

**Citizens' Report on Third year of the NDA
Government -2017**

Promises & Reality

Civil Society Initiative

Coordinated by
Wada Na Todo Abhiyan

ABOUT WADA NA TODO ABHIYAN

Wada Na Todo Abhiyan (WNTA) is a national campaign focused on Governance Accountability to hold the government accountable for its promise to end Poverty, Social Exclusion & Discrimination.

WNTA emerged from the consensus among human rights activists and social action groups who were part of the World Social Forum 2004 (Mumbai). The purpose was to create an environment through focused and concerted effort and try to make a difference in India where one-fourth of the world's poor live and experience intense deprivation from opportunities to learn, live and work with dignity.

In this regard, WNTA highlights the aspirations and concerns of the most marginalized sections of the society – Dalits, Adivasis, Nomadic Tribes, Minorities, Women, Sexual Minorities, Children, Youth and the Person with disability to the government through People's Manifestoes before elections. Further, WNTA reviews and monitors the performance of the government on its promises and plans towards the marginalized sections on the framework of Constitutional mandates, National development goals and International commitments set in the UN Millennium Declaration (2000) / The 2030 Agenda for Sustainable Development Goals.

We work to ensure that the concerns and aspirations of the marginalized sections are mainstreamed across programs, policies and development goals of the central and state governments.

Contact:

Wada Na Todo Abhiyan

C-1/E, IIInd Floor, Green Park Ext.

New Delhi - 110016.

Ph: 011-46082371

Email: info.wadanatodo@gmail.com

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Editor: Sonalika Sinha
Consulting Editor: Annie Namala, Thomas Pallithanam, A. K. Singh, Amitabh Behar and Paul Divakar.
Coordinators John Animesh Gomes and Abdul Rauf
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Foreword

Citizens Report on 3rd Year of the NDA Government - 2017: Promises & Reality is a Civil Society initiative reviewing government promises and performance with special focus on the elimination of poverty, discrimination and social exclusion. Wada Na Todo Abhiyan (WNTA) anchored the process with contribution from eminent citizens. The basis of the assessment is Constitutional mandates, electoral promises made by the government and the national development goals. The Annual Citizens Review provides a broad report on the government's performance to citizens' concerns.

WNTA is a large civil society platform of over 4,000 civil society organizations and individuals with its core focus on governance accountability to eliminate poverty and social exclusion. An important piece of this process is the Annual Civil Society / Citizens' Review of the Union Government and its promises to the people. WNTA anchored the first civil society review of the performance of the Union Government in 2005 of UPA I. Since then Annual Reviews have been published. Additionally, 100 days of UPA II and 9 years of UPA (I & II) was published.

In the months leading up to the General Elections 2014, more than 16,00,000 citizens, from 250 parliamentary constituencies across 24 states, scripted the 'People's Manifesto - A National Agenda for Development, Rights, Services, Governance and Accountability' through direct and indirect consultations. The demands, aspirations and needs of the people were shared with all political parties as inputs for their upcoming election manifestos. The Citizens Review is also civil society follow up on the Peoples' Manifesto, 2014.

The Citizens' Review of the current NDA government was conducted on the occasion of its completion of 100 days on 1st September 2014. This was followed by the Annual Citizens' Review at the completion of the 1st year of the NDA government on 24th May 2015. The review focused on big ticket promises and campaigns. The second year review was published on 23rd May 2016 and focused on different thematic and constituencies.

As the NDA government completes the third year on 25th May 2017, this report, released on May 24th 2017, is an effort to assess the progress made on various thematic areas and constituency groups. Thematic areas include - Accountability, Budget, Climate Justice, Civil Society Space, Education, Environment, Food & Nutrition, Functioning of Parliament, Governance, Health, Housing & Urban Poverty, Human Rights, Labour & Employment, Land Rights, Livelihood, Peace, Security & Justice, Water & Sanitation and the constituency groups are LGBTQI, Children, Dalits, Minorities, Person with Disability, Senior Citizen/ The Elderly, Tribals, Women, and Youth.

