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MANDATE FOR SOCIAL CHANGE

Aruna Roy and Nikhil Dey

For an electorate accustomed to theatre and melodrama, with all the ups and downs of Bollywood, the campaign and the lead up to the Lok Sabha polls 2009 were fairly colourless. The media's attempt to convert these elections into a spectator sport with the results being decided in the final moments, did not manage to raise the interest of the voter greatly either.

The relief of escape from the horse trading and crass bargaining that was expected to follow a fractured verdict, has in a sense, given the government a warmer welcome from the media and political analysts than they could have expected. The mandate itself is not so decisive just a 2% swing in the vote share in favour of the UPA, and still short of an electoral majority in Parliament. Nevertheless, many quarters are trying to attribute this limited success to one kind of policy or the other sometimes of diametrically opposed politico-economic strains. The somewhat schizophrenic nature of the last government's policies have allowed those on the economic right and left to



claim credit and has raised expectation and demand of more decisive policies this time around. The unlimited and equal access to the so called "mainstream" media and policy discourse enjoyed by those who push a privatisation and "economic reform" agenda, will mean that the poor will have to keep their battles alive on the streets and through innovative modes of expression. They have no sense to convey their approval or disapproval.

Unlike the blatantly biased feedback of the TRPs, elections are a time when the views of the economically disadvantaged have to be taken into account. The truth is that for the second time running, a silent voice of the majority of the "poor" have voted with a message. "India shining" failed to get an approval, and the "aam aadmi" has struck a chord. The poor have, despite all the counter propaganda, understood how to express themselves beyond the limitations of liquor and money. Their practical wisdom which banished the regime that imposed the emergency has with equal perspicacity brought in the UPA on a dry note of approval.

CONTENTS

Mandate for Social Change

Aruna Roy and Nikhil Dey

Price of Rice, Price of Power

P. Sainath

More Schools, Less Learning

Suman Bhattacharjea

Mounting Exploitation of Child Labour

Alok Srivastava

Priority for Children

Harsh Mander

New MPs: 300 Crorepatis 153

Criminals

Vinita Deshmukh

A Human Rights Checklist

K.S. Jacob

Food Security & NREGA

Synergy

M.S. Swaminathan

Wage Payment Delays Hit NREGA work in Jharkhand

RIGHT TO INFORMATION

RTI Applications from Abroad

ACPs have not Studied Law

Govt. Clueless on Martyrs, Freedom Fighters

Few Slum-Dwellers Getting Loans

RTI Brings Cow Home

RTI Great, but More Transparency Coming

Editor: Ajit Bhattacharjea

TRANSPARENCY STUDIES

The Right to Information Act 2005 represents a historic breakthrough in recognising the citizen's democratic rights to monitor measures affecting the public good. Following adoption of the Act by the Parliament of India, the CMS has set up a Transparency Studies wing to document, examine and publicise the interrelation between governance and society in all its aspects. It facilitates dissemination of relevant material, confers with experts and field workers and networks with the media to promote implementation and awareness.

The functions of Transparency Studies include:

- Publishing and distribution by electronic mail of Transparency Review, a journal designed to publicise news, articles and documentation concerning developments in Right to Information and the overall interface between governance and society. Priority is given to right to education, especially of children; right to work; right to justice and associated human and social rights, especially at the grassroots.
- Operating Transparency Features to disseminate articles and information on the above.
- Linking with civil society groups to further common objectives like exposing corruption, monitoring elections, improving civic services.
- Arranging discussions on emerging issues and problems between specialists and mediapersons.



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While it is difficult to ascribe a single reason for this better than expected showing for the UPA, some ideological messages have clearly not fetched votes. This election has also been an implicit rejection of an agenda for a revival of religious fundamentalism. The BJP's half hearted attempt to continue to flirt with Hindutva has now become

Markets in small mofussil towns, where the hinterland has had a high turnout on NREGA works, has seen a marked influx of money. Workers, many of them women, are in the markets spending money on food, household items, consumer goods, and even small items of silver jewellery.

a liability. L.K. Advani promising once again to construct the Ram Mandir, and Narendra Modi's representation of the "Gujarat model" as an epitome of himself and his shrill language seems to have led to greater apprehensions. Even the media spectacle of the aftermath of Varun Gandhi's gross and unconstitutional communal campaign seems to have helped him only win his own seat. The tacit approval and two faced BJP position on his speeches, obviously did the party no good.

Mayavati's social engineering also seems to have crossed the limits of its fine balance. The BSP's confidence that caste issues alone can sustain electoral successes, must surely have been shaken. There is clearly an acknowledgement now, that governance and delivering to the people does matter. Commentators now see that the Congress "aam admi" issues have played a role and suddenly the NREGA effect is dominating many post poll analysis.

During the election campaign, the media conjectured about the NREGA and took an ambiguous position, vacillating between its positive and negative role. Despite a very uneven picture of implementation, these elections have politically secured the NREGA. It has clearly helped the UPA return to power in many places for providing poor people with the only real guarantee they have for survival since the post independence spate of land reform laws. Some of the political parties like TDP dangled the bait of (Conditional) Cash Transfers; a dole against the rights conferred by the NREGA. Activists were worried that if the NREGA did not translate into votes, the poor would lose the ground in policy discourse that they had occupied for the first time in the last two decades, and even the resultant legal entitlement might have been drastically diluted.

The NREGA has also acquired support from unlikely quarters. Conversations in rural small towns in Rajasthan, with traders and shopkeepers who have never cared about poverty alleviation, have thrown an interesting side light on the NREGA. Markets in small mofussil towns, where the hinterland has had a high turnout on NREGA works, has seen a marked influx of money. Workers, many of them women, are in the markets spending money on food, household items, consumer goods, and even small items of silver jewellery. Strangely enough, in the midst of a melt down, these market towns have felt a small boom. Even the multiplier effect is beginning to show. The increase in the income of the small shopkeepers



has increased the demand for consumer goods like televisions and household gadgets. Everyone talks of the sharp increase in demand for motorcycles. The huge number of intermediaries in the NREGA can also be seen whizzing around on new motorcycles. Corruption has also played its role in pumping money into local markets!

While the NREGA and the farmers loan waiver are being talked of as issues that have had an effect in many states, there are also pro poor efforts of State Governments that have borne fruit. Andhra Pradesh, Tamil Nadu, and even the BJP in Chattisgarh have relied on delivering subsidized rice to garner support. The long term verdict for the political establishment is that elections are a time when actual delivery is evaluated. Bihar has shown more than anywhere else, that as much as the promises, delivery and accountable governance do matter.

There has been a contradictory claim about the verdict from those who are pushing the agenda of the rural poor and those concerned most with economic growth, foreign investment, and the sensex. The latter are celebrating the setback that the left has faced, and are looking forward to being able to push through a neo liberal agenda unhindered by the left. Ironically, the left in Bengal has suffered most for its support to SEZs and the capitalist class and its unwillingness to take into account the sentiments of its primary constituency the rural peasantry. It would 'therefore' be a mistake for the political class to see this as a rejection of the ideologies of the poor.

These classically divergent and even contradictory interest groups will compete for resources and attention in the present political construct, sometimes in direct opposition to one another. It remains to be seen whether the UPA can properly interpret its mandate, and at least be true to its manifesto. The experience after the last election is, that as time passed, the message from the electorate faded, and those who occupy the pink pages acquired a greater say. Hopefully, the

representatives in the Lok Sabha and Assemblies and their party leadership will see their future in how effectively they are able to address the

Maybe the most optimistic outcome of the elections is the fact that the process of choosing who rules India can now no longer be divorced from performance. The reality check will guide the voter.

genuine concern to remove the basis of deprivation, hunger and unemployment in the country. That, more than anything else, has been the message of the last two elections.

The fact that the attempt to deliver the agenda promised, will now determine the results of the next elections, should caution the Government to pay heed to the assurances given. Whether in the Manifesto, or implicitly in the various constituencies to address real problems including unemployment, access to health and education, accountability and delivery will now also be monitored by citizens. Maybe the most optimistic outcome of the elections is the fact that the process of choosing who rules India can now no longer be divorced from performance. The reality check will guide the voter. The response of rural India and the under privileged in the general elections 2009, in that sense, has been a people's verdict of cautious approval. Parties which have done fairly well do well to remember that voter apathy has still to be addressed, even this vote does not reflect the general level of dissatisfaction with parties and politics. That is the real challenge that the entire political class needs to address in the next five years.

