early 1970s. The famed “steel frame”, known for its independence, and allegiance and accountability only to the Constitution, started rusting, melting, and turning and bending in keeping with the ideological wind that the political limb of the governance scheme seemed to be in favour of.

What was sad was that all political groupings that came to power at the center and in different states did not have commitment to any ideology whatsoever. Their only purpose seemed to be to acquire and retain political power, so that their vested interests can be protected and enhanced. This phenomenon has been commented on by Ramchandra Guha, in his 2007 book *India after Gandhi*, by referring to “a more general view, held by P.N. Haskar more forcefully, that judges as well as civil servants should be ‘committed’ to the policies and philosophy of the government in power”(p.474). Over the following years, Haskar’s phrase “the government in power” came to be replaced first by “the political party in power”, and then gradually by “the politician in power”, and the transformation was complete, with the former “steel frame” having become completely unrecognizable. The Emergency from 1975 to 1977 was the high point of this era of “committed” bureaucracy.

The process, unintended by the Constitution and initiated during the 1960s and 1970s continued to evolve even after the Emergency and has by now acquired a well-known and familiar form of a nexus among the political, bureaucratic, and business classes. In essence, it consists of exploitation, sometimes over-exploitation of natural and other economic resources of the nation to the mutual benefit of the three classes. The usual initiators of the process are business persons, often big, who on locating opportunities for making money, often in the form of what are called super-normal profits, and approach either bureaucrats or politicians (if the deal is really big, the

first point of contact is often a politician), and some kind of mutually profitable arrangements are worked out. The plan is then put into effect with all possible precautions to prevent a paper trail with everyone concerned being co-opted, with appropriate pay-offs. The pay-offs have to be appropriate as not everyone is amenable to financial or monetary pay-offs, and many other forms are often devised.

The above process, or some variation of it, has been behind the mining, spectrum, and real estate scams that have been unearthed recently. The reason why these have been detected is the onset of some complacency and over confidence with repeated successes. The Right to Information law, and its innovative and persevering use has also made a very significant contribution in the uncovering of the scams.

The three sections of people involved have different escape routes and protections available under the current constitutional scheme. Since the usual initiators are those running big business, let us begin with business. The main law governing the conduct of big business is the Companies Act. Technically, law making is the function of the legislature, and hence of the politicians. But the basic drafting of the law is done by bureaucrats sitting in the ministry dealing with the subject matter and the ministry of law. Once the legislature has done its job and the President has given the assent, then the bureaucrats take over again, starting with notifying the legislation and making the rules under the Act. Almost the total responsibility for implementation rests with the bureaucracy.

The initiators of the process, the business folks, though technically governed by the Companies Act, framed by a combination of the politicians and bureaucrats, and implemented by the bureaucrats, and hence manipulable, are in reality answerable only to their shareholders. The shareholders are often satisfied by the payment of reasonable dividends or capital appreciation, or are controlled through majority share holding or influencing the majority shareholders.

The bureaucrats are governed, in the aggregate, by the provisions of the Constitution and the rules of business of the government, which are, in reality, framed by the bureaucracy itself. They also enjoy special protection provided by Articles 311 and 312 of the Constitution.

The only group answerable to the citizens at large, at least in theory, are the politicians who, in order to get access to exercising state power, have to contest elections. I say, “in theory” simply because “in practice” or at least in the minds of the elected politicians, at least, this does not seem to be the case. There are umpteen examples of this, what might be called the “arrogance of the elected”.

One of the finest examples of this “arrogance of the elected” came from a Chief Minister of a large state, elected with a significant majority in one of the recent elections. Offering gratuitous advice to the so-called Anna Movement, the Chief Minister said, “My advice to the leaders of the Anna Movement is that they should forget about things like fast, etc. They should form a political party, contest the next parliamentary election, get elected, and form their own government, and then do whatever they like.” The operative phrase here is “do whatever they like”. The essence is, once elected, one can do whatever one likes, till the next election or till one is “de-throned” by some other means. The fact that there is a document, called the Constitution, which has created the very institutions to which these worthies get elected, and which bestows political and administrative powers on them, and which also lay down the limits for what they can and cannot do, seems to have been almost completely forgotten. And the bureaucracy one of whose jobs it is to keep the political executive aware of the limits, has become a willing accomplice in this forgetfulness.

Another telling example came up in Parliament on August 17, 2011, the day after Anna Hazare began his fast in New Delhi, after the drama, farce, or tragedy of his arrest and move to Tihar Jail. While reporting on the proceedings of the Parliament, it was widely reported in the media that the

then Home Minister, P. Chidambaram, said in Parliament on August 17, 2011, that, “The people have a right to vote us in and vote us out of Parliament but no right to make law. That right has been given to us by the people.” Mr. Chidambaram is an accomplished lawyer and therefore has the well deserved and well earned reputation of choosing his words very carefully, therefore no one can find any fault with him on the correctness of the letter of what he has said but the spirit of his statement possibly indicates, and is representative of what most politicians, particularly elected ones, seem to be convinced of. And that is a high degree of arrogance and haughtiness. It might do the politicians much good to remember that a right given by one person or group to another is never absolute, and that there always are some basic norms underlying such bestowal of rights or power. The right to make laws is given by the electorate to the members of Parliament under the implicit assumption that the laws will be made in the spirit of the overall good of the nation and the people of the nation. Any violation of that assumption, weakens, violates, and might even destroy the implicit social contract between the citizens and their leaders, which is the bedrock on which a democracy society is founded. A moot question here is who has greater responsibility of weakening the implicit social contract of democracy in India, the politicians or the People.

The above two examples are somewhat recent but the phenomenon is not that recent. Here is another, somewhat older, example from one of the earlier governments and on a very different issue in which the judiciary was also involved.

A civil society organization, the Association for Democratic Reforms filed public interest petition in the Delhi High Court in 1999 asking the court to direct candidates contesting elections to parliament and state assemblies, to disclose details of criminal cases pending against them, and their financial and educational antecedents, at the time of filing their nomination papers for contesting the elections, so that voters could make an informed choice while casting their votes. The High Court upheld the voters’ right to know the antecedents of the candidates and directed, in a judgment on

November 02, 2000 (in Association For Democratic Reforms vs Union of India and Another, Civil Writ Petition No. 7257 of 1999), the Election Commission to collect that information in an affidavit to be filed as an integral part of the nomination paper of the candidates.

The judgment of the High Court was not acceptable to the Government of India, which one assumes, consisted of the political as well as the administrative executive, and the Union of India went to the Supreme Court in a Special Leave Petition against the Delhi High Court judgment as if disclosure of criminal, financial, and educational background of candidates contesting elections was not in public interest. The Supreme Court rejected the appeal (Civil Appeal No.7178 of 2001, Union of India vs Association For Democratic Reforms & Another) on May 02, 2002, upholding the Delhi High Court judgment. The entire political *establishment* (not the Executive only) of the country got together in the form of twenty-two political parties which held an all-party meeting on July 8, 2002, and decided that the Supreme Court judgment will not be allowed to be implemented, and if necessary, the Representation of the People Act will be amended in that very session of Parliament.

Exactly a week later, on July 15, 2002, a Bill to amend the Representation of the People Act had been prepared to be passed in that Monsoon session itself but it could not be introduced as the Lok Sabha had to be adjourned due the Petrol Pump scam. The government (and here we have the Executive at work) of the day was not deterred and sent an Ordinance to the President. The President returned the Ordinance but the Cabinet sent it to the President a second time. It was reported that it was the Attorney General of India who carried the Ordinance to the President the second time. The Attorney General is also part of the Executive, as his/her appointment and duties, etc. are also part of Chapter I of Part V is about “The Executive”, as mentioned above. Under the established convention, the President had to sign the Ordinance, and the Representation of the People Act stood amended. The Ordinance was later converted into an

Act by the same Parliament that Mr. Chidambaram says has the exclusive right to pass laws, and the People can not do anything once having elected the members of Parliament. It is difficult to decipher what role did the administrative executive play in the whole process. The quality of the advice given by the highest law officer of the government, and a part of the Executive, becomes clear from the next paragraph.

The Ordinance, and the corresponding Act, were subsequently challenged in the Supreme Court in Writ Petition (Civil) No. 515 of 2002 (Association for Democratic Reforms vs Union of India and another), and in a judgment on March 13, 2003, the Supreme Court struck down the Ordinance, and the corresponding Act, as “unconstitutional, null and void”. The government of the day, and hence the Executive, was led by a different political formation and the decisions and actions could not have been taken without the active involvement of, at least the political executive of the day, but the guidance on constitutionality and the legality of the proposed actions needed to be provided by the administrative executive. The person who apparently piloted the initiative, being the Law Minister who, if not initiated, at least approved, if not directly, at least implicitly, all these actions on the part of the government since he was heading the Law Ministry, was another eminent lawyer, Arun Jaitley. It seems to be a curious phenomenon that eminent lawyers, when they become part of the Executive, either of the political or the administrative, seem to start overlooking some basics of constitutional law that they, as lawyers, have argued for effectively and successfully for years and years!

The reason for describing the last example in some detail is to show the complex interplay of the political and administrative executives, in governmental actions. This complex interplay results in a collusive nexus between the two wings of the Executive, the roots of which lie in the lack of clarity in the constitutional formulation.

A relevant question is what can be done to resolve this confusion. One approach to a solution is to go to the root of the issue. Since the issue arises out of an ambiguity or lack

of clarity in the formulation of constitutional provisions, the most appropriate remedy would be to amend the Constitution and provide the much-needed clarity.

The functions, roles, duties, facilities, and privileges of the political and administrative wings of The Executive need to be specified and described separately because their *raison d'être*s, or reasons for being are very different. But will the political and bureaucratic establishments allow a required constitutional amendment to happen, is a question that has an obvious answer, which, of course, is sad for the governance of the country.

B K Taimni

Ethics in Public Governance

*Atma-aupamya means equality of others with oneself.
Even as he desires well to himself, he desires good to all.
He embraces all things in God, leads men to divine
life and acts in the world with the power of Spirit
and in that luminous consciousness. He harms no
creature as he "sees that whatever is pleasant to
himself is pleasant to all creatures, and whatever
is painful to himself, is painful to all beings"*

*Verse 32, Ch VI.
Bhagwat Gita*

When Plato prophesized that, there would be no 'good government 'in the world until Philosophers became Kings, he meant that human perception was a sort of marriage between 'high thoughts and Just action'. This according to 'Gita' must be forever, the aim of man.

Dr S. Radhakrishnan

'Ethos' is a Greek word, originally meaning "accustomed place", "custom, habit" equivalent to Latin word 'mores'.

Ethos forms the root of word 'ethikos', meaning "moral, showing moral character". Later Latin borrowed it as 'ethics', the feminine of which (ethica-moral philosophy) is the origin of the modern word "ethics"

The word 'Ethics' has been defined in varied terms. Oxford Dictionary states this to be meaning 'science of morals in human conduct; moral principles or code'

Morality could be said to be a 'set of norms through which societies historically define behaviour that is viewed as *good* or *bad*, as acceptable or not, by the community. Ethics, on the other hand, may be seen as being synonymous with morality,

the science or Theory of Moral - practices. Ethics could also be thought of as the character or ethos of an individual or a group – the hierarchy of values and norms which he/she or they, identify for him/herself or themselves against a prevailing moral code.

Morals or Morality originates in social practices while Ethics, as a science, is a rational behaviour. Ethics as a set of principles, give a rational justification for behaviour. They define individual and group priorities, and in the end, they may arrive at a systematic body of moral-norms, as individual and group practices get interwoven. It is also said that a 'Moral life gives a deeper meaning to the Ideas of Reason.

The ideas of Truth, Goodness and Beauty are Ontological- the very subsistence of 'being.' The word "Governance" has Latin origins that suggest the notion of "steering". One can contrast this sense of 'steering' a group or society with the traditional " Top-down" approach of governments 'driving' society, distinguish between governance's "power to" and governments 'Power –over".

Purpose of Governance

Perhaps the most moral or natural purpose of governance consists of assuring on behalf of that governed, a worthy pattern of good while avoiding an undesirable pattern of bad. The ideal purpose, obviously, would assure a perfect pattern of good with no bad. A government comprises a set of inter-related positions that govern and that use or exercise power, particularly "coercive" power.

A good government, following this line of thought, could consist of inter-related positions exercising coercive power that assures, on behalf of those governed, a worthwhile pattern of good results while avoiding pattern of bad circumstances, by making decisions that define expectations, grant power, and verify performance.

The World Bank defines governance as 'the exercise of political authority and the use of institutional resources to manage society's problems and affairs'. The 'Worldwide

governance indicators' project of the World Bank, defines 'governance' as "the traditions and institutions by which authority in a country is exercised" A Fair Governance is defined to 'imply that mechanisms function in a way that allows the Executives (the "agents") to respect the rights and interests of the stakeholders (the "principals") in a spirit of democracy.

Some suggest making a clear distinction between the concepts of 'governance' and of 'politics'. Politics involves processes by which a group of people with initially divergent opinions or interests reach collective decisions generally regarded binding on the group, and enforced as common policy. Governance, on the other hand, conveys the administrative and process-oriented elements of governing rather than its antagonistic ones. Conceiving of governance in this way, one can apply the concept to a Nation –State, to Corporations, to non-profit organizations, NGO's to Partnerships and other associations.