Citizens from diverse backgrounds, engagements and concerns have written these pieces. Authors include citizens working with communities at the 'grass-root' level and those influencing national and international policy frameworks, academics, activists, retired bureaucrats to name. Written as short pieces, they mirror the critical dimensions on the thematic area.

This Citizen's Report on the NDA third year (2016-17) provides citizens' views on various issues of people's concerns and national development. It holds a mirror to how people's lives are impacted over the past year and how the nation has progressed. We hope this report contributes to strengthening governance accountability towards deepening our democracy and inclusive development processes.

A.K. Singh, Annie Namala, Amitabh Behar, Paul Divakar and Thomas Pallithanam

Conveners
Wada Na Todo Abhiyan
24th May 2017

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Human rights under attack

NDA government has enabled, rather than curb violations in the country

The year 2016 saw human rights come under sustained assault by both state and non-state actors. Impunity for human rights violations by security forces remained a major concern. The Armed Forces (Special Powers) Act, which grants security forces sweeping powers and virtual immunity from prosecution, continued to enable human rights violations in Jammu and Kashmir and north-eastern states. Authorities used crude colonial-era laws to silence voices of dissent. Despite several cases of racist violence and discrimination against black Africans, the Indian government refused to acknowledge the attacks as racist.

Extrajudicial executions

Impunity for security forces accused of extrajudicial executions continued, despite a Supreme Court ruling in July 2016 that armed forces personnel should not enjoy “blanket immunity” from trials in civilian courts. In April 2017, the Supreme Court dismissed a petition filed by the Central government against the order. In November 2016, eight pre-trial detainees were shot dead by the Madhya Pradesh police near Bhopal after they escaped from prison. Several cases were reported of security forces allegedly extra-judicially, executing Adivasi men who they claimed were Maoists.

Freedom of association

Despite a call by the UN Special Rapporteurs on human rights defenders, freedom of expression, and freedom of association for the repeal of the Foreign Contribution (Regulation) Act (FCRA), which restricts civil society organisations from receiving foreign funding, the Central government continued to use the law to harass NGOs. The law was used to target dissenting NGOs and HRDs, violating their rights to freedom of expression and association. Last year, the government cancelled or refused to renew the FCRA licences of dozens of NGOs without offering valid reasons.

Caste-based and communal violence

Discrimination and violence against Dalits was widespread. Vigilante cow protection groups continued to harass and attack people, mainly Muslims and Dalits, in various states including Gujarat, Haryana, Madhya Pradesh, Rajasthan, and Karnataka in the name of upholding laws prohibiting the killing of cows. In July 2016, widespread protests brokeout in Una, Gujarat, following the public flogging of four Dalit men by a vigilante cow protection group for skinning a dead cow, a traditional occupation for certain Dalit communities.

Freedom of expression

Regressive laws were used to persecute people who legitimately exercised their right to freedom of expression. The sedition law was used to arrest people for writing “anti-national” Facebook posts in Kerala, for printing a map in Madhya Pradesh which did not show all of Kashmir within Indian borders, and for organising a protest for better working conditions for police

personnel in Karnataka, among other cases. In August 2016, police in Karnataka registered a sedition case against unnamed representatives of Amnesty International India for allegedly conducting an “anti-national” event on human rights violations in Jammu and Kashmir.

Jammu and Kashmir

The killing of a leader of the Hizbul Mujahideen armed group in July 2016 sparked widespread protests. Security forces used arbitrary or excessive force against demonstrators on several occasions. At least 14 people were killed and hundreds blinded by security forces’ use of pellet-firing shotguns, which are inherently inaccurate and indiscriminate. The Jammu and Kashmir government imposed curfew which lasted over two months. Private landline, mobile and internet service providers suspended their services for weeks on orders from state authorities. In April 2017, several videos surfaced from appearing to show the use of torture and excessive force by security forces. In one video, a man was seen strapped to the front of a moving Indian Army jeep, apparently to deter people from throwing stones at the convoy.