PRICE OF RICE, PRICE OF POWER

P. Sainath

Most governments that stressed welfarist measures — particularly cheap rice and employment — gained in last month's elections.

Now that we have a Cabinet whose assets total close to Rs. 5 billion on its own declaration, with Ministers worth over Rs. 75 million each on average, it will be worth watching how it rises to the challenge of identifying with the poor and the hungry. That Rs. 5-billion figure, painstakingly compiled by the National Election Watch, a coalition of over 1200 civil society organisations working across India, covers 64 of the 79 Ministers. The other 15 are Rajya Sabha members whose updated assets are yet to be computed. True, these figures are skewed by the fact that the top five Ministers alone are worth Rs. 2 billion. However, as the NEW points out, the rest are not destitute. In all, 47 of the 64 are crorepatists. And the remaining 15 won't harm the score too much when their totals come in.

Together, they will preside over the destiny of, amongst others, 836 million Indians who “get by with less than Rs. 20 a day” (*National Commission for Enterprises in the Unorganised Sector report*, August 2007). This challenge will unfold in a Lok Sabha where the average worth of an MP is Rs. 51 million. Again, this average too, is skewed by a chunk of 60-70 MPs of the 543 whose asset worth is relatively very low. On the other hand, many have notched up large gains in wealth during their first term as MPs.

In a complex and layered verdict driven by many factors, one factor seems clear: most governments that stressed welfarist measures — particularly cheap rice and employment — gained in last month's election results. This was regardless of which party was leading them — the Congress, the BJP, the BJD, the DMK or any other. Some of these measures might not have led to large numbers of people going out to vote for those governments. But they at least lowered hostility levels amongst the voters in a hungry nation. As Madhura Swaminathan points out, the FAO data confirm that “no country comes close to India in terms of the absolute number of people living in chronic hunger.”

The hungry have had it pretty bad. The rise in food prices was extremely steep over the last five years, one of our more adverse periods in decades. Between just 2004 and 2008, the price of rice rose by over 45 per cent and of wheat by more than 60 per cent. Atta, edible oils, dals, milk and even salt saw rises of between 30 and 40 per cent. Lower or ‘near-zero’ inflation has seen no drop in food prices. That the media never saw hunger and cheap food as a major poll factor says more about them than the issue.

The DMK's colour television set giveaway — the focus of much derisory media attention — was never a fraction as important as its provision of 20 kg of rice per family at Rs.1 a kg since September 2008. That too, for anyone with a ration card, without dividing people into the APL or BPL groups. Tamil Nadu had already been providing rice at Rs.2 a kg for some years. It also took the NREGA seriously. The State government gained on both counts.

In Andhra Pradesh, like in Tamil Nadu, the Congress government of Y.S. Rajasekhara Reddy was helped by the presence of a third party — Chiranjeevi's Praja Rajyam — which drew a lot of anti-Congress votes, crippling the rival Telugu Desam Party. But YSR's was also a government which in its first year restored lakhs of cancelled BPL cards and issued lakhs of new ones (*The Hindu*, Sept. 29, 2005). In nine years, Chandrababu Naidu's government issued no BPL card till just before the elections. That in a State where hunger and food have been huge issues even in urban areas. Andhra Pradesh was where rice at Rs. 2 a kg began with Naidu's father-in-law, then Chief Minister N.T. Rama Rao. NTR's charisma was never in question — but rice at Rs. 2 a kg helped, more than any other factor, to convert it into votes.

Chief Minister Rajasekhara Reddy in fact stole the TDP's clothes when in April 2008 he brought back the Rs. 2 a kg rice scheme — a year before the national polls. This was at 4 kg per person (or

20 kg per family of five). An earlier generation of Congress leaders had trashed NTR's pet project as a "costly gimmick." But Dr. Reddy took a more sensible line and gained from it.

During Mr. Naidu's years in power, so lavishly praised in the media for his reforms, the public was repeatedly hit by massive hikes in power charges, water rates, food prices and other costs. He has not managed to live down his record or regain credibility in 2009.

His adversary ran a decent NREGA programme. In the backward Mahbubnagar district, distress migrations fell as many found work under the NREGA. (See *The Hindu*, May 31, 2008) This at a time when food prices were biting. So much so that people in their 70s turned up at NREG sites for work — their Rs. 200-a-month pensions blown away by the rise in food prices. Even on that front, though, the Andhra Pradesh government earned some credit. When it assumed power, there were 1.8 million people in the State getting old-age, widow and disability pensions — a paltry Rs. 75 each. This was raised to Rs. 500 for disabled people and Rs. 200 for the rest. Hardly enough — but a lot more than before. And the number of people getting these pensions rose four-fold to 7.2 million. The State also has one of the country's better pension schemes for women.

In Orissa, Naveen Patnaik played his cards most effectively, gutting the BJP and corralling the Congress. But he also gained hugely from giving people cheap rice. In the burning hunger zones of Kalahandi-Bolangir-Koraput, 25 kg of rice had been offered to all families at Rs. 2 a kg since mid-2008. In the rest of the State, this was restricted to BPL families. The government also gave out 10 kg of *free* rice to the poorest families in the KBK districts. This had a major impact in curbing starvation deaths. Mr. Patnaik also increased the numbers of those coming under pension schemes — and housing projects for the poor — quite significantly. (At the same time, he implemented the Sixth Pay Commission

recommendations before the polls, sewing up the middle classes as well).

Sure, these were not the only issues on which people voted, but they played a big role (In the case of YSR and Mr. Patnaik, there was another factor that helped this along. The positive measures in both States were present and visible. The negatives — and they are explosive, like massive human displacement, SEZs, dangerous mining projects — are in the pipeline. Disasters waiting to happen but which will take two or three years to do so. Unless, of course, those policies change.)

In Chhattisgarh, however repugnant the ways of that government in many spheres, Chief Minister Raman Singh took a personal interest in declaring 35 kg per family at Rs. 3 a kg. His government then unilaterally "increased" the number of people below the poverty line to almost 15 million — in a population of 20.8 million (2001 census). That is, close to 70 per cent of the population was declared BPL. This was done several months before the 2008 Assembly elections. It helped the government in both the State and national polls.

The Left Front in West Bengal failed on both fronts. The State saw rioting at ration shops last year as the Centre cut allocations of grain sharply. Yet West Bengal, which tops the States in rice production, moved towards provision of cheaper rice only early this year. Too reluctantly and too late. Its performance in the NREGS was also very poor. Hunger was a factor in the rout of the Left Front.

So what should those in power read into the poll results? That they have a mandate for more liberalisation, privatisation, high prices and other such "reforms?" Or that the price of rice could be the price of power? That jobs and security are vital? Food prices and cheap rice are crucial, though not the sole issues. Governments cannot bank on such moves already made to bring them perpetual gains. But the whole process is a step ahead and has raised the bar on public expectations. Sharp reversals could prove suicidal.

Courtesy: The Hindu

MORE SCHOOLS, LESS LEARNING

Suman Bhattacharjea

The Government of India's flagship Sarva Shiksha Abhiyan program comes to an end this year and there are some achievements to celebrate. Primary school facilities have expanded, and 98% of all habitations in the country now have a primary school within one kilometre. Primary enrollments have increased substantially, with only an estimated 6% of all children in the 6-14 age group still out of school. Many states have hired large numbers of new teachers: in Bihar, for example, 2 lakh primary teachers were hired in the last two years (2007-09), and the government is poised to hire an additional lakh during the coming year. Schemes to decentralize educational planning to the district level and to involve community representatives in decision making and supervision have been implemented across the country.

What these statistics don't reveal is that in 2008 barely half of all children in Std. V could read a Std. II level text.

Just one third could solve a three-digit by one-digit division problem of the type usually taught in Std II. Nationally, these numbers have changed very little over the four years that Annual Status of Education Report (ASER) – a citizens' initiative involving over 30,000 volunteers who use simple tools to test the learning levels of over 7 lakh children in almost every rural district of the country – has been conducted. By Std V, huge numbers of students are already lagging far behind and will never catch up. Official statistics show that of every 100 children entering Std. I, about half will leave before Std. VI. If one, two or five years of schooling have not helped them acquire even basic abilities in reading and arithmetic, there is little reason for them to continue.