Here we are concerning ourselves with apolitical public servants, executing the policy decisions taken by the political executive.

It needs to be appreciated that Good Ethics and Governance are not just 'moral' or 'compliance' issues. They are not only germane but form the foundation of a governance infrastructure considered a *sin-qua-non* for "inclusive and equitable" growth and development of the people at-large.

What ails Public Service?

Scandals involving public officials have captured world attention these days. Precipitated by shady deals, diversion of public funds, widespread public sector patronage, crony capitalism, corruption, delay in taking decisions, people are debating outright corruption and unprofessional behaviour /conduct of professional civil services/servants. Systematic delays in taking final decision, negligence in finding a solution to the problem, interventions to address specific demands or insistence outside the legal framework, breach of professional

secrecy/ confidentiality, manifestations affecting the prestige of public authority or institution, refusal to perform and /or breaching of statutory duties, incompatibilities, conflict of interest and prohibitions established by law for civil servants, direct relationship with the petitioners to settle their claims etc could be cited as examples of failure of ethics in governance.

Are public servants, the backbone of governance infrastructure, held to be of higher standards of performance and conduct than others? If so, why? With the advent of the modern state, government officials have been and are seen as ‘stewards’ of public resources and ‘guardians’ of a special trust that citizens have placed in them. In return for this confidence, they are expected to put public interest above self-interest.

The public service, made up of those employees of the state, who are covered by national and sub-national service laws, plays an indispensable role in ‘sustainable development and good governance’ of a nation. It is an integral part of the democracy, because it serves as the ‘neutral’ administrative structure, which carries out the decisions of the elected representatives of the people. It not only serves as the backbone of the state in implementing a strategy for economic growth of a nation, but also runs the ‘programmes that function as the safety net for the most vulnerable segments of the society. Given these crucial roles, a country expects its public service to demonstrate high standards of ‘professionalism’ and “ethics”.

Role of Public Service

As intermediaries, public service professionals are expected to give their undivided loyalty to the rulers and devote themselves wholeheartedly to conducting public business, giving assistance to the best of their abilities, for which they were favoured a social status and a secure remunerative livelihood. Like other embryonic professions, career public servants were expected /obliged:

- * To learn their craft (i.e. the craft of public administration)
- * To become experts in some chosen speciality;

- * To become an example of exemplary behaviour and conduct;
- * To maintain highest level of knowledge and skills, avoid conflict of Interest by placing the public interest over self-interest;
- * To discipline wrongdoers and any other members bringing disrepute to the profession;
- * To generally advance the state of their 'art' through research, experimentation, creativity and innovation, keeping the welfare of the people and the legal framework in mind.

With the evolution of democracy, professional public servants were obliged to stay in the background, and not to embarrass their superiors, but more importantly, to be advocates of the public interest, guardians of public property and money, Stewards of properly conducted public business, protectors of Rule of law, patrons of the under represented including the dispossessed, the underprivileged, the defenceless, and social change agents. It needs to be appreciated that public is a hard taskmaster and not a particularly rewarding employer. Rewards for the public servant has to come from the job itself, from serving the public and the community, in delivering much needed public goods and services, without which the public would suffer, in being close to the government power and able to exercise inside pressure on the decision makers, in being able better than most to influence the shape of the society, the environment and the future, and in earning the respect and admiration of public for a job well done. This is living unto the high standards of 'ethics in governance'

Those who belong to the Order of Public Services are expected to possess 'mental' and 'moral' qualities. Power corrupts and blinds 'insight'; uncontrolled power is fatal to mental poise, hence the public servants should eschew direct power and exercise control through 'persuasion and love', and save the wielders of power from going astray.

Values of Public Service Ethics

- Providing public benefits;
- Meeting identifiable social needs;
- Doing good for furthering the public interest;
- Advancing universal human values;
- Improving the quality of life, which makes them happier, capable of helping themselves and coping with their situation;
- Avoiding harm to others;
- Being accessible and allowing access in respect of delivery of goods/services;
- Enforcing the rule of law;
- Respecting Political subordination
- Obeying administrative limitations;
- Pursuing justice and fairness;
- Ensuring public responsibility and accountability;
- Being open and transparent;
- Being on record what you do;
- Being honest and responsive;
- Being human, humane and correct;
- Improving professional performance;
- Combating bureau pathology-all large organizations suffer from deficiencies and shortcomings, which if left untreated, get out of hand and eventually result in severe obstacles to improve their performance. Public service professionals should realize that these bureaupathologies need to be admitted, diagnosed quickly, and tackled promptly with the best available remedies.
- Altering the master-servant relationship and promoting

democracy: Public servants come to assume themselves to be masters and their clients i.e. public at large, their servants. It needs to be appreciated that democratization reverses the relationship. The state's subjects are now citizens with guaranteed rights and freedom enforced by public service professionals.

- Guarding against corruption: If the public servants clearly demonstrate that they do not tolerate corruption, there is little chance that it can survive, let alone flourish, except in isolated relatively unimportant incidents, whose revelation should only strengthen the need for increased vigilance.
- Experimenting with public participation.

Principles for Managing Ethics in Public Governance

Ethical standards for public service should be clear. Public servants need to know the basic principles and standards they are expected to apply to their work and where the boundaries of acceptable behaviour lie. A concise, well-publicized Statement of Core Ethical Standards and Principles that guide Public Service, for example, in the form of Code of Conduct, can accomplish this by creating a shared understanding across government and the broader community.

Ethical standards should be reflected in the Legal Framework

The Legal Framework is the basis for communicating the minimum obligatory standards and principles of behaviour for every public servant. Laws and Regulations could state the fundamental values of Public Service and would provide the framework for 'guidance', 'investigation', disciplinary action' and 'prosecution'.

Ethical Guidance should be available to public servants.

In this, professional socialization could contribute to the development of the necessary judgement and skills enabling public servants to apply 'ethical standards' in

concrete circumstances. Training facilitates awareness about the ‘ethical standards’ and can help develop essential skills for ‘ethical’ analysis and ‘moral’ reasoning. Impartial advice can help create an environment in which Public servants are more willing to confront and resolve ‘ethical’ tensions and problems. Guidance and internal consultation mechanisms should be made available to help public servants apply basic ‘ethical standards’ in the workplace.

Government’s policies should clearly demonstrate its commitment to ‘ethical standards.’

It is not enough / sufficient for governments to have only ‘rule-based’ or ‘compliance-based’ structures. Compliance systems alone can inadvertently encourage some public servants simply to function on the edge of mis-conduct, arguing that if they are not violating the law, they are working ethically. Government Policy should not only delineate the minimal standards below, which a government official’s actions will not be tolerated, but also clearly articulate a set of ‘Public Service Values’, that employees should aspire to public service.

Public servants should know their Rights and Obligations when exposing wrongdoing.

Public servants would need to know, what their rights and obligations are, in terms of exposing actual or suspected wrongdoing within the public services. These should include clear Rules and Procedures for Officials to follow, and a formal chain of responsibility. Public servants would also need to know, what protection would be available to them in cases of exposing wrongdoing?

The decision – making process should be transparent and open to scrutiny.

This will enable the public to know how public institutions apply the power and resources, entrusted to them. Public scrutiny should be facilitated by transparent and democratic processes, oversight by the legislature and access to public

information. Transparency should also be further enhanced by measures such as disclosure systems, and recognition of the role of an active and independent media.

There should be clear guidelines for interaction between the public and private sectors.

Clear rules defining ‘ethical standards’ should guide the behaviour of the public servants in dealing with the private sector, for example regarding Procurement, out-sourcing etc. Increasing interaction between the public and private sectors demands that more attention should be placed on public service ‘values’, and requiring external partners to respect these ‘values’.

Senior public servants should demonstrate and promote ethical conduct.

They need to act as role models. An organizational environment, where high standards of conduct are encouraged by providing appropriate incentives for ethical behaviour, such as adequate working conditions and ‘effective performance assessment’, has a direct impact on the daily practice of ‘Public service values and Ethical standards’. Senior Officers have an important role in this regard by providing consistent ‘leadership’, in their professional relationship with political leaders, other public servants and citizens.

Public service conditions and management of human resources should promote ethical conduct.

All employment conditions, such as career prospects, personal development, adequate remuneration, and Human Resource Management policies should create an environment conducive to ethical conduct. Using basic principles, such as merit alone in matters relating to recruitment and promotions help operationalise ‘integrity’ in public service.

Adequate accountability-mechanisms need to be in place within the public service

Public servants should be accountable for their actions, especially not taking action when he is expected to do so. Accountability should focus both on compliance with the

'rules and ethical principles' and on 'achievement of results'. Accountability mechanisms could be internal or widely spread –or could even be provided by civil society. Mechanisms promoting accountability could be in place by providing adequate controls while also allowing for appropriate flexibility to public servants within prescribed limits.

Appropriate procedures and sanctions should exist to deal with misconduct. Mechanisms for the detection and independent investigation of wrongdoing such as corruption are a necessary part of an ethical infrastructure. It is necessary to have reliable procedures and resources for monitoring, reporting and investigating breaches of public service rules, as well as commensurate administrative or disciplinary sanctions to discourage mis-conduct. Senior / superior Officers should exercise appropriate judgement in using these mechanisms when action needs to be taken.

Ethical principles for all public servants

Having discussed the various elements that contribute to Ethical Public Governance, one would need to list the qualities of the public servant that would make him successful. Some of these are:-

- **Compassion:** concern for the well-being of others;
- **Non-maleficance:** avoiding inflicting suffering and hardship on others;
- **Beneficence:** preventing and alleviating other's suffering; meeting the needs of the most vulnerable; promoting other's happiness;
- **Fairness:** treating people the way they deserve to be treated, as having equal rights, unless 'merit' or 'need' justifies special treatment;
- **Courage** in opposing injustice;
- **Respect for individual autonomy;** not manipulating rational individuals even for their own good;
- **Respect for the Constitution** and other Laws enacted by legitimate governing bodies;

- **Honesty**—not deceiving anyone who deserves to know the truth;
- **Not making promises** that we do not intend to keep; Integrity-upholding our obligations inspite of personal inconvenience.
- **Integrity**—upholding our obligations inspite of personal inconcenienece.
- Some more specific obligations could be:
 - To use **impartial judgement** in the service of all constituents;
 - To avoid **conflict of interest** that could undermine his objective judgement;
 - **Not to show favoritism** towards family and friends while discharging official functions;
 - **Not to accept bribes** or any consideration from people seeking to influence your official decisions;
 - Not to invest in property or companies that could be affected by your official decisions;
 - Not to rubber-hose the staff, name-call, storm off snipe, talk under breath with others while testifying in public, or de-mean other officials or your staff in other ways in a public meeting.
 - “He that does good to another does also good to himself; not only in the consequence, but in the very act of doing; for the consciousness of well being is an ample reward”

It may be germane to reproduce Mahatma Gandhi’s *Songs from Prison* (1934): -

Grant me O Master, by thy grace
To follow all the good and pure
To be content with simple things;
To use my fellows not as means but ends
To serve them stalwartly, in thought, word and deed;
Never to utter word of hatred or of shame;

To cast away all selfishness and pride:
To speak no ill of others,
To have a mind at peace,
Set free from care, and led astray from Thee
Neither by happiness nor woe,
Set out my feet upon this path,
And keep me steadfast in it,
Thus only shall I please thee, serve thee right.

In his celebrated book 'Idea of Justice' Prof. Amartya Sen explains the words 'niti' and 'nyay' and states-" Among the principle use of the word 'niti' are organizational propriety and behavioural correctness. In contrast with 'niti', the term 'nyay' stands for comprehensive concept of REALISED justice. In that line of version, the roles of Institutions, rules and organization, important that they are, have to be assessed in the broader and more INCLUSIVE perspective of 'nyay', which is inescapably linked with the world that actually emerges, not just the institutions or rules we happen to have bringing to Right.

Hence the Need for Ethics in Governance.

M.K.Kaw

The Department of Love* - Government at work

Cast, in order of appearance

Mr. Haanji, Deputy Secretary

Mr. Gobind Ram, peon

Mrs. Dada, Joint Secretary

Mr. Jhinkoo Ram, Secretary

Mr. Ayaram, Under Secretary

Mr. Gayaram, Under Secretary

Chief Minister

Chief Secretary

CPI (M) Minister

A Minister

Young Man

Young Woman

Jarnail Singh

District Love Officer

Head Clerk

*On Shashi Tharoor's comment on his wife being priceless a BJP MP had suggested the need for a Ministry of Love. Our author has created a Department of Love to laugh at the working of the government and its procedures. Editor

SCENE 1

(A room in the Secretariat. Officers are seated here and there)

Mr. Haanji, Deputy Secretary: All right, all right! Let us have silence for a while. The Chief Minister is making an important announcement. Gobind Ram, please put on the TV.

(Gobind Ram adjusts the knobs)

'TV (first some static. then the CM's voice) . Finally, I come to an important matter. As you all know, for the last fortnight, Swami Brahmachari has been seated on a fast unto death. He led an agitation in order to provide the fundamental right of love to the masses.

Mrs. Dada (sarcastically): Brahmachari, my foot! We all know what sort of Brahmachari he is!

(Enter Mr. Jhinkoo Ram, Secretary. They all stand up.)

Mr. Jhinkoo Ram: You were saying something, Mrs. Dada?