Recommendations

In April 2017, India’s human rights record was reviewed under the Universal Periodic Review system at the UN human rights council. Besides accepting the recommendations made by UN member states, India should also:

- Repeal the Armed Forces (Special Powers) Acts, grant sanctions to prosecute security force personnel in civilian courts, and ensure that military tribunals do not try military personnel suspected of crimes under international law or other human rights violations;
- Uphold the right to freedom of expression, and drop all charges against, and immediately and unconditionally release all persons detained or imprisoned solely for peacefully exercising their rights to freedom of expression, peaceful assembly or association;
- Repeal the Foreign Contribution (Regulation) Act and ensure the right to freedom of association, which includes the ability of civil society organisations to access foreign funding;
- Hold police officials accountable for failing to properly register and investigate complaints of caste-based discrimination and violence;
- Repeal or amend Section 377 of the Indian Penal Code to ensure that consensual same-sex relations are not criminalised; and
- Remove the exception related to marital rape from the definition of rape in Section 375 of the Indian Penal Code.

Aakar Patel is the Executive Director, Amnesty International India

Between devil and deep sea: Tribal affairs in NDA

Tribal rights are regularly ignored

In the context of tribal governance and implementation of rights, the last year has been disappointing to say the least. To start with, the much publicised Forest Rights Act 2007, which aimed to undo the historical injustice experienced by Adivasis across the country by ensuring their traditional rights over forests and its resources completed one decade of implementation this year. Stocktaking of FRA reveals that lack of political will and corporate greed has rendered the Act largely toothless and unable to ensure even a fraction of customary tribal rights over their traditional land - either individual or communitarian. Further, the growing influence of multi-national corporations in government policies is becoming more evident by cancellation of already granted forest rights in mineral rich areas. The collective rights and claims of Adivasis under FRA have been the worst casualty making the whole purpose of the Act totally ineffective.

Many of the mining projects in environmentally sensitive zones in and around the scheduled areas are granted clearances from the environment ministry without following proper procedures and overlooking objections by the Gram Sabha. Adivasi democratic voices are systemically curbed by labeling them anti-nationals and anti-development. The leaders of Dongaria Kond community who have been in the forefront of the protest against the mining project of Vedanta in Niyamgiri, Odisha, like many others were falsely pronounced as naxalites. They were unlawfully arrested in order to silence their anti-displacement movement. As the onslaught of multi-national corporations intensify in the Adivasi areas, the grass-root protest and government crackdown to aid the mining companies is also increasing across the country.

After the popular people's protest against the amendments in Land Acquisition Act last year, which forced the central government to roll back their ordinance, now there is a clear design to amend state level tenancy Act in various states. In this line, the Jharkhand government has proposed to amend the historical Chota-Nagpur Tenancy Act 1908 and Santhal Pargana Tenancy Act 1949. These amendments would allow the non-tribal and government to grab Adivasi land and intensify their land alienation. At present, mass protest is going on in many parts of the state demanding roll back of these amendments but the government is unconcerned about the Adivasi land rights.

There is increasing break down of law and order in naxal affected Adivasi areas of the country especially Chhattisgarh where the security forces are killing and raping Adivasis with impunity. The conflict has also led to casualty among the soldiers and 25 CRPF soldiers were killed in an ambush in Sukma Bastar. Unfortunately instead of taking steps to improve governance and bring peace in the region, the government is inclined towards pushing in more military force to flush out any kind of dissent from Adivasi areas so that land can be handed over to the corporates for mining profits. With the present government openly siding with the private companies, the tribals are left with no choice between devil and the deep sea. Development in Adivasi areas can never be sustainable if it comes at the cost of peace, justice and denial of the natural rights Adivasis have over the natural resources.