Why does this situation not make the news? Given that quality education has long been touted as the country's route to achieving and sustaining status as a global power, why is it that educational issues rarely found mention in the campaigning leading up to the recent elections? Large sums of taxpayers' money fund the education sector through the 2% cess; why have these unacceptable outcomes received scant attention from the media?

Several explanations are possible. First, little information is available about learning outcomes in primary school, whereas buildings, classrooms and teachers are concrete, visible indicators of government attention to the sector. The assumption is that if these basic inputs are in place, then children must be learning.

Second, the clientele for government primary schools are children from economically and socially marginalized sectors of society. Middle class families have long avoided depending on the State to provide their children with an education. Today, with thousands of unrecognized and unregulated private schools mushrooming across the country, this trend is clearly visible in rural areas as well, particularly in states like Punjab and Andhra Pradesh. The belief in privatization as the route to better quality education is widespread but not supported by the evidence. More private schools is not the answer.

Third, and most important, there are neither mechanisms nor information available on the ground that encourage parents and teachers, education administrators and PRI officials to even think about the issue of what children learn. Despite the lofty ideals of national policy documents, most primary



teachers see their job as that of “covering the syllabus” regardless of whether students understand any of the content being “taught”. When asked about their students’ evident lack of learning, few have qualms about blaming students themselves for not working hard and their families for not being interested. There is evidence that many teachers

thought out in terms of what students at a particular grade level can reasonably be expected to do; and even teachers themselves often lack the content knowledge required to teach even lower primary curricula.

While it is true that this situation may not exist in every state, the fact is that although we know

Learning levels in elementary school. All India			
% Children who can:	Std.		
	II	V	VIII
* Read a Std. II level text	8.8	56.2	84.8
* Solve a Std. II level division problem	3.9	37	66.9
<i>Source: Annual Status of Education Report 2008</i>			

are resentful of having to teach children from disadvantaged families. There is also evidence that points to blatant discrimination routinely being practiced against children from minority backgrounds.

What would it take to turn this situation around, so that every child can truly exercise her right to education, rather than merely the right to sit for several hours a day in a classroom?

One part of the solution could be regarded as “technical”, to do with how to reorganize school inputs to facilitate learning. A recent study by Geeta Kingdon at the University of London, for example, shows that we need to look carefully at many of the assumptions that influence how we think about primary schools. The picture that comes to mind – one or several teachers working with a fixed group of students throughout the year to teach them the content specified by the relevant curriculum, usually by way of a textbook – may often be far from true. This study, conducted in 10 districts in Bihar and Uttar Pradesh, shows, for example, that while students’ enrollment levels are high, actual attendance is much lower. The notion of all enrolled children regularly attending school is, quite simply, false. Further, the notion of a fixed timetable and a stable assignment of teachers to classes often doesn’t exist; teachers’ assignment to classes is often arbitrary and fluctuating. In multi-grade classrooms, the same classes are not always grouped together. Textbook content is often poorly

quite a lot about the number of teachers, classrooms, and materials available to schools, very little is known about how schools utilize them in terms of organization of people, space, and time. Ensuring a minimum level of competence among teachers and emphasizing stability and continuity in learning situations is neither a difficult nor a costly enterprise.

The second part of the solution can be called “attitudinal”. Simply put, if teachers fail to recognize that their job requires them to help all children learn, then those most in need of such help will continue to fail to get it. They may be girls, or children from backward castes, or those who speak a different language than the majority, or those who belong to a religious minority. Categorizing them as “rubbish”, “from a lower category” or their parents as irresponsible or not supportive makes a travesty of the notion of education as a key mechanism for promoting equity and justice.

These are, unfortunately, attitudes that are deeply rooted in society and are perpetuated, unquestioned, by schools across the country. Yet change is possible. Rather than policy pronouncements, what is needed is to establish clear, simple, and achievable learning goals and to put in place mechanisms through which teachers, administrators, and parents can work towards them. Many examples exist. But a clear focus on learning is required to make any of them work.

MOUNTING EXPLOITATION OF CHILD LABOUR

Alok Srivastava

Now that it is firmly established, the Manmohan Singh Government can no longer ignore the biggest blot on our society: millions of children forced to work often in the most primitive circumstances. And their number has increased. Merely banning child labour is no remedy. It must be accompanied by schemes to combine livelihood with education. The following is taken from a comprehensive report by CMS Social.

Children continue to form a sizeable section of the labour force in several fields of employment around the world. In the developing countries, the incidence of child participation in the labour force is considerably high. Not surprising therefore a consensus exists across the world that child labour represents a serious threat to social development. The latest estimates of child labour in India by the National Sample Survey Organisation (NSSO), shows an increase in the number of working children in India, from 10.1 million to 10.6 million between 1999 and 2005. Also, a substantial proportion of child labour remains uncounted because children who are currently out of school may be working unreported...

Eliminating child labour continues to be a challenging task for the country. The landmark judgement of the Hon'ble Supreme Court in December, 1996, in the case of *M. C. Mehta vs. State of Tamil Nadu* gave an impetus to the implementation of the different poverty alleviation schemes targeting child labour households. The Supreme Court had issued a number of directions to the Central as well as State Governments to eliminate child labour.

Incidence of child participation in labour force is higher in developing countries like India and reflects two things; one that the families of child labour have low or even less-than-subsistence level of

income, and two, school-aged children of these families are deprived of education.

Besides the agriculture sector, which engages a large proportion of the child labour, the country has seen employment of child labour in industries/activities as well, like brick kilns, brassware industry, lock industry, glass and bangle industry, knife industry, *ghunghroo* industry, carpet weaving, *bidi* industry, pottery industry, *zari* making activity, slaughter houses and allied occupations.

Despite the majority of the population being dependent on agriculture, the perception of the farming community promotes child labour. According to NSS (59th round), 27 percent of farmers at all India level did not like farming; they felt that agriculture was not profitable. In all

40 percent of the farmers felt that given a choice, they would take up some other employment. This indicates a serious problem wherein the main community is suffering from low self-esteem and does not believe that what he is doing is worthwhile economically or even socially. In the social hierarchy, farming as a profession now stands considerably low. Low preference for farming, low growth in agriculture sector and decline in expenditure in agriculture and allied sector contribute to the families' drift to other sectors for work opportunities. Low employment opportunities in agriculture and allied sector force the families



to move to urban areas in search of work and get engaged in the manufacturing sector. To supplement their income and meet the higher cost of living in a city, families are often forced to put their children to work..

It should be born in mind that the below poverty line population in the country constitutes around one fourth of the total. The figure is much higher according to the World Bank, which estimates it at around 42 percent.

The percentage of workers to the total population, or work participation rate (WPR), is just around 39. The WPR of males is a little more than half (52), suggesting that around half of the male work force available in the country remains without work. Low female participation (26) in work is a matter of greater concern.

Children through their participation, often at a very young age, in the family craft, learn skills which they practice in their adult life. Most of these activities in traditional crafts and services are not seasonal in nature but requires throughout the year involvement. In such circumstances, it is difficult to convince parents to forgo their children's contribution to the household income and possibly their future employment opportunities as well.

Children in the age group of 5-14 years constitute around 24 percent of the total population of India. School going children constitute around 66 percent of the children in this population bracket. In other words, among the school going children, around one-third are out of school; among girls the percentage of children not going to school is much higher.

A high percentage of dropouts after completion of primary school has been noticed. However, poverty or lack of employment opportunities is not the only reason for the child labour problem in the country. Studies have shown that a significant percentage of dropout could be attributed to inaccessibility to good quality education and not merely to poverty. At the same time, one cannot deny the fact that this percentage (of dropouts), to some extent contributes to the child labour population in the country.

Towards Eliminating Child Labour

India's child labour policy is two-fold: a ban on child labour in certain hazardous industries and

regulation in others. It is, however, found by independent researchers as well as by census data that child workers continue to be employed even in hazardous industries. A large proportion of the children engaged in the manufacturing sector, the second highest industry group using child labour, are exposed to the risk of working in such hazardous occupations as wage labour. Strict enforcement of law therefore is essential. .

Government's Initiatives

To enforce laws against child labour, governments have taken several initiatives. The National Policy on Child Labour has three components in this regard,

- Legislative Action Plan emphasizing strict and effective enforcement of legal provisions relating to Child Labour,
- Focus on General Development Programmes for benefiting children and their families and
- Project-based Plan of Action focusing on area with high concentration of child labour through implementation of the National Child Labour Project.