Mrs. Dada (unfazed): We were listening to a telecast by the C.M. I said we all know what sort of a celibate Swami Brahmachari is.

Mr. Jhinkoo Ram (smiling, because she is the Financial Adviser): He is a bachelor all right.

Mrs. Dada (smiling): That does not make him a celibate automatically.

Mr. Jhinkoo Ram: Now, now, Mrs. Dada!...

CM's Voice: Our problem has been that there is no fundamental right to love under the Constitution. We were advised by the Attorney General that grant of this right would necessitate a constitutional amendment. We did not have the necessary majority in Parliament to have such an amendment passed. That is why there was a stalemate.

Friends, a reference was made to the Supreme Court of India, asking for a clarification on this issue. About half an hour ago the Court has passed a historic judgment. They have held that the fundamental right to live includes the right to love also.

The Central Government has accepted the judgment. All the States have been instructed to ensure that every citizen should be allowed to freely exercise his fundamental right to love. Special consideration should be given to the cases of members of the scheduled castes, scheduled tribes, other backward classes and so on. Swami Brahmachariji has called off his fast unto death.

Mrs. Dada: As if he was ever on a fast unto death!

Mr. Jhinkoo Ram (smiling, but the smile is a little forced): Mrs. Dada! Mrs. Dada!

CM's Voice: I congratulate all of you on this historic occasion. I am glad to announce that our State Government have decided to set up a separate Department of Love, to look after this subject exclusively. An initial amount of Rs. One crore has been placed at its disposal. Mr. Jhinkoo Ram has been appointed as the first Secretary of the Department of Love.

Mr. Haanji: Congratulations, Sir! This shows how much faith CM has in you!

Mr. Ayaram: Heartiest congratulations, Sir!

Mr. Gayaram (wanting to sound different): Many happy returns of the day, Sir!

Mr. Jhinkoo Ram: (smiling broadly) Thank you, thank you.

Mrs. Dada: Do you really think that we need a separate Department of Love, Sir? It will involve lot of expenditure. This one crore rupees is only the first estimate. Your annual bill will be nearer Rupees five crores.

Mr. Haanji: A separate Department shows how much importance Government attaches to this subject.

Mr. Ayaram: We need not create new posts. The Secretary can hold the Department in addition to his other charges.

Mr. Gayaram: Mr. Haanji can also do the same.

Mr. Haanji: So can the two Under Secretaries.

Mrs. Dada: (mockingly): I hope you will all do this work without asking for special pay!

Mr. Jhinkoo Ram: No, no, Mrs. Dada. Let us have complete clarity on this score. We will have to sanction additional special pays to all those who hold additional charges.

Mr. Haanji: We shall formally refer the case to Finance, Sir! Gobind Ram, please switch off the TV. The Chief Minister has shown great confidence in our Secretary Mr Jhinkoo Ram by entrusting such a delicate subject as love to him. I am confident that under his dynamic and inspiring leadership, the department shall achieve new landmarks.

Mrs. Dada (in a mocking tone): Hear, hear!

(Curtain)

SCENE 2

(Council of Ministers in session)

CM: All right. Now, Mr. Chief Secretary, let us take the next item on the agenda

Chief Secretary: The next item is consideration of the Draft Control and Regulation of Love Bill.

CM: Okay

Chief Secretary: I have requested the Secretary (Love) to present his proposal to the Cabinet. Here he is.

(Enter Mr. Jhinkoo Ram)

CM: What is your proposal, Mr. Jhinkoo Ram?

Mr. Jhinkoo Ram: Sir, First, the Statement of Objects and Reasons. It has come to the notice of the Government that Love, in its pure form, is just not available in the open market. There is lot of adulteration in love. It appears that the forces that are trying to destabilize the Government are also indulging in such adulteration They are the ones who oppose the policies of the Government at every step. They are the ones who are not loyal to their country.

CM: Very well put.

Mr. Jhinkoo Ram: We have taken the extracts from the CM's speech, Sir!

CS: Anything else?

Mr. Jhinkoo Ram: Some elements are trying to promote monopolistic tendencies in the field of love. Government have received secret reports that some Farhad, Majnu and Romeo have run their monopolistic ventures for a long time. The Government is opposed to all monopolies as such. It is not desirable for such a precious commodity to be the handmaiden of a few. The Government wishes to take love to the common masses, the proletariat, the *aam aadmi*.

Minister representing CPI(M) in the ruling alliance: Hear, hear. Our party would welcome such a positive step for the welfare of the *aam aadmi*.

CM: I am glad our coalition partner welcomes this move. Mr. Jhinkoo Ram, what is the proposal?

Mr. Jhinkoo Ram: Sir, in view of these considerations, to keep a tight control on love, to prevent adulteration and to end monopolistic tendencies, and to take love to the common people, Government will regulate the transactions in love.

C.M. (testily): Yes, yes, but how will you do all this?

Mr. Jhinkoo Ram (dropping the bomb gently): We propose to nationalize love.

C.M. Nationalize love, how?

Chief Secretary: Mr. Jhinkoo Ram, you mean nationalize or rationalize?

Mr. Jhinkoo Ram: Nationalize, Sir. (to CS) Allow me to say, Sir, that I know enough of the language to appreciate the difference between the two. How can we regulate something on which we have no control? How to prevent stockpiling, adulteration, monopolistic tendencies and so on?

C.S. Sir, he has a point. Nationalization seems to be a necessary precondition to regulation.

CM: But what exactly do you mean by nationalization?

Mr. Jhinkoo Ram: Sir, under the proposed law, the ownership of love shall vest exclusively in the State Government. It shall be unlawful for any person to engage in a transaction of love without the prior permission of the

competent authority. We are suggesting the promulgation of an Ordinance to this effect. Thus love will come under the exclusive control of the State Government

CM: But where will you keep all this love the ownership of which you propose to transfer to the State Government ?

Mr. Jhinkoo Ram: Sir, we have not considered the question of takeover as yet. For the present, we shall allow love to remain in the custody of the people. But there shall be no transaction of love without our permission, Thus we shall control love without entering the messy business of a takeover.

CS : This is the second time you have used the phrase ‘transaction’ with reference to love. Why use this phrase? You know its other connotations.

Mr. Jhinkoo Ram: According to the Law Department, transaction is a neutral phrase. Transactions will be of two kinds—commercial and romantic. My Joint Secretary, an MBA from IIM Bangalore, talks of Transaction Analysis, again in very neutral terms.

CS: CM wants to know what procedure you will adopt for controlling such a volatile and inflammable commodity as love.

Mr. Jhinkoo Ram: We are proposing offices of the Department of Love to be opened at district level, to begin with. Any man or woman wishing to engage in a transaction of love would have to apply to the Department for permission.

CS: Can he apply on an ordinary sheet of paper?

Mr. Jhinkoo Ram (scandalized) : Ordinary paper, Sir? Not at all, Sir. It will be a printed proforma as laid down in the Rules.

CS: How many copies?

Mr. Jhinkoo Ram: The mandatory six, Sir, as in all other departments.

A Minister: Why six? What do you need so many copies for?

Mr. Jhinkoo Ram: Six are the minimum requirement, Sir. One copy will be sent to the other party for comments. One

is kept at State headquarters. One at district headquarters. One in the Record office. One for accounts department and one for the Research and Evaluation wing.

CS: These many copies are absolutely essential, Sir.

CM: (not at all interested) All right, all right. Will the form be available free of cost?

Mr. Jhinkoo Ram: No Sir. One form would be available for Rs. 500/-

CM: Isn't that a bit steep? Please reduce it substantially. After all, the poor should also enjoy the right to love.

CS: Reduce it for poor people, Mr. Jhinkoo Ram

Mr. Jhinkoo Ram: We can lay down that those certified to be below the poverty line by the competent authority shall enjoy a concessional rate of Rs. 400.

The CPI(M) Minister: Mr. Secretary, you are cut off from the masses. You are out of touch with the stark reality of poverty. In my view, the poor people should be exempt altogether. At best, you may charge them Rs.5/-

Mr. Jhinkoo Ram: You have a point there, Sir. But we have to get the approval of the finance department also. They have cleared the department as a self-supporting venture. We become self-supporting only when we charge Rs.500 per case. If we charge Rs. 5 for the poor people, there will be a shortfall of Rs.2 crores. Let us charge Rs.400 from those below the poverty line, Sir!

CM: Please make it Rs. 100 for the poor, Mr. Ram.

Mr. Jhinkoo Ram (much relieved at CM's intervention): All right, Sir. Now that it is a decision at the highest political level, we shall be able to convince the Finance Department.

CS: Tell us what kind of cases you will clear and which reject?

Mr. Jhinkoo Ram: We are trying to work out a draft policy. The overarching principle we have adopted is that of harmony. The couples should be in tune with each other, by way of age, income and other important criteria. We shall classify people by age brackets. It is proposed, for example, that a 40 year

old man can love a woman between the ages of 36.5 and 39.5 years only.

CM: What else?

Mr. Jhinku Ram: Another classification will be on the basis of monthly income. For example, a male earning Rs. 20,000 per month will be allowed to love a female earning between Rs. 13,000 and Rs. 19,000 per month.

A minister: Why so? If a rich male wishes to love a poor girl, why should the Department object? You mean we shall no longer have Cinderellas marrying princes.

CM: These folk tales should not be taken too seriously. And imagine, even if it is true, there has been just one Cinderella in the whole of history.

CS: Let it be, Sir. If we allow too many exceptions, then it becomes difficult to enforce the law strictly.

CM: What other provisions are you proposing in the policy?

Mr. Jhinkoo Ram: If anyone wishes to love a person belonging to a different religion, caste, province or language, and this fact is vouched for by a magistrate or gazetted officer, he will be given a transistor radio, 50 packets of Nirodh and Rs. 250 as an incentive.

CM: This is a good idea. It will enhance the feelings of national integration.

CPI(M) Minister: A Sarpanch should also be authorized to certify. Transistor radios are no longer the rage. Better give them mobile phones.

CM : Both suggestions approved.

CS: What other facilities are you providing to those who love?

Mr. Jhinkoo Ram: We are providing one Prem Sewak at the village level to look after the welfare of lovers. A Prem Sewak would provide extra oxygen for sighing, ice cubes and ice cream bricks for reducing the temperature of inflamed bodies, saltwater to replenish the tear glands and sleeping tablets to those who are passing sleepless nights.. Some of them might have to be provided extra kurtas, if they tear up

the ones they have, out of frustration. Others may need extra footwear if they run through chappals while rushing up and down the lane leading to the sweetheart's house.

CS: How will the scheme operate in practice?

Mr. Jhinkoo Ram: Very simply, Sir. At the outset, the applicant will have to submit the Love Permit Application Form No. 1. The competent authority will see whether the two parties fulfill all the criteria for harmony. Tables for Age Harmony and Income Harmony shall be notified in the official Gazette for general information of the public. If the paperwork is complete in all respects, the competent authority shall issue a Love Start Permit.

CS: Will it be valid for life?

Mr. Jhinkoo Ram: No, Sir. If it is valid for life, we shall have to soon wind up the Department. Even otherwise, experience of other departments like motor driving, passport etc. shows that nothing should remain valid for more than five or ten years. Even the photographs become unrecognizable after that period.:

CM: How shall we keep an eye on the parties?

Mr. Jhinkoo Ram: Both parties will be required to submit a monthly progress report to the competent authority. If there are irregularities or complaints of adulteration, monopolistic behaviour etc, they will report the same. Our Love Inspectors will hold enquiries in the field, ascertain the true facts and send their report to the C.A.

CM: And if the report reveals some irregularity?

Mr. Jhinkoo Ram: Then under the second proviso to Subsection 15 of Section 81, strict action will be taken against the guilty party. The Love Permit will be withdrawn. They may be imposed a fine up to 500 rupees per day of irregular love or imprisonment up to a maximum of two years or both.

CS: And if the progress of love is smooth.

Mr. Jhinkoo Ram: They shall be entitled to extensions. At the end of the permissible period, both parties shall file a Final Report. At this stage, the case will be closed. We shall

have the file page numbered, sewn and placed in a file cover and sent to the Record Room .

CM: Bhayi Waah!Mr. Jhinkoo Ram, you have really drafted an excellent bill and taken care of all the aspects.

A Minister: But Sir, some of these transactions of love would,we suppose, fructify into marriage. What then?

Mr.Jhinkoo Ram: Sir it would then fall under the jurisdiction of the Marriage Department. We in the Department of Love are not concerned.

CS: He is not concerned, Sir. I shall call the Secretary, Marriage Department in case you have any queries. Mr. Secretary, you may go now. The Cabinet has approved your item.

(Mr. Jhinkoo Ram gets up to leave, curtain)

SCENE THREE

Young Man: I think we have arrived at the destination. Yes, there is the signboard for the office.

Young Woman: Let us verify the facts before we express happiness. After this hectic search for two hours, I for one am totally fagged out.

Young Man: This is it. The signboard says in clear bold letters:,"Office of the District Love Officer."

Young Woman: I hope he is in office. I hope he has not proceeded on tour.

Young Man: Why do you worry like that? Don't be a pessimist. We shall find out everything just now.

(to the peon, seated on a stool, looking into the far distance)

Well Sir, is the Boss in the office?

Peon (with great indifference): I don't know.

Young Man: What do you mean you do not know? Are you not his Peon?