Abhay Xaxa is National Convener, National Campaign on Adivasi Rights and works on land rights, tribal sub-plan and Adivasi autonomy

Demonetisation and the marginalised

Dalits, Advasis and fishers are yet to recover from the damage done

Demonetisation, an unprecedented move by the Central government, was initiated on November 2016. A lot of discussions have taken place on how it impacted the economy and the country. However, the government is unable to provide any reasonable logic for having taken such a drastic move without enough preparation or consultation. A majority of the country's population, especially the marginalised communities such as Dalits, Adivasis and fishers, depend on cash for their daily needs. These people, who belong to the labour class and subsist on daily wages, have suffered a lot due to demonetization.

A survey we conducted among auto-rickshaw drivers, fish vendors, and construction workers in Dalit and fishers' colonies in Trivandrum district of Kerala in the first week of demonetisation gives insight into the magnitude of the problem.

The earnings of auto-rickshaw drivers reduced from Rs 850 per day to Rs 450 per day, or even less. In case fuel charges are taken into account, their income was negligible. Similarly, fishers in Trivandrum, who are mostly women, collect fish from the harbor early morning and reach the city by 7 am. They are able to sell their fishes by the noon. After demonetisation, they are unable to sell the same amount of fish till the late evening. At the same time, the construction industry seized its activities. Most of the construction workers lost their jobs, or got jobs only for two to three days in a week. They also suffered due to delayed payment because of shortage of currency.

Post-90 days of demonetization period, an interview was conducted with the same group. Though their earning increased, it did not come up to the pre-demonetisation period. Many auto-rickshaw drivers failed to pay loans they had taken to buy their vehicle. Due to the lack of access to bank and financial institutions, both fish vendors and construction workers are caught into a debt trap as they were forced to take more loans from local money-lenders. They are still unsure when the situation will return to normal.

The government justifies its bizarre move, and asks people to suffer for the greater common good. Demonetisation has worsened the economic situation of marginalised communities, especially the Dalits and Adivasis who constitute 25 per cent of the country's population and are most vulnerable among social groups. The media shouted about the impact of demonetisation on industry, commerce, and foreign trade. But why did it not discuss job loss, wage loss and deprivation and how it can be compensated? The stark reality of the marginalized communities hits hard, but the government remains unmoved.

Ajaykumar V B, Executive Director RIGHTS, and Convener of state coalition working on Scheduled Caste Sub plan and Tribal Sub Plan

Climate justice: Rhetoric and policy imperatives

**Policy-makers should
take Climate Resilience
framework into account**

India has articulated its intention of bringing climate justice, and protecting the poor and the vulnerable from the adverse impacts of climate change. It has reaffirmed its commitment through its slogan “*Sabka Saath Sabka Vikas*.” Examining some of the recent issues on renewable energy, forest and agriculture from a climate resilience¹ perspective, not only raises questions on the equitable and balanced development that the government seeks to achieve, but demands that policy makers and governments take a more comprehensive stance on adaptation challenges that vulnerable communities are grappling with.

India Energy Outlook shows that India is set to contribute more than any other country to the rise in global energy demand over the next 25 years. The focus on renewables, especially solar and wind, augurs well in this context. However, the concern is around large sized solar parks and wind parks. While these large ‘parks’ leave a huge land and forest footprint, the electricity generated by the mega-sized power plants does not seem to translate into improved energy access for the energy-deprived. We continue to have around 300 million people without access to electricity. The increase in the number and size of renewable energy projects follow a similar trajectory of large scale thermal power plants, which have failed to provide reliable and equitable energy to the poor. If the government is serious about working towards a low carbon emission pathway, while endeavouring to meet the developmental challenges in an equitable way, the answers would rather lie in people-centric decentralised energy models. But this is getting very little attention.