The National Child Labour Project (NCLP) forms an integral part of the last component. It was launched in 1988 in nine districts of high child labour endemicity. At present the project covers 250 districts of the country.

Besides the gradual expansion of the project in many other districts, the priority of the Government was reflected in a quantum increase in budgetary allocation. The Cabinet Committee on Economic Affairs (CCEA) in January 1999, while approving the continuance of the NCLP approach during the 9th Plan period, raised the number of projects to 100 with a total outlay of Rs. 261 crores. During the 10th plan period, the allocation was further increased to Rs. 602 crores.

NCLP aims to minimize the incidence of child labour by providing education through special schools. These schools provide non-formal education, vocational training, supplementary nutrition, monthly stipend, health care, besides other services, to children withdrawn from employment. After completion of three years in special schools, children are mainstreamed into formal education.

However, it is pertinent to mention that the NCLP programme focuses only on child labour engaged

in hazardous occupations and processes. A large percentage of child labour residing in rural areas but not engaged in the identified occupation and processes does not come under its purview.

National policies should aim at elimination of all types of child labour in agriculture as well as in the non-agricultural sector. The National Commission for Enterprises in the Unorganised Sector (NCEUS) in its report has admitted that the banning of child labour through legislation (confined to the hazardous industries) has not proved to be very effective, further legislative effort should aim at regulating child labour and restricting their employment in all sectors, consistent with the needs of their development.

The NCEUS has further made some specific recommendations with regard to child labour engaged in the unorganized sector. It suggests that efforts should be made to promote relevant, child-centred primary education of good quality, and expand employment and livelihood opportunities for adult workers. It is felt that child labour helps employers by depressing general wage levels in their industries. This leads not only to children losing their childhood and opportunities for education but working in deplorable conditions. .

Measures to check child labour

In the backdrop of the above discussion, a two-pronged approach to tackle the child labour problem is put forth. One- strict enforcement of laws already in existence against child labour and two, availability of sufficient employment opportunities to adult members of the family. Enforcement would deter the employers from engaging child labour. Job availability will withhold parents from sending their children for work to supplement the family income.

To fight child labour problem in a holistic manner, the governments should take these measures

☞ Voluntary disclosure by employers that their units do not employ child labour in any form is desirable. Fast track courts should be held to punish guilty employers, as this would set an example and deter others from employing child labour.

☞ Ensuring that adult workers engaged in either organized or unorganized sector get minimum wage as fixed by the state government is an essential condition for curbing child labour in the country. Regular monitoring and vigilance by concerned authorities is needed towards the same. An active grievance redressal system will further ensure compliance by the employers.

☞ Convergence with various government departments to provide employment opportunities to the families of child labour under different developmental schemes like National Rural Employment Guarantee Scheme (NREGS), *Swarnjayanti Gram Swarozgar Yojana* (SGSY) among others, deserves more concerted efforts.

☞ A state level agency as a nodal body for regularly monitoring the functioning of NCLP society and the special schools should be constituted. Presently the district administration directly reports to the Ministry of Labour and Employment, Government of India and more often it is noticed that the state machinery considers it as a part of the national agenda and avoid taking responsibilities of the performance of the NCLP in their respective states.

☞ As part of corporate social responsibility (CSR), motivating industrial/business houses to provide employment to parents of child labour and provide funds/resources, which can aid the provision of facilities to children of special schools should be considered.

☞ Civil Society groups working towards eliminating child labour should ensure maximizing the 'active' participation of community members in drive towards eliminating child labour.

All these should be considered as components of one integrated approach. Together these would bring about overall development of the child, especially of BPL households and vulnerable section of the society. The above discussed measures gains more significance in the present context. With rocketing price rise, and inflation rate, the efforts to eliminate child labour needs further impetus so that such situation does not arise where the poor households are not left with any option but to put their children in the employment market and deprive them of their 'childhood'.

PRIORITY FOR CHILDREN

Harsh Mander

In defending and advancing this precious tradition of uniquely Indian secularism moulded to the context of a modern democratic polity, for me the first and highest claim is of our children. Succeeding governments have declared their commitment to universalising primary and secondary education, and a bill that makes education a fundamental right has been delayed far too long in Parliament. But as the new government passes this bill, it must reflect also on the kind of education that it will guarantee to all our children.

It has taken privileged schools in the national capital six decades since Independence to open their doors for children of less privilege, but even this is only for separate afternoon classes of reduced standards and in the Hindi medium of instruction. The government must guarantee a fundamental right to education which is of the same standard to all children. It must also ensure that children born into diverse levels of wealth, caste, ethnicity and religious community, study in the same classrooms, shoulder to shoulder. Recurring bouts of communal violence have pushed more and more Muslim people into ghettos. One outcome of this is that children of different faiths no longer learn together. This enables fostering of communal and caste stereotypes in young minds and hearts. The government must actively promote mixed schools of high educational accomplishment, where Hindu, Dalit, and Muslim students, and those of diverse faiths and ethnicities, study and play together.

Over many decades, an array of communal organisations has systematically penetrated into many forest settlements, villages and slums across the land. They have converted the classroom into a site of communal politics, in which communal, caste and gender stereotypes are actively promoted. Seeds of difference, suspicion and hate, based on diverse identities, are vigorously planted and often take deep root in impressionable minds. The government must regulate the school curricula of these communal and sectarian organisations, like Ekal Vidyalayas, Saraswati Shishu Mandirs, Banvasi Kalyan Ashrams, the Islamic Research Foundation, and other similar formations, and bring all schools under the regulatory purview of an empowered national autonomous body. It must also actively advance in all government and private schools teaching caste, communal and gender

equity and tolerance, and what Nehru called “the scientific temper”.

The government must be consistent in its opposition to all forms of religious fundamentalism and obscurantism, majority and minority. Most religious fundamentalists, of every faith, have discriminated against women. If one major faith denies women rights to maintenance, another discriminates in inheritance and against widows. The government must demonstrate the courage to enable voluntary access of all to a gender-just common civil code.

In his first term, Prime Minister Manmohan Singh constituted a committee chaired by Justice Sachar to investigate into conditions of Muslims, and with painstaking empirical detail, the committee established that on most socio-economic parameters, Muslims stand on par with disadvantaged Dalits. Despite this, the government has not crafted a strategy to redress this enormous injustice comprehensively. A paramount priority of the government must be to enable an estimated 140 million disadvantaged citizens to advance in education, healthcare and employment.

The government must also redeem its unfulfilled promise to enact a law to prevent mass communal crimes. In communal pogroms such as in Delhi in 1984 and Gujarat in 2002, many public officials were guilty of complicity in mass crimes by simply failing to act effectively and promptly in controlling the violence. It is difficult to prosecute people in command responsibility like Chief Minister Narendra Modi for their manifest crimes against humanity, because failing to act is not explicitly designated a crime. Minorities in India can feel safe only by a law which holds governments and officials directly accountable to protect citizens from communal and caste violence, and penalises them for wanton failures to act.

Governments have also been partisan in extending rehabilitation to survivors of communal violence, again based on their ethnicity and faith. The law therefore must ensure a right to relief and rehabilitation for all survivors of communal, ethnic and caste violence on standards and levels which are binding on every government, regardless of who are the victims of the violence. The core principle of rehabilitation should be that the State government must ensure that survivors are restored at least to the situation they were in before the riots, and preferably better off.

NEW MPS: 300 CROREPATIS 153 CRIMINALS

Vinita Deshmukh

So, the fervour of the 15th Lok Sabha elections is finally over and the Indian voter has brought back stability by opting for the two party democracy system, fed up as he or she was with the shrill cacophony of regional politics leading to a hindered multi-party system.

However, the long time nexus of questionable money and criminalisation in politics has also raised their ugly heads. The new parliament has the dubious distinction of having 300 crorepatis. Also, 153 MPs (26.68 per cent) have criminal cases pending against them out of which 74 have serious charges against them.

These are the findings of an NGO, National Election Watch (NEW). It undertook a nationwide campaign comprising more than 1200 NGOs and other citizen led organisations that has been working on electoral reforms, improving democracy and governance in India. The source of this analysis is the candidates' affidavit with nomination papers.