Peon: Peon? O Mister! Go back to wherever you have come from. There are no peons in the Government now. I am not his peon. I am a Group D officer of the Government. I do not keep a record of his comings and goings.

Young Man (incensed at the tone) Is this not a Government office? Are you not a Government employee? What is the meaning of this uncouth behavior? We have work with the officer and we are going in.

Peon (sternly) : Stay where you are. If you force your way in, it will be bad for you. Don't you see this notice? Govt. has notified the timings for public dealings.

Young Woman (voice dripping with irony) Between 4 p.m. and 4.15 p.m. A long long period indeed!

Peon:Yes, Madam.

Young Woman: Look here, brother! Don't mind the strong words uttered by my friend here. The fact of the matter is that we have come from a remote corner of the district. The last bus goes at 2 p.m. and we cannot stay overnight .It will be kind of you to intercede on our behalf with the boss and arrange for a brief meeting with him.

Young man: (whispering loudly) What are you up to?

Why are you flattering this nincompoop?

Young Woman: You shut up! Do you want the work to be done or not?

Peon: Sister, the boss does not see anyone at this time. But having heard your story, I have a feeling that you have a special case for consideration If I speak to him, perhaps the boss may make an exception and hear you for two minutes.

Young Woman: It will be very kind of you.

Peon: Oh sister, how the times have changed! My father used to be orderly to the District Collector. I tell you, not a single visitor to the Collector came empty-handed. Even the aristocrats of the area like Jagirdars, Zamindars etc would give an Enaam to my father.

Young Man: Yes, brother, then we were a slave nation. Now we are independent. What we called Enaam then, now

we call it a bribe.

Young Woman: You shut up! Oh Group D Officer of the State Government, Sir! What is your good name?

Peon: Jarnail Singh.

Young Woman: Mister Jarnail Singh, you are absolutely right about the excellence of the British period

(She offers him a currency note)

The times are really bad. How the cost of living has jumped through the roof!. Here is something for chaipani...

Jarnail Singh (protesting very strongly) :My dear sister! What are you doing? I am famous for my honesty. I never touch money.

Young Woman: Do please accept this small gift for the children.

Jarnail Singh: I shall not touch the money with my hands. If you insist, put it in my pocket yourself.

(She puts the note in his pocket)

You please wait here. I shall go and try to persuade the boss.

(goes inside)

Young Man: Why did you offer a bribe to him?

Young Woman: You keep your ideals at home. You cannot live your life based on mere ideals.

Young Man: Whatever do you mean?

Young Woman: I mean that if you are not permitted by the peon even to meet the boss, what will you achieve?

Young Man: You stopped me or else I would have shouted him into submission.

Young Woman: Oh, go along! They don't get submissive that easily. And don't you pay tatkal money to expedite service in other departments? Take it that you are buying a railway ticket or getting a passport.

Young Man: That is different. That money goes to the government.

Young Woman (laughing at him): The principle is the same. Take this as informal tatkhal.

(Enter Jarnail Singh)

Jarnail Singh: Come along, come along ! Boss has agreed to see you with great difficulty.

Young Woman: Very kind of him.

(She rushes inside. The young man follows at a more sedate pace.

The boss is seated at a table overladen with files and papers. He is busy and, more than that, shows himself to be over busy.

Young Man and Young Woman (both together): Good morning, Sir!

Officer (not lifting his head and in a busy tone): Good morning, good morning. Please wait a bit. I am a little busy at this moment. This work is extremely urgent.

(again buries his head in the mountain of files.)

Young Man(in a stage whisper): Looks like he is writing a letter to his wife. That is extremely urgent work!

YoungWoman:(inastagewhisper)Bequiet!Hewillhearyou!

Young Man: (recklessly): Let him hear. Can he not write his personal letters at home?

Young Woman: Ugh! You will get us thrown out of the office!

Officer (suddenly peeps from the pile of files and pounds on the bell) Jarnail Singh!

Jarnail Sigh (enters quickly) Sir!

Officer: Go and post this letter just now.

Jarnail Singh: Okay Sir.

Officer: And, Jarnail Singh!

Jarnail Singh: Sir?

Officer: Please send the Head Clerk inside.

Jarnail Singh: Right Sir!(goes)

Young Man (moving gingerly forward) Excuse me, Sir!

Officer (barks) What is the matter? Did I not ask you to wait?

Young Woman: We can wait Sir. But our work will not take more than a minute. All we require is a copy of the Love Permit Application Form Number 1.

Officer: So what can I do? You go to the Prem Sewak of your village and take the form from him.

Young Man: The post of Prem Sewak in our village is lying vacant for the last six months, Sir.

Officer: So what is the big deal? We have sent the requisition to the Subordinate Service Commission. They will advertise soon. If all goes well, you should have a Prem Sewak in about a year's time.

Young Woman: That is why we came here, Sir and are bothering you.

Officer (waving a finger at her in reproof): That was not the right thing to do, Miss!. Just think, if we start distributing forms from the district office, when shall we do our own work? Shall we not spend the whole day just distributing forms?

Young Man: You are right Sir, but in the circumstances and in view of the urgency...

Young Woman: Please do something Sir... as a special case.

(Enter Head Clerk)

Head Clerk: Did you call me, Sir?

Officer: Have you completed that Assembly Question?

Head Clerk: Which one, Sir?

Officer: The one about the reservation for ex-servicemen.

Head Clerk: Sir I have brought that file for guidance. The question goes like this:

Will the Hon'ble Minister for Love inform the House as follows:

- (a) During the last five years, how many exservicemen filed their Love Permit Application Forms No.1?
- (b) How many were permitted?
- (c) How many were not?
- (d) Is the Govt considering a proposal to reserve a certain minimum percentage for the exservicemen?

Young Man: Sir, my father is an ex-serviceman.

Head Clerk: We are not discussing your individual case.

Officer: HewantsacopyofLovePermitApplicationFormNo.!

Head Clerk: Those forms are out of stock, Sir.

Officer (relieved): Look here, the forms are out of stock. You may try your luck again after a few days.

Young Woman: By when are the stocks expected, Sir?

Officer: What do you say, Mr. Head Clerk?

Head Clerk: Sir, what can I say? We have sent our indent to the Printing and Stationery Department. The forms should start coming within a few days.

Officer: Did you hear, young lady. Come after a few days.

Young Man: But Sir...

Officer: What but sir? Can't you see how busy I am? You has already heard the assembly question about love among the ex-servicemen. There are fifteen other assembly questions. Hon'ble members are keen to know how much love has been indulged in during the last five years. They want data for each Prem Sewak circle.

Head Clerk: They have also asked for data assembly constituencywise. Mr. Krodhi wishes to have a comparison of the love permitted in his constituency with the areas of ruling party Members. He wants to know whether the comparative figures show a bias against the people of his constituency, merely because he belongs to an opposition party.

Officer: Some members wish to know what steps Government have taken so far to propagate love among families falling below the poverty line and what incentives are being offered to them.

Young Woman: I belong to a Harijan family.

Head Clerk: We are not discussing your case. In any case, you have not even filed an application so far.

Officer: We have received a questionnaire running over 49 pages from the State Minorities Commission. They are curious to know what special arrangements have been made to promote love among Muslims, Christians, Buddhists, Jains, Sikhs etc.

Young Man: But what about us?

Officer: You fill in the form first..

Young Woman: But the form is not available!

Head Clerk: That is outside our control. When forms are supplied by the Department of Printing and Stationery, copies will be made available to the Prem Sewaks.

Young Man: But what should we do till then?

Officer: Go home and do your work. Wait patiently for the forms to arrive.

Young Woman: Sir, is it not possible to apply on an ordinary sheet of paper?

Head Clerk: (amazed at the ridiculous suggestion): Sir, did you hear?

Officer: (surprised at the preposterous proposal): My goodness! What sort of suggestion is this? Don't you know that the provision that the application has to be made on a printed form in the prescribed format is laid down in the Act itself?

Head Clerk: Do you want that both of us should be suspended from service?

Officer: Don't you know that each printed form carries a unique number. If this is not done, forms can be misplaced. We cannot monitor the progress of each application and post

it on our website. Unauthorized persons can sell the forms and cause huge financial loss to the government.

Young Man: But Sir, when we are both present here, why do you need a form?

Head Clerk: Why don't we need a form?

Officer: How shall we keep a record?

Head clerk: How shall we reply to the Assembly Questions?

Officer: How shall we maintain statistics?

Head Clerk: How shall we ensure that the fees charged are duly deposited in the Government treasury, so that there is no loss of revenue to the State exchequer?

Young Man (Trying very hard to sound logical and reasonable, while holding on to his temper): I am standing before you. I have brought the fees in cash. For your convenience, I have also brought along the girl I love. You can grant us the permission under the Act, after asking any questions that you may wish to ask.

Officer: You are talking like a fool. Government work is never transacted informally like this.

Head Clerk: There is no provision in the Act for oral applications. Applications have got to be on the printed prescribed proforma.

Officer: The fee cannot be accepted in cash. It has to be deposited in the Government treasury.

Head Clerk: Don't you see what anarchy will be there if everyone in our office could accept cash?

Officer: I cannot talk to this gentle lady directly. A copy of your application shall go to her postal address. She will send her No objection in writing. Then we shall examine the case on file in the light of the provisions of Rules and the position of comparative age and comparative income. After I have accorded the permission, the formal permission letter will be issued by the office. It will contain all the terms and conditions of the permission.

Young Woman: You can take my written consent here and now.

Officer: How do I know that you are indeed you?

Young Woman: What do you mean?

Officer: I do not know you.

Young Woman: But I love him.

Head Clerk: You love him? How can you say that?

Officer: (trying very hard to be helpful) What you probably mean to say is that you wish to love him?

Young Woman: No no, nothing of the sort. I say what I mean. I love him passionately.

Young Man: I also love her, passionately.

Head Clerk: Sir, they are both confessing to the crime.

Young Woman: What crime?

Officer: Don't you know that indulging in an act of love without the prior written permission of the Competent Authority is a crime punishable by law?

Young Man: Sir, we are only telling the truth.

Head Clerk: Sir, the matter is going beyond reasonable limits. They are openly defying the law.

Officer: By adding the phrase passionately, the crime gets further compounded and attracts a higher penalty.

(shouts)

Jarnail Singh!

(Enter Jarnail Singh in a hurry)

Jarnail Singh: Yes, Sir.

Officer: Arrest both these culprits under Section 99 of the Act.

Jarnail Singh: Right you are Sir. It will be done.

Young Man: Sir, don't arrest us. We will not indulge in love.

Young Woman: Sir, we committed a big blunder. We apologize and promise never to fall in love.

Officer: Take them away.

Young Man: Sir, we did not know that indulging in love as an actionable offence.

Young Woman: Sir we shall marry each other. but we shall never love each other. God promise.

Officer: I cannot change my orders. You may appeal against the order, if you so wish.

Young Man: Please, Sir, have mercy on us.

Young woman : Sir we will never do it again Sir. Leave us this time.

Jarnail Singh: Come along. Come along. Don't make a noise here. Don't you see how busy the Boss is...?

(curtain)

INITIATIVES OF CHANGE

Video Conferencing between Inmates of District Jail and their Relatives Outside

Overview

Dhanbad is a first district in India to conceive the innovative idea of Video visitation using VC facility between jail studio and Pragya Kendra (Common Service Centre) at every block headquarter. This system allows the inmate inside the jail and their relatives outside to communicate via video conferencing using State Wide Area Network (SWAN i.e. JHARNET)

Video Visitation is the use of video conferencing systems and software to allow inmates of a jail and visitors (family members, friends, relatives, etc.) to interact without physically meeting or travelling to jail campus. It has dramatically improved the productivity of jail & its staff as well as security of jails. It provided inmates and their families a psychological security as they could interact with ease, convenience, clarity, privacy and at lesser frequency & less cost.

Old System

Under the old method of face – to-face visitation, inmates were transferred from their housing area to the visitation area inside the jail, while visitors often had to walk to outer space earmarked for visitors to talk to inmates standing at netted/secured windows (visitation area) inside the jail premises for this purpose. Interaction between inmates and their relatives through netted windows lacked privacy besides being inconvenient.

The communication also lacked clarity as several inmates & their relative were talking simultaneously. Further as the visitors had to travel long distance to come to jail they could not come at regular interval causing emotional insecurity to both inmates and their family.

New System

With video visitation, inmates use a video visitation station (two studio cells located inside jail), while visitors can use computers with web-cam facility etc. at Pragya Kendra at Block Headquarter. This greatly reduces the amount of manpower needed to conduct visits by reducing the movements of inmates and also completely stops the problem of transferring banned items like drugs, mobiles etc.

Video conferencing has offered the further possibility of allowing detention centers to reduce visitor traffic by enabling them to visit from their block headquarter. As video conferencing systems have now been incorporated into the design of new facilities, video visitation is seen as a means to not only cut down on the costs of construction of facility, staffing but also to allow inmates to have more visits and more satisfaction overall.

ICT Infrastructure for VC facility at Dhanbad jail and block level CSC

- JHARNET(Swan) 2Mbps Connectivity
- ISPs:-BSNL,Tat Indicom
- Router(1760 Series)
- Switches(24/8 ports)
- Desktop PC
- Desktop Web-Cam
- Desktop Polycom-VC-Software
- Mike
- Phone

- Battery bank& generator for power backup
- Dedicated Block CSC Co-ordinator
- Video Conferencing studio (Two in Jail and One in Pragya Kendra)
- Trained operator(Two in Jail and One in Pragya Kendra) for VC Operation

Purpose

Video visitation by design eliminates the public from having direct contact with inmates. Video visitation studios are placed in all 08 Pragya Kendras(CSC) at block headquarters ,while inmates having two studios located within the jail. By placing the VC studios in such a manner, inmates and visitor movement is reduced or even eliminated. Visitation through the CSC eliminates visitors onsite. All of these systems also free up correctional officers' time for traditional security duties, reduce the number of correctional officers required for the visitation process, eliminate infrastructure dedicated to the traditional visitation process, reduce contraband infiltration and reduced the possibility of inmate confrontation.

Inmate video visitation systems have been installed in Dhanabd Jail since last one year with all required facilities. This helps a lot while handling of short term incarcerations (under trails and convicted inmates) and the high visitation traffic due to the close proximity of family and friends to these facilities at Pragya Kendra. Additional benefits for inmates include a streamlined visitation process that results in additional visitation time for inmate as well. With such visitation, advocates, social workers and family/relatives do not need to subject themselves to the costs associated with travel and other requirements as per the facility.

Funding

The cost for a video conference system include hardware, management/scheduling software, recording and servers/ switches inherited in SWAN project is around Rs.50,000/ per station. Video conference technology has been funded by

Home Department and IT Departemnt, Govt. of Jharkhand. Another end facility at Pragya Kendra is based on Public Private Partnership model by charging Rs.10 for 15 minutes talk. This cost has been approved by government which Pragya Kendra entrepreneur can charge. In lieu of this he has to purchase and install the equipment and software for video conferencing at CSC.

Sunil Kumar Barnwal

**Training in Panchgani organised by
IC Centre for Governance
- *Some Voices***

Ethics in Public Governance is a mid – career training programme of IC Centre for Governance for IAS officers at the Asian Centre of I of C, Asia Plateau, Panchgani, Maharashtra.

Since October 2005, as many as 215 officers of the IAS have chosen to come to one of the 11 five-day programmes to explore “Ethics in Public Governance”.

The Department of Personnel and Training of the Government of India had made a request for mid- career training for IAS (Indian Administrative Service) officers to the ICCfG (IC Centre for Governance <http://www.iccfg.net/>) a Delhi based not-for-profit trust of mainly retired but service-motivated officials who continue to give their best from a life time in the governance of India. Their 300 members also include people from the corporate world, media and academia.

In October 2005, the first batch of IAS officers came to Asia Plateau, Panchgani, Maharashtra for this ethical governance course based on the ideas of IofC (Initiatives of Change <http://www.iofc.org/>)

Now they have been increased to two courses for IAS officers each year.

THIS PROGRAMME’S OBJECTIVES WERE TO HELP OFFICERS TO:

- Reflect upon their original vision, the current reality and the gap
- Tap their own and each others inner resources for inspiration and learning

- Evolve a paradigm of ethical leadership and governance themselves
- Discuss case studies and research on civil service issues
- Explore the balance between family life and working life for whole-some living.

Initiatives

Some projects initiated by IAS officers after the training for improving governance

1. Nearly 12,000 employees of Bengaluru Electricity Supply Company received IofC training in two years through its MD, Shri Tushar Girinath, leading to improved quality of employees life and customer services.

2. To improve education quality, Shri Tushar Girinath introduced IofC training for 2500 college professors of Karnataka State colleges and school education administrators, when heading these departments.

3. Sri Kaniram when in charge of the Department of Municipal Administration of Karnataka State had training in ethical governance given for 120 municipal chiefs to improve civic administration.

4. Shri Rohit Nandan as head of rural Development for Uttar Pradesh organised I of C training for the state District Development and Block Development Officers to improve governance at the village level.

5. Sri Jayesh Ranjan and Sri Rajsekhar, of Andhra Pradesh began IofC training for Project Directors of the Society for Elimination of Rural Poverty [SERP] under the state Department of Rural Development for strengthening the motivation of SERP staff for serving the poorest of the poor; also for the IofC ideas to go through them to the grassroots 1.1 crore SHG members and their families

6. Sri K N Kumar of Meghalaya sent 40 of the state's newest batch of civil servants for 7 days to Panchgani for IofC

training to create a strong foundation of ethical values for their future roles.

7. Smt Upma Srivastava as officer at the Department of Personnel & Training (DOPT) of the central government initiated a project for institutionalizing ethics training at Administrative Training Institutes in all the states of India along the lines of the training she received at Asia Plateau. Her vision is to cover 5000 civil servants above a certain seniority level in the next 3 years. She has set off “Train the Trainer Programmes” at Asia Plateau for the directors and senior faculty of government training institutes to equip them to conduct Ethics in Public Governance training with greater effectiveness at ATIs and other Central and regional training centres.

The next section contains personal evaluations by IAS officers from courses since 2005:-

Upma Srivastava

Chief Vigilance Officer, Airports Authority of India, New Delhi Formerly Jt Secy (Training) at DOPT Participating in the Panchgani programme, the first of its type, with an open mind and expecting nothing from it, was an experience which left an everlasting impression on my mind. The first thing which I remember till date is the feel-good, increase-in-happiness factor during the five days there. Second, it set me thinking afresh about my professional and personal life. That was very significant as it led to affirmation and confirmation of some of my beliefs and values which I had begun to look upon skeptically. Third, I came back charged and invigorated with increased positivity, humility, honesty and reduced cynicism and pessimism. The tangible manifestation is in the change in my approach to work, from "leave it in face of hostility" to "pursue and persist till the logical end".

B. Rajsekhar

CEO, Society for the Elimination of Rural Poverty (SERP) Andhra Pradesh

My I of C experience has left an indelible mark on my work and personal life. The opportunity to experience the immense power of listening to the inner voice gave way to a realization of how a simple habit can transform oneself into a powerful human being capable of handling any task in life. Though my work gave immense satisfaction of serving the poor in AP, it also gave a false sense of belief that such work can justify neglect of every other commitment in life including playing the role of a husband and father. The practice of silence and invoking the inner voice provided the critical answers to the vexatious questions that bothered me all through my career.

There is still a long way to go as far as the commitments I have given to myself when I left Panchgani but I know for sure, realization is in itself a major victory for my inner voice. I owe a lot to all my friends in I of C who just nudged me into realizing such insights.

In another sphere of working life, the I of C experience led to a new initiative in SERP with the potential to take the organization to new heights. The SERP-IGC collaboration has already provided similar transformational experiences to nearly 50 of our top executives that is having a silent but powerful impact in the functioning of the organization.

The challenge now is to design a curriculum in the local language to provide such experiences to all our 10 million SHG women. The SERP's goal of empowerment of the poorest would have a new dimension that would lay the foundation for a more ethical and value-based society. In the present context of a depressing climate of degenerating value-systems, that sounds awesome. The power to even dream of attempting such a thing is itself so empowering. I call that the mystical power of Asia Plateau.

Tushar Girinath

Jt Secretary to Dy Chief Minister & Revenue Secretary

Personally speaking I gained poise, equanimity and a positive attitude. I could overcome jealousy which was stopping

me from clear thinking and appreciating my colleagues - even seniors. My relationship with my friends and co-workers and colleagues improved tremendously after this training. I started understanding my wife better and could also devote more time with my kids.

All the above helped me professionally also. In all the jobs which I did after the training, I always tried to help my colleagues in carrying out various tasks and could easily learn from them as my ego reduced considerably. I try to expose them to the great ideals of honesty, truth, unselfishness and love. I think in modern day administration in which the civil servants work the only lever to operate is human resource development and ethics - the all encompassing theme which should run through all the initiatives of such development. There lies the strength of I of C.

Nipun Vinayak

Dy Secretary in Cabinet Secretariat, New Delhi

Panchgani has come as an important turning point in our (my and my family) lives. On a personal front, it has given me the support to try to take some decisions which I always knew were correct, but needed hand holding. The personal chats, inspiration and guidance from the team there was immensely useful.

Also I got the idea of “India I Care” from Panchgani, which we adopted in Nanded as “Nanded I Care” a citizens’ initiative for the city. The whole Asia Plateau environment-nature, self work, deep meaning songs, interaction with good people—cleanses your system. Many things get introduced, reinforced there—active listening, value of family etc which stands in good stead, personally and professionally.

The biggest advantage was an opportunity to send our office employees to this training. They benefitted immensely, with much positive change in their outlook pre—and post—Panchgani.

Most government programmes are part of 'Nation- building' or 'Nation-running' exercises This can happen best with a few basic principles - moral character, passion, sensitivity with people and issues. Panchgani tries to restore these virtues.

It would be wonderful to have refresher trainings of those who were trained here to its focus on developing a person and making the person think about oneself and one's role in office as well as at home and beyond.

K N Kumar

Commissioner & Secretary, Dept of Community & Rural Dev & Dept of Fisheries, Meghalaya

Now I am showing a little more kindness. Earlier I was more mechanical, now I am more human especially towards subordinates.

Believing that we must catch them young, I sent 32 of the newest MCS recruits for a five-day training at Asia Plateau so that they are exposed to the right kind of framework.

Better at the beginning in the formative years of officers rather than later. Invited a team to deliver Panchgani message to help in a major environmental project. Sent the newest batch of Meghalaya Civil Servants for 7days training to Panchgani.

Arun Sutaria

Revenue Inspection Commissioner, Dept of Revenue, Gujarat

I have been benefitted immensely from this programme. It was different due to its focus on developing a person and making the person think about oneself and one's role in office as well as at home and beyond.

This has helped me rethink my attitude to people and issues to the benefit of the people whom I am supposed to serve. Now I am into more introspection to analyse my conduct in office and at home and take corrective action. Like, at home, I used to join issue with my wife over petty matters and arguments

followed most of the time. It did not help anyone; but now I do think twice before joining issue with her and this has helped us.

I do listen more to my daughter and son and let them decide their future themselves rather than being opinionated. Now I am more sensitive towards applicants who have been wronged by inaction by our govt. establishment. I pursue these cases to ensure justice to the applicants. A smile on their face makes my day most of the time. And yes, I smile more and make amends in my behaviour with others though its not easy. I am trying to be more forgiving to others overcoming my ego. This journey of making others happy and feel happiness is joyful. Asia Plateau has helped me immensely in this journey.

Jayesh Ranjan

IAS officer, Andhra Pradesh

I entered the Civil Services 20 years ago, with a firm belief shaped largely by my upbringing that one has to lead a principled life at all costs. Over the course of these 20 years, elements of doubt would creep in. Is this the only code of behaviour? Is it enough if I remain virtuous but not those around me? Is it all right to compromise on smaller matters? The Panchgani program reaffirmed my beliefs in a value-based life, confirming that there is no other way, and this is something which cannot be negotiated or compromised. It also gave me lots of strength finding people who admire such values in others and would offer solidarity to them. There are many like me in the Civil Service whose faith starts getting eroded due to the kinds of experiences they undergo as a part of their work. There are no easy answers to the questions of doubt that one confronts. The Asia Plateau course helps one in getting a strong moral hook with which one can stay true to one's commitments and values. It is vital that as soon as one enters the Civil Services, a reaffirmation to morality and values is made, and guidance in ways of handling subsequent moral dilemmas are provided.

P K Jajoria

Chief Electoral Officer, Ranchi, Jharkhand

Panchgani reinforced in me the things I can do even if there is political pressure that wants you to bend. Punctuality and showing real efficiency in work with no files remaining pending etc are things you can do. After Panchgani I feel more strengthened in that. This programme can help make people more efficient.

Madhubala Sharma

Director, Women and Child Development, Himachal Pradesh

We become resistant to being taught, but the patience of all at Asia Plateau won us. Now I have stopped looking around for support first. If I have to take a stand, I just take it. Even if I am alone, I do it.

Thakur Ram Singh

Collector, Bilaspur, Chhattisgarh

Learned more and more about the power of listening. Speaking is not an art- anyone can do that. But listening is an art.

Earlier with visitors I would sometimes display impatience or even throw my weight around. Now through listening more, I find there is greater understanding. Everybody needs this training.

R G Kulkarni

District Collector, Washim, Maharashtra

Before I used to have a set point of view but now I have learned to see beyond the seen, without any pre-existing glasses. Everyone has different spectacles perched on their noses. I learnt to de-baggage and travel light in life and dropped unnecessary bags that I used to carry like a coolie. Every sunrise is new for me now. At work now I approach

any person - or file - as if I am seeing them for the first time without any prejudice or prejudice.

Earlier I used to teach or preach to subordinates while doing work. Now I let my actions do the teaching. The Panchgani programme has positively influenced my career and the whole of life. I learned how to screen things with a positive outlook. There are always many sides to each issue and have learned to find and accept the side that is truthful. This course is valuable for everyone be it politicians, officers, or our children, any one. All need it.

D D Singh

Director, Horticulture, Chhattisgarh

Through a programme like the Panchgani one, my way of thinking is changed for the better. It changes your views, working style. Now I am much more comfortable with colleagues and am in better tune with them. I feel that a short 5 day programme like this - rather than long ones - is essential for any officer every two or three years.

Sudhansh Pant

Secretary, Petroleum and Mining, Rajasthan

My heartiest congratulations for taking the initiative and time of putting together a booklet which would capture the essence of the life changing programme which we attended at Asia Plateau, Panchgani.