NEW has looked at affidavits of 535 declared winners (MPs) for the Lok Sabha 2009 out of 541 declared results so far. The press note states that, "Affidavits of eight new MPs (all from Tamil Nadu) are not available on Election commission's website and about 10 affidavits have not been properly scanned and uploaded. Unclear details in them have not been taken into account. We have requested the electoral office of each state to have these affidavits re-scanned and be put on the website, so that general public can access this information."

Before the election results, NEW had also exposed the obnoxious amount of wealth assets that MPs garner within a span of just five years, to tune of hundreds of crores, making one wonder whether the representatives we elect, are really the trustees of the people or occupy the seats to become the privileged citizens of India, by upgrading themselves into the 'rich' category.

According to the study, as compared to the year 2004, the number of MPs with criminal records has gone up - in 2004 Lok Sabha, there were 128 MPs out of which 55 had serious criminal

records and now there are 153 MPs with 74 having serious criminal charges against them. Thus, there is an increase of about 17.2 per cent in MPs with criminal records and 30.9 per cent increase in the number of MPs with serious criminal records.

Both Congress and BJP are studded with 43 and 41 such MPs respectively. Out of these, Uttar Pradesh has maximum MPs with criminal cases (total of 31 out of which 22 have serious charges against them). Maharashtra is second with 23 MPs having criminal cases out of which 9 have serious cases against them. It is followed by Bihar, Andhra Pradesh and Gujarat.

As for the financial background of the candidates, there are 300 crorepati MPs in the new Lok Sabha. The MP with highest asset is Namma Nageswara Rao of Andhra Pradesh of TDP from Khammam, AP, with declared asset of 173 Crores. He is followed by Naveen Jindal of Kurukshetra of INC with declared asset of 131 Crores. Others include, NCP candidate from Osmanabad, Maharashtra, Padamsinha Patil valued at Rs.105 crore, Praful Patel from Bhandara-Gondiya, Maharashtra tagged at Rs.89 crore and high profile NCP candidate and NCP supreme Sharad Pawar's daughter, Supriya Sule, at Rs. 50 crore.

Predictably, the maximum number of crorepatis are from the Congress Party (having ruled for the longest time, I guess). They number 137 followed by BJP (58), SP(14) and BSP(13), DMK (11), NCP (7), BJD (6), ADMK (3) and so on. Amongst states, maximum Crorepatis are from UP, followed by Maharastra, Andhra Pradesh and Karnataka. Maharashtra by the way has 37 of them.

National co-ordinator of National Election Watch, Anil Bairwal states, "The criminalisation of politics continues to be a very big concern, with an increase in the number of MPs with criminal records from 128 to 150. Even the number of MPs with serious criminal cases has gone up. The biggest reason for this seems to be the undemocratic and autocratic selection and nomination of candidates by political parties. In order to ensure the winnability of candidates, parties

ignored honesty to give preference to muscle power and money power.’’

While voter awareness on this issue may be very high, the problem is that those who win after spending huge amounts are unlikely to focus on good governance. They are more likely to focus on recovering the funds they spent and on giving favours to those who supported their campaigns.

Will the new government be able to tackle these issues on a priority basis, even if the new youth leader Rahul Gandhi has stated after the election

that he is going to change the political environment for the better?

A big thank you to the National Election Watch that is active in almost all states of India and has done election watch for all states and Lok Sabha elections. This has been possible due to another NGO called the Association for Democratic Reforms (ADR) which won the PIL in Supreme Court in the year 2002 to making disclosure of educational, financial and criminal background of electoral candidates mandatory.

(Vinita Deshmukh is Editor of the intelligent, Pune)

MINISTERS' AFFIDAVITS

New has analyzed affidavits for all the ministers from Lok Sabha (66 out of 79). Out of these, there are pending criminal cases against 9 ministers and 1 to them has a serious IPC charge as declared by themselves in their affidavits. INC has 7 such ministers; Trinamool Congress & DMK have 1 minister each with criminal records.

The minister who have declared that they have pending criminal cases against them are Subodh Kant Sahay (INC), Wasmik Mukul Balkrishna (INC), Ajay

Makan (INC), Harish Rawat (INC), Arun Yadav (INC), Pratik Prakashbabu Patil (INC), Pradeep Kumar Jain (INC), Adhikari Sisir Kumar (AITC and Gandhiselvan (DMK).

Adhikari Sisir Kumar (AITC) has declared that there is a criminal charge of theft against him 5 ministers have declared that they are charged with wrongful restraint- Ajay Makan, Wasmik Mukul Balkrishna, Aurn Yadav, Pratik Prakashbabu Patil & Pradeep Kumar Jain. The detailed list of all the charges against these ministers is attached at the end.

Financial analysis of new ministers

There are 47 crorepati ministers in the new Lok Sabha. INC has 38, DMK has 5, NCP has 2 and JKN & AITC has 1 cropati minister each.

Maximum assets (self-declared) in the ministers are those of Mr. Praful Patel of NCP from Bhandara-

Gondiya, Maharastra at 89.9 Cr, followed by Ms. Preneet Kaur of INC from Patiala at 42.3 Cr and Kapil Sibal of INC from Chandni Chawk at 31.9 Cr. The details of the top 5 maximum asset ministers is given below:

S.No	State	Constituency	Candidate	Party	Total Assets
1	Maharashtra	Bhandara-Gondiya	Patel Praful Manoharbai	NCP	899,064,977
2	Punjab	Patiala	Preneet Kaur	INC	423,043,438
3	National Capital Territory of Delhi	Chandni Chowk	Kapil Sibal	INC	319,722,459
4	Meghalaya	Shillong	Vincent H Pala	INC	251,621,190
5	Himachal Pradesh	Mandi	Virbhadra Singh	INC	225,228,748

Minimum assets are those of Ms Mamta Bannerjee of AITC at 4.73 Lakhs, followed by Mr. Adhikari Sisir Kumar of AITC at 10.8 Lakhs and

Mr. Antony of INC at 14.2 lakhs. The 5 MPs with lowest assets are given below:

S.No	State	Constituency	Candidate	Party	Total Assets
1	West Bengal	Mathurapur	Choudhury Mohan Jatua	AITC	2,585,000
2	Gujarat	Bardoli	Tusharbai Amarsinhbhai Chaudhary	INC	2,213,661
3	Kerala	Pathanamthitta	Anto Antony	INC	1,424,205
4	West Bangal	Kanthi	Adhikari Sisir Kumar	AITC	1,083,159
5	West Bangal	Kolkata Dakshin	Mamata Banerjee	AITC	473,194

A HUMAN RIGHTS CHECKLIST

K.S. Jacob

Many of the current policies and practices “authorised” by the Indian state require careful review from a human rights perspective.

The latest general elections and the ongoing process of forming a Central government provide an opportunity for introspection regarding India’s human rights record. The policies and practices “authorised” by the Indian state require reflection and reappraisal. The context of India, its framework and policies, shore up and determine many of its practices. The capitalistic model with its success in the West, until the recent collapse, was adopted by India with dramatic impact on its economic growth. However, the average improvement in the Indian economy actually increased the income inequality for the majority of those living in Bharat. While poverty based on headcounts has reduced, deprivation, defined as the disparity between base and mean consumption, has increased. The non-inclusive nature of India’s recent growth has resulted in development without social and distributive justice for the majority of Indians.

In many parts of the country, economic issues were complicated by a rising tide of violence. While many of these conflicts seem, on the surface, to have ideological or religious dimensions, their underlying cause is more often social and economic. For example, the deprivation of basic rights for large sections of the population and the gross disparity between the rich and the poor over a prolonged period of time lead to the disadvantaged becoming disillusioned with the democratic process. The naxalite movement, with its philosophy of armed revolution spreading through many poor and deprived parts of India, is a clear indicator of such a trend.

Nevertheless, such conflicts are often viewed as problems of law and order. Consequently, all dissent with the government, even that related to free speech, association and ideology, is viewed as sedition. Such a world-view automatically recommends incarceration as the solution to deal with such situations. The police, who should enforce the letter and spirit of the law equally for all citizens, are more often seen as derelict in their duties, not upholding the law and directly violating human rights by discrimination, harassment or the use of excessive force. (The Gujarat pogrom demonstrated that the police was not merely indifferent but also complicit

in the attacks on the minority community.) The lack of professionalism amongst members of its cadre and political control of the police force make them less than independent in protecting law-abiding citizens. India’s failure to ratify the U.N. Convention Against Torture even a decade after signing the treaty and to enact laws to prevent such forms of interrogation and treatment has worsened the situation. The absence of functional independence for the police force, the external interference in police work, the absence of an independent appointment and monitoring committee and the lack of legislation regarding police reform add to these problems. The charge of sedition, when brought up by the government and the police acting in unison, often results in a paralysis within the already slow judicial system.