The Asia Plateau experience has been an opportunity for soul searching and looking inwards in an otherwise extremely hectic and high-pressure work environment.

It has very effectively put me in constant communication with the inner self, made me realize the importance of some quiet time and a better appreciation of the beauty of nature.

The emphasis on ethics and values assumes greater significance with each passing day. It has helped in reinforcing

the saying that "The best pillow in the world is a clear conscience."

V J Bhosale

Chairman and MD, Maharashtra State Warehousing Corporation

The Panchgani programme gave a vision that covers all - ethical, social, cultural obligations. It is required in day to day life and also in administration. There I learned to live with nature. I am able to keep my mind cool and so am able to get a grasp of subjects better and it helps develop ideas.

Through dynamic leaders at Panchgani providing evidence of what they are doing, I took note of the Chhattisgarh web-based Food Supply Chain initiative and the Gujarat Distribution System. So since the Jan 2012 visit to Asia Plateau, I have implemented aspects of these for Maharashtra and:

- * uploaded software for spot/online marketing for the whole of Maharashtra
- * have also given every farmer more access to financing from banks
- * Ensured (after a study of Netherland ability to capture world flower markets Studying Dutch flower packaging systems through meticulous storage, cooling, packaging despite producing only 3%) that all farm produce in Maharashtra now has access to storage and international export quality grade packaging facilities with a sanctioned budget of Rs 50 crores. Our aim is to help growers and develop them and thus we feel we are finding answers to the farmers suicide problem of Maharashtra.

Snehlata Shrivastava

Joint Secretary, Department of Justice, New Delhi

I found the course refreshing and useful. I see it was for my personal growth. It is a different kind of course. Ultimately one has to be a good human being rather than only successful civil servant.

Rajeev Kumar

Joint Secretary, Ministry of Finance, New Delhi

I continue to retain the best inspiration from that week at Panchgani as fondly as when we were there. It helped me personally especially the letter to myself (that participants write and seal at Panchgani and that is then sent to them a month later. I am keeping to my pledges to myself.

I used to do introspection but after Panchgani I do introspection more intensely and am finding many more purposes in life for myself. I am into more charity and beyond the office more into giving back to society. This has created some dissonance within as I am not able to do all I feel I should.

Tikka Ram Meena

Joint Secretary, Ministry of Social Justice & Empowerment, New Delhi

Definitely it has made an impact on me. The basic principles passed on to us there was that we should listen to our Inner Voice especially when we have to take decisions, often tough ones. It helps us to see them in the larger perspective.

There may be pulls and pressures; and vested interests will push us, but we have to keep in mind the larger public interest - the interest of the public that is poor, downtrodden, exploited, those whose voices are not heard. The course gave me strength to stand up for their causes. As bureaucrats in a democracy it is difficult; and with different pressures decisions are not easy. Through referring to the Inner Voice we can take balanced decisions, not standing on our ego or pride, always keeping the larger public interest in view. Even if rules may not always permit, we can use our discretion for the sake of the underprivileged.

In the family it helped us to manage better, understand each other more, helping the wife, give more self esteem to the kids, and to ensure that we give them a purpose in life. They become useful human beings through character building

so they become people who are sensitive to the deprived of our country. In Panchgani, we also learned through caring for the environment and Nature to live in harmony with it and decided to satisfy our needs not our greed.

Adoni Syed Saleem

Commissioner, Department of Animal Husbandry and Vet Services, Karnataka

At AP thought of my life and the way of looking at things, and there have been improvements. My attitude improved. Panchgani provided a relaxed atmosphere to reflect and contemplate; which we don't normally find time for.

Swapnanil Barua

Member, Board of Revenue, Assam

The Panchgani training reinforced my faith in the absolute need to listen to the other person and try to help him with a mindset of being in his shoes. It also showed me the need to reflect and pause in our work to answer the questions which Gandhiji raised at different times in our response to answering social needs. The significance of the Panchgani training lies in bringing a human face to our dealings and to ask the receiver "Is my efforts good enough to make a difference to your life and living? This training will help all who take it with a change in their outlook to life and in human relations.

Shishu Pal Shori

Joint Secretary, Home (Jail, Women, Child Development and Welfare Dept) Chhattisgarh

The programme was really good. It helped us to learn how to change and to apply that in a changing world. Of course the atmosphere at Asia Plateau, Panchgani was quite something that "hat ke" (unique). We became thoughtful in that joy filled ambience, looked at our own faults and we found room for improvement.

Am now learning to scrutinize my routine and through noting thoughts down, I am able to deal with things better. I learned that no matter how vexing the issue, I am able to maintain a positive attitude now.

Now I am also able to balance home responsibilities with office. Have made early morning walks and inner listening of Panchgani absolutely regular. Other courses are mainly theoretical. This had variety - group discussions, meaningful songs, outdoors etc. and it was not boring. In fact it was peace giving. The atmosphere at AP is far away from the noise and din of our towns and cities. Therefore it is different.

Mentally, I had resisted the dishwashing but by the end it became an enjoyable activity. Now after meals, I pick up my plates at home. I say to others: Go to it. It can bring for you the change I found.

M P Singh

Principal Secretary to the Governor of Punjab

It made an effect on my life. That thought process helped me attain a better balance. I used to be caught up in so many things. Now I am able to reflect better about them and focus, and with patience, view evolving situations and have better connections. The focus on yourself was good. So am able to better understand and appreciate everything. My way of looking at life has changed. Been to 7 or 8 courses as part of IAS in service but this was different in so many ways

S C Mahapatra

Principal Secretary, Water Resources, Odisha

It was about life. Through self introspection I became more conscious of all activities and what is really happening. I keep remembering AP, the punctuality, sincerity, helping others.

I used to become impatient and tensed. Now that is reduced. The course will help other officers in their working environment, in their interaction with subordinates and family members too.

I stopped eating non-veg there and have been veg since. The way it was relaxing, helped us to introspect and do better.

At other trainings we do get bored.

Am recommending this to many other officers.

C J Ponraj

Principal Secretary, Law & Justice and Head Dept of Personnel, Nagaland

It has made an impact. It was going through a process. Although everything is highly contextual, through the programme certain things got quickened in my outlook and behaviour. Definitely worth going to. The atmosphere is different.

Please send me a proposal for a training capsule for new administrative officers of the state to which we could add new police and other services recruits.

A C Punetha

Principal Secretary, Revenue, Andhra Pradesh

I am amongst those who may have already been subscribing to the values promoted by Asia Plateau. But it was reinforced there and I continue adhering to it.

I want this kind of ideology to be imbibed by all institutions. From time to time, officials have to be taken away from their work situations. Or plan inputs of this type very carefully in their work places.

Life is more important than just work. Social behaviour and order should be such that better institutions come about. We must deal with the societal slide of the last quarter century especially the brazen corruption and impunity we see

Naval Singh Mandavi

District Collector, Dhamtari, Chhattisgarh

It has been most useful. Not only my work life but my family life too has been affected as stress and tensions have reduced in both. In my family life there is no more that tension that I used to bring back from work.

Now in work I am able to approach issues that come with

much greater calm. No longer do I use aggressive ways and I find that I now achieve more through a more peaceful style/manner.

A K Agrawal

CEO, Raipur Dev Authority/Director PR, Chhattisgarh

The programme is definitely extremely useful. From then I have found a new habit of positive thinking all the time “a great achievement! It is very helpful in daily life.

We learned everything in ways that are totally different from other courses. In fact, I have never seen this anywhere else. What struck me most was that in no time all distinctions vanished and no one showed he was bigger or more important. All became equal doing everything together. Previously we were not as sensitive when people came for work from us. Now embedded in me is the fact that I practise: whether I can be of help or not to the person who comes to see me, the least I can do is behave well with them, treat them with respect. I am recommending it to many others.

Abha Asthana

DG, RCVP Academy of Administration & Management, MP

A transformative experience to be cherished and treasured. It has special relevance for the civil services. Ethics is the cornerstone on which the personality of the officer is carefully built up so that they are correctly guided in their professional and personal lives.

Seema Sharma

Secretary, Revenue Dept, Madhya Pradesh

The experience was thrilling. It was a good thing that touches your life. All became one there, not officers but just human beings. We found a positive attitude to life and to health. That is not prescribed in other courses for us.

Rohit R Brandon

Principal Secretary Training & Director HCM RIPA, Rajasthan

The best time ever! Found it absolutely brilliant! The format, contents, flavour was different from the mundane, content-driven, information-overloaded programmes we regularly attend.

The Institute and the charming locale in the hills itself is such a refreshing experience. The daily schedule, including immersion sessions, interactive discussion groups, the nature walk in the morning mountain air and even doing the dinner service and the collective washing of dishes, turn by turn, was a new way of learning, working and living together.

Guest lectures were carefully selected to inspire and educate. Above all, the opportunity to present our work experience. A great way to take time off from humdrum city life and unlearn, unburden and unpack baggage we collect in our years in public service. And to realise we know so little. There are many different ways to do things. Panchgani was like a dream come true.

Hem K. Pande

Joint Secretary, Ministry of Environment & Forests, New Delhi

The programme was absolutely influential. It helped in every aspect of personal and work life. I keep talking about it, saying that everything there is unique and worth emulating “experience of doing duty, the early morning times, prayers, the inner listening, the songs.” We cannot forget it at all. I have not attended any such course anywhere else.

Dr Amarjit Singh

Joint Secretary, HRD Ministry, New Delhi

This programme makes you a richer person spiritually. Finding time for yourself, respect for other religions, listening to their devotional offerings, looking at “What is the big purpose of being here? Is it all just about taking a salary home or more? Were important elements of the programme.

Through embracing a tree we learned and felt our oneness with nature and became more connected.

I drew encouragement from listening to people who had transformed themselves into more useful human beings and began to deliver justice to the needy. That reaffirmed one's faith in that way.

Sandeep Bhatnagar

Special Principal Secretary, Education, Himachal Pradesh

I have always been straight forward and a low profile person but from Panchgani I started easing up about personal and inter personal issues. I see things more straight now and yet maintain my cool.

Panchgani helped reinforce my values and ways. Work life has its tedium but now am matching up to challenges better. Official tension is less for me. There are other programmes providing knowledge but this was one we actually enjoyed.

Rajeev S Thakur

Private. Secretary to Minister of Road Transport & Highways, New Delhi

Just before I came for training at Panchgani, I'd been unceremoniously removed from a district to the secretariat. So my state of mind was really bad but during the training I was able to forgive and forget a lot of negative thoughts. Indeed training at Asia Plateau in 2006 was wonderful. The ambience and location of Panchgani is amazing. Most recommended for civil servants.

Pramod K Anand

Joint Secretary, Ministry of Rural Development, New Delhi

Unless souls are trained, any training of mind or body is of little use for the society. This vital gap is filled by this training with love of labour included. Also it is felt that one is not alone in this pious mission.

Sunil Paliwal

Secretary, Commercial Taxes & Registration, Tamil Nadu

I already had a value system. It only got affirmed and confirmed at Asia Plateau. Affecting someone thinking after

years of service is more difficult. We get into a routine in the job and fall into a rut.

A programme like this helps you sit back and think, relook and assess and re-assess. The atmosphere and the team at Panchgani help in that very much

COMMENTARY

Shyamal Dutta

Civil Service Groups

AN APPROACH TO DEAL WITH CIVIL SOCIETY GROUPS

The recent parleys between the Govt. of India and the Civil Society Group led by Anna Hazara, on the formulation of the Lokpal Bill, brought to the fore three developments of interest. One was the overbearing attitude of an NGO to try and dictate to the govt. What should be the contours of a Bill to be passed by Parliament. Second was a larger than life image acquired by some of the civil society groups, which smarted under a self belief that they could force the Govt. to toe their line. The third development was the spontaneity with which public outrage was triggered, during the protracted debate, against the surge of corruption in public life. The cumulative effect of the three was that the govt. looked a bit distraught under tremendous pressure, but justifiably, continued negotiations in a bid to try and accommodate their view points and sentiment to the extent, it considered feasible and appropriate.

2. In this backdrop, it will be quite in order to present an overview of the activities of the civil society groups since its emergence from the late seventies, for the people to know, understand and appreciate the ramifications of the growing phenomenon. Traditionally, sections of civil society formed part of the symbiotic relationships between the state and communities without much stress and strain. Today, in the absence of any legal definition, the organisation comprises a wide range of civil society and interest groups which are also called Non Governmental Organisation (NGO) and non – profit association. The people associated with these, are generally, human rights/social activists, academics, intellectuals,

celebrities, high profile journalists, think tank hirelings, retired bureaucrats, jurists, lawyers, environmentalists and also so on. They espouse the cause of the member and others, based on ethical, social, cultural, political, economic, security and philanthropic considerations.

3. It was in the tribal belt of Bihar, Orissa and Madhyapradesh that the activities of an outfit called the Social Action Group (SAG), came to notice in seventies, focusing attention on the sufferings of the tribal people. Slowly and gradually, the SAGs started making their presence felt under the leadership of people known for their radical thinking and selfless service to society, mostly from outside the region. The thrust of their objective was to emerge as an alternative to the administration, taking full advantage of poor infrastructures of road, connectivity and transportation which made the presence of the govt. representatives in the region, conspicuous by their absence. Of concern was the subtle ways with which the leaders carried out political indoctrination of the indigenous people, exploiting their pent up feelings of distrust, and disaffection towards the govt and the state.

4. A close scrutiny revealed linkages of some of these outfits with the organisation known as the Christian Action Group (CAG). The activities of the CAG were mostly religious and philanthropic, involving the local Christian community. Education, health, water, sanitation and doles of different types formed the bulk of their social responsibility. Soon the people of the region started looking up to the SAGs and the CAGs as the provider of help and relief of all sorts with the Church acting as the pivot, and some international donors as the conduit of funding under the Foreign Contribution Regulation Act (FCRA). A lacunae that remained in the govt. monitoring was with regard to the actual use of funds received through both overt and covert channels, another serious shortcoming was the inadequacies on the part of the administration to redress the grievances of the people even by forging some kind of partnership with the SAGs and others and try to reach the fruits of several affirmative actions of the govt. of for the people.

5. A study revealed that the NGOs really mushroomed with the end of the cold war and the onset of globalisation of economy.

Overnight, Human Rights Groups appeared on the scene with an aggressive propaganda, characterising the actions of the Security Forces dealing with terrorism and insurgency in conflict-prone regions, as the violations of human rights. The prompt support extended by their international counterparts, imparted a measure of legitimacy to the campaign. The latter also lined up other support and assistance in money and kind to raise the tempo of the publicity.

6. The immediate fall out was that the Security Forces in J&K, and North East, felt restrained, and the terrorist groups encouraged to step up the militancy. The uproar and publicity made it very clear that the atrocities and brutalities by the terrorist and insurgent groups, causing untold human casualties and sufferings, did not matter since to the Human Rights Groups, was the life and safety of the terrorists and insurgents, and not of the innocent civilians.

7. Over the years, the clout and influence of the civil society groups grew manifold, posing a challenge to the state. Some of the NGOs tried to set international standards and script new rules of business and conduct, overriding the claims of national or regional singularity, territorial borders etc. They tried to force compliance with these by the states wherefrom they operated. The objective was to compel the national or state govt. to share powers so that the NGOs could bring to bear on them sufficient pressure to follow a particular course of action dictated by them.

8. In terms of resources and expertise, some of these NGOs are sometimes, as strong, if not stronger, than some of the small sovereign states and international bodies. Their range of activities is multi-dimensional and goes beyond all proportions. They have the capacity and capability to breed new ideas, advocate protests, mobilise support, both within and across the borders, provide goods and services, shape, implement and enforce national and international commitments. The vast networking within and outside the territorial boundaries, offers the civil society groups an unprecedented channel, reach, and extent of influence. Some of the NGO leaders who have developed profile, acclaim, and popularity, have managed to influence the decision making process of the govt. from within by being part of govt. delegations.

9. The revolution in information technology has broken all physical barriers, connecting the people across the borders with growing ease to separate them from natural and historical associations within nations. This has brought in place a powerful globalising force with capacity and prospects of amplifying social and political fragmentation by enabling more and more identities and interests catered around the globe, to coalesce and thrive. It has potential of creating new forces of stress, strain and unrest in regions or areas otherwise, peaceful and stable, this has helped the NGOs draw worldwide media attention to issues or causes that may not be very desirable in the interest of a polity, otherwise established.

10. The NGOs must see to it that their track record improves, showing greater loyalty and better orientation towards programmes and measures meant to resolve people's problems with speed and commitment. They try to outperform the govt. agencies in the delivery of public service the delivery of public services and goods, project the latter in poor light. They anticipate and respond to new demands and challenges much better and much before the state does. All these help rally the people around fuel disaffection towards the state. Ever since security has become a concern with life and dignity, and credibility of the govt. is being judged by the measure of freedom available to the people from fear and want, the field of activities and interference of NGOs have have increased exponentially, and become more frequent.

11. the democratisation of technology and violence has vested the civil society groups with the capacity to undermine the state's monopoly on the legitimate use of force. It was the lack of equation of power between the state and the citizen that helped the state in the past, to keep a semblance of order and stability. It also provided the glue required to keep modern civilization together. Now, the information technology has seriously weakened the state's monopoly on the generation, collection, and dissemination of information. It has made central control on the storage and flow of information difficult. It is connected everyone but left none in command and control.

12. The satellite communication has opened highways and super- highways providing access to information with the same speed to both the govt. and the civil society groups.

Earlier, it was very difficult for the latter to obtain. Now, with the pressing of the key, the whole world of information is available on the screen of the computer. Depending on the requirements of the NGOs and others, the information is collected, collated, coordinated and refined for commission of acts which may or may not be prejudicial to the interests of the state and the govt.

13. The important question that confronts us is how we do deal with the NGOs, and transform multi- dimensional challenges they posed, into opportunities to strengthen the state and the govt. It is time that the govt. accepts that in today's complex world and round the clock. The dynamic situation demands that the frameworks of the NGOs and the govt. dovetail at different levels , as an institutionalised arrangement, and as and when considered necessary , for better understanding and appreciation of problems, issues and situation, before policies are framed and programmes of action formulated and implemented. There is a need for structured consultations between the two for meeting the gaps and inadequacies in information/ knowledge while reviewing the politics, policies, and administration for correction and improvement. A two way traffic under a proper mechanism can go a long way imparting the sweep and speed necessary for an effective handling of any developing situation. The only areas of exception can be matters of security and national importance.

14. A well set drill is in place to deal with the NGOs and civil society groups when they come to adverse notice for either keeping a bad company or working detrimental to the national interests. This requires a constant review and updating to plug the loop holes, if any, and revamp the system. With regard to the civil society groups which are prone to cause hurdles and difficulties in proper tackling and management of any emerging situation, the govt. should brook no delay in firmly dealing with the ulterior designs, if any, to make the state vulnerable. On their part, the civil society groups must refrain from arrogating to themselves the role of dictating terms to govt. They should come to terms with the reality that they lack a stomach to take on the govt. or the state which are too big and strong to be coerced to act and sign on the lines dictated by them. The wisdom would lie in conforming to well established rules of prudence.

15. On the other hand, the govt. has to bear in mind that the lack of strategic thinking, dysfunctional administration, delay in putting its acts together, self destructive streaks, talking in different voices, moving in different directions, and inability to combine power with principle in a dispassionate manner, provide space and fodder for the growth, and irresponsible behaviour of civil society groups. The latter rise from the ashes of the failure of the govt. and the state. The strategic thinking underscores the imperative need for consultations with the civil society groups to get integrated into the systems and institutions of the govt. at different levels, so that a strong bridge of relationship is built with boundaries of propriety, legal, constitutional and moral, properly delineated and clearly understood by the concerned players involved and the people.

16. On the operational side, these challenges would require proper and regular upgrading of four distinct elements of intelligence and warning, prevention and deterrence, crisis and consequence management and coordinated acquisition of equipment and technology for application. Without these, the state will often be found remiss in its approach and action. The formulation of the National Security Doctrine that the Task force set up recently by the govt. under the chairmanship of the former Cabinet Secretary Naresh Chandra, would require an in depth study of all these issues for the nation to have in place an institutionalised response mechanism, after 64 years of independence.

Nipendra Mishra

Right to Education

The preamble to the historic Right of Children to free and compulsory Education Act, 2009(RTE) reads "...an Act to provide free and compulsory education to all children of the age of six to fourteen years". So how realistic is this target?

Since the inception of our Constitution in 1950, the right to education was kept under the category of the Directive Principles of State Policy. These directive principles act as important guidelines towards making laws to establish a just society in the country. But unlike Fundamental Rights, these are non-justifiable rights of the people.

In 2009, the historic legislation of the Right of Children to free & Compulsory Education (RTE) Act was enacted, thus moving it to Article 2 of chapter III of the constitution. With the RTE coming into force on April 1, 2010 India joined the league of over 130 countries all over the world that have legal guarantee to provide free and compulsory education to children.

In April 2011, we are going to complete one full year since RTE came into force. Thus, as would be expected, various credible institutions have come out with analytical reports on the performance of the Act in the year 2009-10. ASER, the research division of the NGO Pratham, working primarily in the sector of promoting elementary education, has come out Annual Status of Education Report, 2010. This report evaluates the execution of the RTE Act on various parameters like pupil-to-teacher ratio, teacher-to-classroom ratio, school facilities, student –teacher attendance etc. Based on thirteen such parameters picked up from the Act when various states were ranked for their compliance with the RTE norms; the

report revealed that Puducherry, Kerala, Daman & Diu, Gujarat and Punjab compiled the highest as of now with the various RTE norms; whereas the seven north eastern states ranked the lowest. But one of the main criticism that comes out through this report is that the Act does not account for the outcome achieved and end-result aimed to be achieved through this legislation, which is of a qualitative rise in the learning level of the targeted children.

Yet another important report of 2011, which provides a quality look into the execution of the RTE Act, is the District Information System for Education's (DISE) flash statistics on the progress of the universalisation of elementary education in India for the year taking into account various components like access, infrastructure, teachers and outcomes. States were ranked in order of their compliance to these components by DISE. Pondicherry, Karnataka, Kerala, Andaman & Nicobar Islands and Tamil Nadu ranked the highest, whereas Bihar, Jharkhand, Meghalaya, Assam and Arunachal Pradesh ranked the lowest. The points of concern that got high lighted through this report are that, since 2005, many important indicators of universalisation of elementary education have stagnated. The national apparent survival rate and the retention rate at primary levels has been stagnant at 70-78% since 2005; transition rate from primary to upper primary has also come to a stand-still at 83-84% since 2005. Moreover, the discrepancy in the performance between the better performing states and the under performing states on the above mentioned parameters is quite large.

The Public Interest Foundation filed applications under the RTI Act to all 28 states seeking information on the level of execution of the RTE Act within the states. Some states that wrote back were Delhi, Uttarakhand, Kerala, Gujarat, Himachal Pradesh and Jharkhand. Data mapping exercises for the neighborhood schools have only just started in Gujarat and Himachal Pradesh. Even on the preparation of financial estimates within the states required towards the provision of the fundamentals of the Act have not been prepared by Jharkhand. This goes on to suggest that little has been

achieved in terms of concrete steps towards the adoption and implementation of the RTE Act at the level of state governments.

Further, closely following the trail from the above reports, another alarming pattern that calls for urgent attention and re-addressal within the RTE Act is that besides having parameters to measure the inputs made available to ensure the universalisation of elementary education, there is an unequivocal requirement for ensuring the quality of the outcomes achieved. Quality of outcomes refers specifically to the learning levels of the kids, the difference which has come about in retention and survival rates of kids, and whether or not the coming about of this act has had any positive impact on the transition rate of kids from primary to upper primary levels. That is to say that a direct co-relation needs to be established and strictly monitored periodically as to how input in terms of infrastructural guarantees, accessibility to neighborhood schools, availability of qualified teachers assures the certificate issued on the finishing of eight years of free and compulsory education actually reflects the enhanced and writing skills of the children between the age of 6 to 14 years.

Another point of caution in relaxation to this Act is that these parameters of retention, survival and transition of school children needs greater monitoring and improvements with regard to government-managed schools rather than private schools. Private schools already have an established way of operating, which is performance and efficiency oriented, along with a defined group of end-users who are more or less satisfied by its demand-supply mode of operation. The RTE Act, as a tool for quality intervention, should focus more on the defined area of government schools because this is where more enrolments are happening in the under performing states in terms of literacy rates, like Bihar, Jharkhand and Uttar Pradesh. A focused target-based approach towards working efficiently to address these problems of survival, transition and retention of children in government schools will not only help in improving the national literacy rate, but will also go a

long way in bridging this huge gap between the achievement of well-performing states and the under performing states in terms of the parameters used to check the implementation status of the RTE Act.

Thus the assessment of year 'one' clearly shows the huge gap that still needs to be covered if we are to translate the historic vision of the Act into reality. First and foremost, there is an urgent need to expedite the execution of the provisions of the Act, which is primarily the responsibility of the central and state governments working alongside local authorities. Secondly, there needs to be an in-built mechanism to ensure that the adoption of the provisions of the Act is done with reference to a concrete goal. The concrete end-goal needs to be ascertained in terms of the minimum learning level that we aim to achieve for the targeted children at the end of the eight years of elementary education; the rise in survival and retention rates of the children at the primary and the upper primary levels; the increase in the national transition rate of children from primary to upper primary levels, which can realistically be achieved through inputs being fed into the system by means of the RTE Act,

An approach to deal with civil society groups

The recent parleys between the Govt. of India and the Civil Society Group led by Anna Hazara, on the formulation of the Lokpal Bill, brought to the fore three developments of interest. One was the overbearing attitude of an NGO to try and dictate to the government what should be the contours of a Bill to be passed by Parliament. Second was a larger than life image acquired by some of the civil society groups, which smarted under a self belief that they could force the Government to toe their line. The third development was the spontaneity with which public outrage was triggered, during the protracted debate, against the surge of corruption in public life. The cumulative effect of the three was that the Government looked a bit distraught under tremendous pressure, but justifiably, continued negotiations in a bid to try and accommodate their view points and sentiment to the extent, it considered feasible and appropriate.