Current practices

The policies in existence have resulted in many practices being authorised by the Indian state which do not conform to international law or uphold the Constitution of the country. The lists include:

Pogroms: Twenty five years after the massacre of nearly 3,000 Sikhs in New Delhi, successive governments have failed to bring the perpetrators to justice. Most of the cases have been closed for lack of evidence. The majority of the police officers, who were charged with dereliction of duty and who provided protection to the attackers, have been exonerated.

The slow pace of judicial progress in the Gujarat massacres has resulted in delay in bringing the perpetrators to justice. The failure of the government to acknowledge its failings in protecting innocent people, the persistent internal displacement of those affected by the communal riots, the continued social and economic boycott of Muslims, the harassment of those fighting for fairness and the delay obtaining justice and reparations for the victims need urgent attention.

The displacement of Kashmiri Pundits in the 1990s and the more recent attacks on Christians in Orissa

are further examples of human rights abuses. Little is being done to investigate these cases and rehabilitate displaced people living in camps.

Encounter deaths, enforced disappearances: Deaths of “suspected terrorists” in staged encounters with the police are common in many parts of the country. National security is often employed to cover up major human rights violations. The police personnel involved in such extra-judicial killings should be punished rather than rewarded. The enforced disappearances and the mass graves in Kashmir need urgent investigation.

Forced evictions and deaths to create Special Economic Zones: Singur, Nandigram, Kalinganagar, Jagatsinghpur, Lanjigarh, the Narmada and Chhattisgarh come to mind. The policy of setting up such facilities should be clearly preceded by a careful assessment on the impact on the local population and the rehabilitation of lives and livelihoods. The rights of the poor and those who will be displaced are probably even more important than the rights of the rich who drive development. The trickle-down effect of development is talked about in theory with little actual impact on the poor who are displaced by such development. One cannot fail to see the trend in judgments, from the highest courts in the land, being pro-rich under the guise of being pro-development and at the cost of the rights of the poor. The judicial system should not abandon the most vulnerable sections of Indian society.

Prisoners of conscience and human rights workers: Dr. Binayak Sen is a good example. He was fighting for social justice and for human rights and for vocalising the concerns of many and is, hence, considered a threat to national security by the Government of Chhattisgarh. He is still in prison, two years after his arrest, despite the failure of the state to produce any evidence of any crime. He and other such workers should be freed.

Laws which allow human rights violations: The Armed Forces Special Powers Act (1958), the Unlawful Activities Prevention Act (1967) and the Chhattisgarh Special Public Security Act (2006) are examples of legislation which grant *de facto* impunity to the security forces. These Acts compound the provisions of Sections of the Criminal Procedure Code (1973) which require prior government permission before starting legal proceedings against members

of the armed forces and the police. These need to be reviewed and repealed as they grant unfettered powers, which are often prone to human rights violations and result in complete lack of accountability. India should ratify the U.N. Convention Against Torture, legislate against inhuman and degrading treatment and enforce it.

National Human Rights Commission: The commission requires a broader mandate, greater independence and empowerment to be able to conduct its own investigations and to enforce its decisions. The Protection of Human Rights Act (2006), which has further diluted its independence, will need to be changed.

Review the new anti-terror legislation: The broad definition of terrorism and membership of groups involved in such activities, the extension of police custody without charge and procedures of appeal need to be reviewed, keeping them in line with international standards for human rights.

Death penalty: Studies which have examined Supreme Court judgments on the death penalty suggest the abuse of law and procedures, and of arbitrariness and inconsistencies in the trial, investigation, sentencing and appeal in capital cases. Contrary to the belief that it is only applied in the rarest of rare cases, the death penalty is used disproportionately against the ethnic minorities, the poor, the marginalised and the disadvantaged, all of which are factors that argue for its abolition.

Human rights organisations, including Amnesty International, have been systematically studying these issues and have been recommending changes in policies and practice in India. The changes will require the acceptance of the principle that development has to be tempered with social justice, economic growth with inclusion. Human rights will have to receive high priority. It is mandatory that violence and terror be combated with the establishment of justice, especially for the poor and the marginalised. While the country’s security concerns are genuine and India has the moral and legal authority to protect its people, sole reliance on security measures, which often result in human rights abuses, will not achieve the goals of peace and prosperity. Indian policies should focus on social justice and on inclusive growth and development, which in the long term will provide greater security for all its people.

Courtesy: The Hindu

FOOD SECURITY & NREGA SYNERGY

M.S. Swaminathan

In its latest election manifesto the Congress pledged to “enact a Right to Food Law that guarantees access to sufficient food for all people, particularly the most vulnerable sectors of society.” It further pledged that “every family below the poverty line either in rural or urban areas will be entitled by law to 25 kg of rice or wheat per month at Rs. 3 per kg.” Also promised were subsidised community kitchens in all cities for homeless people and migrants with Central government support. And, “along the lines of NREGA we will enact a National Food Security Act.”

Such an act will meet a goal set by Mahatma Gandhi for independent India: ‘the god of bread’ should bless every home and hut. There is an unacceptable extent of under-nutrition and malnutrition in India, which occupies a shameful position in all indices relating to hunger. A large segment of the chronically undernourished belongs to families of small and marginal farmers and landless labour. The position is serious in the case of women and children. Because of maternal and foetal under-nutrition and malnutrition, nearly every fourth child born is under-weight. Such low birth weight children suffer many handicaps including impaired cognitive ability. Thus, poor children are denied even at birth an opportunity for the full expression of their innate genetic potential for mental and physical development. This is inexcusable.

The successful implementation of the NREGA and the Right to Information Act indicates that the climate is conducive for a far-reaching, rights-based legislation to eliminate hunger and deprivation. Supreme Court rulings reinforce the view that the right to food is basic to achieving the right to life enshrined in Article 21 of the Constitution. One of the terms of reference the UPA government set in 2004 for the National Commission on Farmers was to “work out a comprehensive medium-term strategy for food and nutrition security in the country in order to move towards the goal of universal food security over time.” The NCF held consultations all over India on the pathways to a nutrition-secure India. Its report was submitted on October 4, 2006.

By definition, food security involves every individual gaining physical, economic, social and environmental access to a balanced diet that includes the necessary macro- and micro-nutrients, safe drinking water,

sanitation, environmental hygiene, primary healthcare and education so as to lead a healthy and productive life. The food should originate from efficient and environmentally benign production technologies that conserve and enhance the natural resource base of crops, farm animals, forestry, inland and marine fisheries.

Such a holistic definition requires concurrent attention to the following aspects, too:

Food availability: This is a function of home production or, where absolutely essential, imports.

Food access: This is a function of livelihood opportunities and purchasing power. (As early as in 1859, a Famine Commission appointed by the colonial government said: “Indian famines are not famines of food, but of works; where there is work there is money and where there is money there is food.” This is why Mahatma Gandhi said in 1946 at Noakhali. “To a people famishing and idle, the only acceptable form in which God can dare appear is work and promise of food as wages.”

Food absorption: The utilisation of food in the body will depend on non-food factors such as safe drinking water, environmental hygiene, primary healthcare and access to toilets. Therefore, while developing legislation for food security, food and non-food factors will have to be considered together on the following lines.

Food availability: The government has initiated programmes to increase food production, such as the Rashtriya Krishi Vikas Yojana, the Food Security Mission, and the National Horticulture Mission. Food availability should relate to macro- and micro-nutrients. In addition to protein calorie undernutrition, there is severe micronutrient malnutrition, as for example, of iron, iodine, vitamin A, vitamin B12 and zinc, leading to hidden hunger. The National Horticulture Mission provides an opportunity to introduce horticultural remedies to nutritional maladies. All that is needed is mainstreaming the nutritional dimension in designing the horticulture programme in each agro-climatic area.