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BOOK REVIEW

Metro Metro Rail Projects in India – A Study in Project Planning Dr M Ramachandran

OUP Pvt. Ltd.
New Delhi
Pages 192 ₹ 495
ISBN: 9780198073987

It is increasingly recognised that the quest for achieving social and economic empowerment for our urban populace would gain traction essentially by putting in place an efficient transportation system. This would reduce the commuting time of the city dweller and facilitate movement of goods, which in turn would improve outcomes in business while enhancing societal welfare. In this context, the provision of an extensive metro rail network will supplement the existing mode of transportation within the city.

The book under review entitled 'Metro Rail Projects in India' is an incisive study in project planning and execution and covers a rich body of work on metro rail projects in India. The first of its kind study, it provides critical insights into the building of metro rail from different angles- policy, financing, technology, foreign partnership, connectivity, among others.

Mr M Ramachandran, former Secretary, Ministry of Urban Development, Government of India is best equipped to give a ringside view of the meticulous process of planning and execution of metro rail system. The author has vividly brought out the intricacies involved in project planning and implementation of the mass rapid transport system. The book also cautions about the fault lines that can come up in project implementation such as delays, resistance from vested interests in acquisition of land and irrational criticism from sceptics that BRTS and non-motorised modes of transport have an advantage over metro. Metro rail policy should not

be seen in isolation. Alternative modes of transport should be dovetailed well within the Metro Master Plan.

The book analyses in detail the metro projects in the city of Delhi and Jaipur in the North, Bangalore, Chennai, Kochi and Hyderabad in the South, Kolkata in the East and Mumbai in the West of the country and the difficulties faced in putting on stream a project which requires heavy investment and entails careful planning and ridership of 2-3 million passengers to make it a viable proposition. It explores the funding models- Central, State and public-private partnership and the importance of each of these in taking the project off the ground. In addition, it provides a comparative view of metro system in select countries across the globe, notably Singapore, UK, USA, Shanghai among others which could have useful implications for our country.

The book dwells at length on the working of the Delhi Metro Project and finds that in a country 'where government projects fail and budgets are busted, the metro is on track to finish its 118 mile network by fall....' and 'despite cheap fare...the system manages to turn an operating profit.' The author attributes such a feat to its indomitable CEO, Mr E Sreedharan, who sought and received government support for autonomy in decision making. Most other metro projects are yet to take off in a big way due to various implementation issues on account of multiplicity of authorities which are stakeholders in the project. The DMRC is playing a pioneering role in providing professional guidance to other metros in the pipeline and hopefully a viable mass rapid transport system would be operational in other cities as well.

The unique feature of the book is a full chapter devoted to project planning for the development of the metro. It provides the reader with insights into the various stages which the project has to cross before it is deemed to be viable. The identification of the project, the technical and economic feasibility study on the basis of which a detailed project report (DPR) is prepared, the resource requirements and avenues for finance are some of the aspects which are covered extensively in the book.

Yet, the questions that arise are whether the initiatives taken by the DMRC would be sustained in times to come and whether the issues of governance would not stymie the developmental efforts in the future? Is there an inbuilt mechanism created to ensure the DMRC would continue to retain autonomy in decision making and be the torch bearer for similar endeavours in other cities in times to come or would vested interests take over the institution as has happened in so many cases in the past? It also needs to be ascertained whether metro rail would be treated as a stand-alone system rather than being a part of the larger urban transport system.

The book mentions that building a metro is an expensive proposition and has provided conditions for its viability. There is also a mention that the metro has not made any meaningful impact on congestion and pollution in the city. If that is the case, more research is required before arriving at a conclusion about the effectiveness of metro.

In this context, it would be a good idea to carry out an impact study, based on empirical evidence, on the implications of metro rail on improving the quality of life of its populace, on the urban fabric including its environment, its architecture and culture. Besides, there is need to study the transparency and accountability of governance systems involved in all aspects of metro rail systems – from deciding to have a metro all the way through its construction and operation.

In spite of this, the book provides a comprehensive and incisive commentary on the metro rail projects in India and is a ‘must read’ for all those interested in knowing more about infrastructure development in general and metro transport in particular. The book contains important lessons for policy planners, researchers and management professionals for replicating the system in townships and cities. The book is a useful reference for public libraries, business schools, corporate and policy planners.

Dr Mahesh Y Reddy,
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An Outsider Everyone
Revelations by an insider
M K Kaw
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It has been more than seventy years since Philip Woodruff wrote *Men Who Ruled India*, a rich account of the civil servants during the colonial days. No one has bothered to write about the civil service in the same vein in the post independence era. What we have instead are the memoirs of civil servants. Piecing them together gives a glorious impression of their personal vision, competence and integrity. The latest addition to the repertoire of such memoirs is the book under review.

Kaw's book can be seen at two levels. The small picture is the story of an individual who strays into the magical world of Indian Bureaucracy and observes it through the special glasses of his upbringing characterized by being uprooted from his habitat on account of certain historical mistakes. In this picture he makes small compromises with reality while carrying the burden of his convictions with courage and tenacity. To me, this part of the book is singularly unique. Unlike some of his peers he does not play the martyr or the missionary. His particular strength lies in unglazed lenses through which he assesses the characters in the play. For instance, his account of the fellow bureaucrat Bishan Narain Tandon and the minister C M Ibrahim brings out the cleavages within government. However, his weakness is his bare individuality that prevents him from casting his spell on his colleagues in service. And as he says, he chooses to remain an outsider.

The larger picture is his understanding of the current history of a nation struggling with development challenges and governance issues. Except for sundry glimpses into the incidents of national importance like the policy for the Aviation sector and Education he does not make global assessments. There were several occurrences during his working life which impacted the growth and development of modern India. He delves into the Kashmir issue through a personal lens. The tempestuous happenings like the Green Revolution, Total Revolution of Jaya Prakash Narayan and the liberalization of the economy etc attract only an indirect attention.

Kaw can be accused by his critics of un-researched narration of facts and of drawing simplistic inferences. But his innate wisdom shows in understanding the fundamentals. Stating the plain truth is his genius. The unadulterated wit follows his story telling everywhere. What endears the reader is his ability to laugh at himself, a rare accomplishment among the tribe he belongs to. The other civil servants are never tired of proving that they know the best. It would, however, have added to his candour if he had narrated some of his failures and told us when and where he went wrong.

One is fascinated by Kaw's description of his childhood and early adulthood. His insight into human nature places him at a higher level than most other contemporary observers. The way he describes the origin of Kashmiri Pandits' surnames is extremely refreshing. But the pearls of wisdom given by the author at the end of his narrative, some of which are very witty, seem altogether unnecessary. Even without them, the book is un-putdown-able.

I share with Kaw many of the stories of bureaucratic interaction with political leaders and am even mentioned by him in passing in not particularly flattering terms. The fact is that I chose to be neither an insider nor an outsider in these episodes. I liked to remain a witness, a participating observer. Therefore, my rendering of these episodes would be different from his. That's the bane of Indian bureaucracy where we are condemned to look at the World through our personal tinted glasses, and our glasses invariably become our story.

Prabhat Kumar

MAIL BOX

I must congratulate the Journal of Governance for bringing out an excellent issue covering all aspects of governance in the field of education. The two special editors deserve to be commended for selecting the different themes that make up the issue virtually a reference volume. I need to specially mention A K Merchant's article on inculcating values among children which really needs to be the focus in all schools, particularly, these days, when Ethics and Values are no longer important, be it business, politics or public governance. The Journal, however, does not cover the issues related with higher education and has stayed primarily with education in the school. The need for a discussion on institutes of excellence and of higher learning may perhaps be a matter for another issue?

A Ramanan

It was indeed a very happy and satisfying experience to go through the Journal of Governance Vol 5 of July, 2012 (Special Issue on Education) with more than a dozen of essays from the stalwarts in the field exposing the current educational reality in India. In the present era of liberalization and globalization, when the world is going through its fourth major transition, from industrial to a knowledge society, the Indian system of higher education is facing many challenges, right from the Curricula to RTE, reasons for failure in providing education for the expected 25% youth, making them employable, developing competence after graduating from majority of the Govt./Pvt Institutions, except from the elite/ renowned or excellent Indian Institutions.

Most interesting article is by Dr Kavita Sharma that compares the Indian education Institutions with the global ones as well as those mushrooming now with undirected globalization or misdirected commercialization throughout the country. She has rightly indicated that issue of Quality is urgent but is related to problem of funds for basic research and dearth of good faculty to teach.

Similarly BP Khandelwal has critically compared the shortfalls and effectiveness of PPP in education while AK Merchant has touched the important issue of value education. In this context the article on inspiring teachers by BG Pitre is also very thought provoking and stimulating to adopt the system for making a big cadre of effective (inspiring & not explaining) teachers that can change the coming generations and develop an environment where they can blossom to full potential. The present system of education (filling information into the heads) better be changed to educare i.e. bring out values from within. He rightly concludes that education can be best managed only by the educationists and that education cannot be run only through administrative decisions alone.

There is a strong need to change our so called “modern” education system where in we lay heavy/undue emphasis on exams, reasoning & memory and comprehensive, continuous examinations to bring about a paradigm shift in our outlook, a quantum jump in our thinking to be experiential learners-teachers, viz. We do need alternative models of management of higher education, strategic alliance among various stakeholders by re-engineering the curricula, teaching, evaluation methods etc.

The articles in this issue call for serious consideration to bring about policy changes in the system for generation of globally competitive, employable and quality of human resources from our Institutes.

The Journal’s issue is a truly enjoyable and effective must-read for all the concerned, not just the educationists. It has provocative messages for them to improve & take lessons to change our future for the better. I’m optimistic that the visionary ideas by the eminent scholars will benefit India by achieving the required objectives to usher in an expected economical, technical and social growth of the society.

Let me put it simply by saying that going through the issue was like taking a refreshing look in the mirror and really seeing what was there in higher education system in India. To conclude, it has many well written articles that are very well edited into a fast-reading, page-turner text putting things into plain words, simple truths in proper perspectives,

easily- digestible facts which will go a long way to help one & all related to education, learning, reading & teaching.

Prof (Dr) SM Paul KHURANA

Former V.C.,
RDVV, Jabalpur &
Retd Director, CPRI, Shimla

I have seen most of the issues and the latest one on Education is very relevant considering that Education Policy is hanging in suspended animation. I would like you to send two copies –One each to the Vice- Chancellor and the Chief Librarian –of important universities across the country. The idea is to provide some guidance to future policy-makers who ultimately come out of universities. Let them be educated through this journal about the tasks they may have to handle in different areas in governance they may choose after they have come out of the university. You may also send a copy each to the Lal Bahadur Shastri Academy at Mussoorie and similar institutes in every State which are training Provincial Service Officers.

H K Dua
Member of Parliament
Rajya Sabha

I thank you for sending a copy of The Journal of Governance Vol.5 (July 2012) a “Special issue on Education”. We would like to say that the collections of Article of every issue are very useful; and interesting. The quality and presentation of the journal is superb. It will be more useful for the reader, if a short Abstract is added in the articles.

Anand Kumar
Librarian

I have received the Journal special issue on Education. My Compliments to you and the experienced Editorial Board for an excellent Composition on Education and wise selection of papers. The issues have been widely reflected, left open to be taken up further by the academicians, administrators,

planners and researchers.

The journal has served a long purpose to sensitize and involve in identifying the changes, challenges and managing them with resolve, because I believe education is the only long term investment for the better future of the Country.

B P Khandelwal
Former Chairman-U P Board-CBSE

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JAGDEEP S. CHHOKAR has been a professor, manager, and engineer. He worked with the Indian Railways for over a decade. Subsequently he joined the Indian Institute of Management, Ahmedabad, where he was a professor, Dean, and Director In-charge, before superannuating in 2006. He is a founder member of Association for Democratic Reforms, (ADR), and National Election Watch (NEW). He is also the founder Chairman of Aajeevika Bureau He is now a concerned citizen and a lawyer. He lives and works in New Delhi.

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M K KAW joined the IAS in 1964. He retired as Secretary HRD, Government of India. Has published many books, the latest being-“An Outsider Everywhere” and Bureaucracy Gets Crazier: IAS Unmasked”

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R A MASHELKAR is an eminent scientist who served as the Director General of Council of Scientific and Industrial Research (CSIR) and was elected as Fellow of Royal Society (FRS), London. In recognition of his contribution to the Science and Technology sector, Dr. Mashelkar has won over 50 awards and medals, including the Padmashri in (1991) and Padmabhushan in (2000)

NRIPENDRA MISHRA joined Indian Administrative Service in 1967 and held senior positions in Government of India as Chairman, Telecom Regulatory Authority of India (TRAI), and Secretary to Government of India from 2000-2005. Presently, he is associated with a non-government organization-Public Interest Foundation focusing on systemic reforms in governance. He has a Masters degree in Public Administration from John F. Kennedy School of Government, Harvard University. Masters in Arts in Political Science and Public Administration and Masters in Chemistry from Allahabad University.

A P SEXENA a former UNDP chief technical Advisor in Indonesia and a Consultant in the Asian and Pacific Development Centre Kuala Lumpur has also been a consultant at the Indian Institute of Public Administration and the Royal Institute of Public Administration. Has authored several books.

BRIJ K TAIMNI has done a Master's in Economics before joining the IAS Madhya Pradesh Cadre where he worked in several departments including Food and Agriculture. He was Secretary in the Ministry of Food and Civil supplies at the Centre. Authored a book 'Agriculture in 21st Century Perspective and Vision'. Was a member of the National Consumer Disputes Redressal Committee.

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