The other areas which will need attention are: widening the food basket by including local grain varieties like ragi, jowar and millets in the public distribution system; the promotion of community gene, seed, food and water banks in each village, and the establishment of community kitchens modelled on the

Indira Gandhi Community Kitchen organised years ago in Pune. These are particularly effective in combating malnutrition in urban areas. The widening of the food basket by including millets, legumes and tubers, which have greater tolerance to adverse conditions, is important in the context of climate change.

Food access: The Congress manifesto has said 25 kg of rice or wheat would be provided each month to economically underprivileged families at Rs. 3 a kg. With the initiation of the National Rural Employment Guarantee Act (NREGA), the minimum purchasing power for food security is being created in families living below the poverty line. By adopting the support price policy recommended by the NCF, that is, C2 (total cost of production) plus 50 per cent as has been done in the case of wheat this year, the purchasing power of small and marginal farmers can be improved. Universalisation of the PDS is an idea whose time has come, since there are adequate grain stocks.

Food absorption: Here, the schemes dealing with drinking water, sanitation, environmental hygiene and so on should be brought together. The Total Sanitation programme and the Rajiv Gandhi Drinking Water Mission, if implemented with community participation through panchayats and nagarpalikas, will make a difference in promoting effective absorption of food in the body, particularly among children.

With such a holistic approach, chronic, hidden and transient hunger can be addressed in a cost effective and meaningful manner. To provide political oversight and to foster a pan-political approach in matters relating to food security, the NCF recommended the establishment of a National Food Security and Sovereignty Board under the chairmanship of the Prime Minister and with members drawn from different political parties, Union Ministers and Chief Ministers. Such a political support and oversight body should become an integral part of the legislation.

NREGA, food security and human development

The National Rural Employment Guarantee Act, which came into force in February 2006, now covers all of rural India. It has generated over 450 crore person-days of employment, a major share going to women and Scheduled Caste and Scheduled Tribe families. Over Rs. 35,000 crore has been paid as wages. The priorities of the work to be undertaken

include watershed management and water conservation, drought-proofing, flood protection, land development, minor irrigation and rural connectivity. Such work is important to strengthen the ecological foundations of sustainable agriculture. The NREGA is probably the world's largest ecological security programme. A major weakness has been the absence of effective technical guidance and support from agricultural and rural universities and institutes. The Union Ministry of Rural Development has taken steps to achieve convergence of brain and brawn, by enlisting the support of Ministries and Departments. Such convergence of expertise for sustainable development will help to enhance farm productivity without causing ecological harm.

What is now needed is a convergence for human development at NREGA sites. India occupies the 132nd position among 179 countries in the UNDP's 2009 Human Development Index. That position may worsen. NREGA workers represent some of the most economically and socially underprivileged sections. Mostly, these workers are undernourished, with poor opportunities for healthcare. Hence, there is need to bring about a convergence of child care, nutrition, health (Rural Health Mission) and education programmes at NREGA sites. Education can be imparted in the evenings, using the joyful learning techniques available in computer-aided literacy programmes. Such a convergence in sustainable development along with convergence in human development will be creditable.

There is also a need to raise the self-esteem of NREGA workers, making them feel proud of the fact that they are engaged in checking eco-destruction. Due recognition could be given to the NREGA groups that have done outstanding work in water harvesting, watershed development and soil healthcare with "Environment Saviour Awards". This will help spread awareness of the critical role NREGA workers play. To begin with, there could be 10 awards covering distinct agro-climatic zones, each worth Rs. 10 lakh. Since these will be group awards, the money could be divided among the workers, depending on how long they have worked. The NREGA will then help to improve both food security and human development index.

There are uncommon opportunities to erase India's image as the land of the poor, hungry and illiterate. To utilise them, an import requirement is a change in the mindset from patronage to partnership and from undervaluing the human resource to considering our youthful population as our greatest asset.

WAGE PAYMENT DELAYS HIT NREGA WORK IN JHARKHAND

Team of academic researchers find significant lacunae

The National Rural Employment Guarantee Act (NREGA), the Union government's flagship poverty alleviation scheme, is in danger of floundering in Jharkhand. Significant delays in the payment of wages to workers were noticed here owing to administrative apathy, a team of researchers who have been following its fortunes in different districts of the State have found.

The team was part of the NREGA Sahayata Kendra, or help centre, in Khunti, set up by researchers associated with the Centre for Development Economics at the Delhi School of Economics, in collaboration with the district administration, to provide assistance to NREGA workers.

A Rozgar Adhikar Abhiyan was launched on May 1, International Labour Day, in Khunti district to activate the NREGA in the district. Preliminary field visits in Khunti and Murhu blocks showed there was hardly any NREGA work undertaken in the area and that wages were due to be paid for work done months, in some cases even years, ago.

As part of this Abhiyan, teams of students from Delhi University, Bombay University, Bangalore University and NALSAR Hyderabad surveyed 10 gram panchayats in Khunti and Murhu blocks from May 4 to 10. In these 10 panchayats they found more than 30 worksites where payments were due. These include sites in Jikki (Siladon gram panchayat) and Chikor (Bhandra) where more than 50 workers had not been paid for work done two years ago.

An Officer's promise

On May 11, the teams submitted their findings to the Deputy Commissioner. They also presented to her a set of complaints for each panchayat, and a list of sites where payments were due in the 10 panchayats. The officer assured them that action would be taken on all

the complaints and all pending payments made by May 18.

On May 20, the teams returned to the panchayats, but the reports from the field were disappointing. In Chikor, for instance, no worker had been paid. In the same panchayat, the team visited Jilinga village where they learnt of three other worksites where payments were due: one pond and two wells, of which one was sanctioned two years ago.

Similar reports were received from the other teams. It was the same story in Murhu block: in Murhu panchayat, labourers were going to collect their wages from the post office, but they had not yet received their job cards from the "munshi".

When Jean Dreze and Reetika Khera, part of the Sahayata Kendra, visited the Murhu block office on May 20 at 10.30 a.m., not one official concerned with NREGA was present. The block programme officers were unable to provide a list of the villages where payments had been made in May, though they had told the Deputy Commissioner that Rs. 12 lakh had been paid.

That day, Professor Dreze and Dr. Khera had a meeting with the Deputy Commissioner, who asked for time until May 23. But that seemed an unlikely prospect.

Professor Dreze and Dr. Khera said they had written to the Department of Rural Development asking for compensation of at least Rs. 1,500, under the Payment of Wages Act, 1936, for each worker whose wages have been delayed. They were also demanding that a fine of Rs. 1,000 be imposed on all the officials responsible, under Section 25 of the NREGA.

Professor Dreze is Visiting Professor, Allahabad University and a member of the Central Employment Guarantee Council set up by the Ministry of Rural Development. Dr. Khera is with Centre for Development Economics at the Delhi School of Economics.



RTI APPLICATIONS FROM ABROAD

In order to ease RTI application process from abroad, the Central Information Commission has framed new rules enabling NRIs to pay application fees and information costs at the Indian embassies and missions abroad.

NRIs will also be able to avail audio-video conference facilities in case of first and second appeals.

“We have finalised new rules and regulations which will help NRIs to easily process their applications while exercising their Right to Information. There will be an easy-to-follow procedure for paying fee against the information in Indian Embassies and audio-video conferencing facility in case of first and second appeals,” Chief Information Commissioner Wajahat Habibullah told PTI.

As per the new procedure envisaged, Habibullah said “Embassies may accept only the fee and information cost and provide e-receipts to applicants who can then directly file their RTIs to public authorities in India by email along with proof of payment.”

The CIC said, “I will soon meet concerned officials at the Ministry of External Affairs and Ministry of Personnel and Training other stake holders for this.”

NRIs have often complained of a cumbersome process of fee-payment for seeking information.

“Till now, there is no definite procedure to deposit the fee of Rs 10 from outside to the public authority anywhere in India which is a big difficulty for accessing the information,” RTI activist Commodore Lokesh Batra, who filed an RTI with Indian mission in Washington to assess the problems faced by NRIs in filing the applications, said.

According to the Indian Embassy Website, people can submit applications along with documentary proof of Indian citizenship and send prescribed fee in local currency, equivalent to Indian Rs 10 in cheque or demand draft.

However, “they need to send the fee directly to public authority here in India for which the process is quite vague. Also there is no provision of audio-video conferencing facility in case of first and second appeals,” Mr. Batra said.

“From abroad, payment in India in Rupees for RTI Fee is a cumbersome process, especially when different modes of payment and amount being prescribed and accepted by Central, State Governments and other Public Authorities like Courts.

“In Uttar Pradesh, one has to apply and paste treasury stamp for getting copy of State Information Commission’s order. How can a person travel all the way from America to paste stamp and get the information?” He asked.

GOVT CLUELESS ON MARTYRS, FREEDOM FIGHTERS

The Ministry of Home Affairs says it has no means to identify freedom fighters and martyrs of the national freedom struggle.

But this lack of vital knowledge does not deter the ministry from running a fully staffed department — the Freedom Fighter Division — to implement the Swatantrata Sainik Samman Pension Scheme, 1980. Under the scheme, pension and related facilities are provided to freedom fighters who are alive, and to families of martyrs.

Following a Right to Information (RTI) request filed by a senior citizen, Karol Bagh resident Panna Lal, Chief Information Commissioner Wajahat Habibullah has now ordered the Home Ministry to prepare a “comprehensive list” of martyrs and freedom fighters in the next six months.

“It would appear from the records that there is no such comprehensive list of martyrs held by the Government of India,” Habibullah said in a recent judgment.

Panna Lal’s RTI plea had sought to know the “total strength of Indian martyrs from 1857 to 1947”.

The RTI request had done a full round: starting with the Prime Minister’s Office in 2008, it went to the Ministry of Home Affairs, the Ministry of Culture, and even to the National Archives of India before coming in for appeal before the Central Information Commission.

“We note with some concern that though public money is being expended on pensions for freedom fighters, the government, through various departments, does not seem to have a comprehensive list either of martyrs or of pensioners despite the fact that there is a full division of the Ministry of Home Affairs attending to the issue of freedom fighters’ pension,” Chief Information Commissioner Habibullah observed.

Habibullah asked the Home Ministry to get the “comprehensive list” and said it should be “continually updated onto the website at the rate of 100 pensioners

a day”. The CIC also directed the judgment to be placed before Union Home Minister P Chidambaram.

No consolidated list

R C Nayak, Deputy Secretary with the ministry’s Freedom Fighters Division, told the CIC in a hearing held on June 4 that though sanction has been given to 1.7 lakh applicants of the 7 lakh who had applied, he admitted that there was “no consolidated list of freedom fighters’ pensioners”. The Home Ministry, he said, was certain of only 20,000 pensioners.

Besides, a now-extinct three-volume book *Who’s Who of Indian Martyrs*, jointly compiled by the Home Ministry and the Ministry of Education and Social Welfare between 1968 and 1973, lists only about 8,000 martyrs between 1857 and 1947.

But in a letter dated September 5, 2008 that was produced on record before the CIC, Nayak had said, “*Who’s Who of Indian Martyrs* is not available. Therefore it is not possible to provide information regarding the total strength of Indian martyrs covered in the three volumes of the book. No information regarding the strength of martyrs is available. Information regarding discussion having been held in Parliament about martyrs is not available.”

CIC Habibullah observed: “Panna Lal has acquired and examined the three volumes of *Who’s Who*, referred to in responses received by him. This numbers to about only 8,000; however, there have been newspaper reports indicating 6.5 lakh beneficiaries which would indicate that the freedom fighters pension has been widely abused.”

The CIC also recorded the submission by Ghulam Mustafa, Under Secretary, Ministry of Culture, that the Indian Council of Historical Research is compiling a list of martyrs in the freedom movement.

The judgment mentions an argument by Lal that “many of those benefiting from freedom fighters pension were those who had collaborated with the British”.

RTI BRINGS COW HOME

Unhappy with the police for failing to act on your complaint? Well, the Right to Information (RTI) Act can come to your rescue.

Gobind Dubey, a resident of north Delhi's Metro Vihar, was recently surprised to find a couple of policemen at his door. They had Dubey's stolen cow with them.

All they wanted was for him to withdraw his RTI application.

A few months ago, Dubey had complained to the police that the cow, his only source of income, had been taken away by one Raju Tyagi, a dairy owner.

The police refused to register a case, saying Tyagi had bought the animal and had the documents to prove it.

On a friend's advice, Dubey filed an RTI application, seeking details of the action taken on his complaint.

"About a week after I filed the application, policemen came to my house with Tyagi and

returned my cow," he said. "Tyagi apologised to me and the police requested me not to pursue the case further."

About 50 km away in Ghaziabad in UP, Mukesh Kumar, too, has reason to thank the RTI Act.

Kumar, an electrician, had complained to the police that a man had duped him. A cheque for Rs 70,000 — that was owed to Kumar — had bounced.

When no action was taken, he filed an RTI application. Within days, the police asked Kumar to come to Ghaziabad and collect his money. "They just wanted me to give in writing that the issue had been settled," he said.

Magsaysay award-winner Arvind Kejriwal said these two were true examples of people's empowerment through the RTI Act. About 75 lakh RTI applications were filed last year. "The law was framed to make public servants accountable to people and it is happening to some extent," said Kejriwal.

ACPs HAVE NOT STUDIED LAW

Assistant commissioners of police (ACPs) sit in judgment as magistrates over chapter and externment proceedings, but none of them have studied law. This has been revealed by an RTI filed by National Anti-Corruption and Crime Preventive Council (NACCPC), an NGO, in March 2009. The details provided by police commissioner Hasan Gafoor's office, in reply to the NGO's query, showed that none of the 37 ACPs posted in Mumbai have no formal education in law.

The RTI has thrown up some startling revelations: three ACPs are undergraduates, 20 are commerce and arts graduates and the remaining 14 have done post-graduation.

Advocate Joshi claimed that the officers were not even trained adequately in recording evidence. Former director general of police Dr PS Pasricha, while replying to another RTI query, had admitted that "the ACPs are given no specific training in recording evidence, but they gain experience by appearance in courts."

According to a senior police officer, majority of ACPs start at a junior level and join the force as sub inspectors. "When they join, the minimum educational qualification required is graduation. They are not required to be law graduates. However, the training given to them covers the basics of law. Also, the experience gathered by them over the years helps them while hearing chapter proceedings," the officer said.

FEW SLUM-DWELLERS GETTING LOANS

At a time when banking institutions are giving slogans of inclusive growth, different banks in Bhubaneswar have approved loans to only 13.50 per cent of total applicants from slums.

According to a reply received after exercising Right to Information Act, 4773 loan applications have reached 98 branches of different banks during the financial year 2008-09 whereas only 645 urban poor were lucky enough to get loans sanctioned.

The total loan amount, which is to be disbursed among beneficiaries of Under Urban Self-Employment Programme, a component of Swarn

Jayanti Sahari Rojgar Yojna (SJSRY), is estimated at Rs. 193.02 lakh. The Government would have to give Rs. 28.95 lakhs as subsidy.

Among banks, main branch of State Bank of India had approved loans to highest 203 applicants and the loan amount was Rs. 55.80 lakh.

“The low percentage of loan sanction speaks volume about insensitivity of banks towards cause of urban poor. When industrial houses are able to get loan worth crores of rupees, the lowest strata of society has been looked down upon by banks,” city-based human rights activist Biswapriya Kanungo said.

RTI GREAT, BUT MORE TRANSPARENCY COMING

A recurrent theme in the President’s address to Parliament on Thursday was transparency. The Right to Information (RTI) Act is clearly something the UPA sees as a significant achievement of its first tenure and it appears the government will seek to push the envelope further in this direction in its second stint.

Some of what the President said on the subject was not too specific, for instance the assurance about suitably amending the law to provide for disclosure by government in all non-strategic areas. But there were also concrete promises. A key example of the latter was the assurance that transparency in the flagship rural employment (NREGA) programme would be enhanced by enforcing social audit and setting up an independent grievance redressal mechanism at the district level in the form of an ombudsman. There were also

specific commitments on the creation of an Independent Evaluation Office at an arms length from the government, which would work with social science research organisations to evaluate flagship schemes and place the findings in the public domain. Also, the government promised it would come out with annual reports on five key areas education, health, employment, environment and infrastructure.

Similarly, a Delivery Monitoring Unit in the PMO would monitor all flagship programmes and iconic projects and report on their status publicly, while ministers from the relevant ministries would publicly report on progress under Bharat Nirman every quarter. A public data policy is to be drawn up to place all non-strategic information in the public domain to help citizens challenge the data and engage directly in governance reforms.

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