We are also concerned about the deplorable state of management of our natural resources, particularly our forests which is home to several forest-dwelling communities whose livelihood depends on these forests. Recent episodes of forest fires have resulted in loss of 7 to 8 per cent of the forest cover (57,000 km) in one year, an area larger than Himachal Pradesh (India’s first scientific estimation of forest fire losses). This is impinging on the food security of these forest communities. This number looks alarming when we add to it the diversion of forest land to the so-called “developmental projects” and other illegal encroachments. India’s aim to create an additional carbon sink with 2.5 to 3 billion tonnes of CO₂ equivalent through additional forest and tree cover by 2030, looks quite a distant dream unless adequate steps are taken to qualitatively stock forests to create a healthy forest ecosystem while also strengthening governance through people-centric forest conservation and management systems.

The importance of resilience framework becomes vital especially in agriculture, as 47 per cent of our population depends directly on agriculture, which is being increasingly exposed to the volatility in farm outputs due to climate variability and change. The spate in droughts and floods over the last two years are a case in point.

¹ Climate resilience is understood as the capacity for a socio-ecological system to 1) absorb stresses and maintain function in the face of external stresses imposed upon it by climate change, and (2) adapt, reorganise, and evolve into more desirable configurations that improve the sustainability of the system, leaving it better prepared for future climate change impacts (Neil and Adger 2007).

Given the vulnerability of farming communities, coping is getting challenging for them. It is imperative that agriculture policies respond to this reality by promoting a climate-proof package of practices (PoP) that would work towards building resilience for ecosystem communities. Such packages would foster sustainable farming and comprise a host of initiatives including the following:

1. **Sustainable farming:** Low input farming methods like System for Rice Intensification (SRI); supporting local seed and grain banks; initiatives on soil nutrition and fertility; water conservation.
2. **Climate compatible technologies:** Low energy intensive technologies such as cold storages, gravity flow, hydrams, solar irrigation pumps, drips; early warning system etc.
3. **Climate education:** Empowering communities through climate literacy. This could include local community leaders, youth and women groups, schools, local media and government officials among others.
4. **Governance:** Measures like fixing minimum support price for horticulture crops; diverting subsidies for large farm equipment to climate-friendly technologies benefitting medium and small scale farmers; solar water pumps, drip irrigation system; promoting crop insurance especially for small and marginal farmers.

From a macro perspective, policy makers must take into account the resilience framework while translating the global Sustainable Development Goals to ensure that it "leaves no one behind", in line with "*Sabka Saath Sabka Vikas*."

Ajita Tiwari Padhi is National Facilitator at Indian Network on Ethics and Climate Change, New Delhi.

The year in review for persons with disabilities

Budget allocation fails to acknowledge their need

This year has been momentous for persons with disabilities, thanks to the passage of two important legislation—the Rights of Persons with Disabilities Act 2016, and the Mental Healthcare Act 2017. Both aim to implement India's obligations under the Convention on the Rights of Persons with Disabilities. The new legislation is in some respect, an improvement over the previous version that was introduced in the Rajya Sabha by the UPA government in 2014. The Act expands the mandate of accessibility requirements to all infrastructure open to public. However, the legislation reduced the reservation in public sector jobs to 4 per cent, while the earlier draft provided for 5 per cent reservation.

The rights of persons with disabilities, as a minority, is not on par with those of other minorities protected by the Constitution. Section 3 (3) of the Disabilities Act allows discrimination against persons with disabilities if it can be shown to be a proportionate means to achieving a legitimate aim. It was promised that this would be safeguarded from abuse by way of the Rules. However, none of the draft rules issued by the government address this. Activists have pointed out that this clause can nullify the entire Act. Other issues present in the draft rules include mandating 'Equal Opportunity Policy' only to employment practices in government establishments. Many more issues remain unaddressed, as it is left to state governments to draft their own rules. Thus, the manner of implementation must be addressed properly.

Despite the passage of the Bill in December 2016, Budget 2017-18 failed to acknowledge the need for sufficient resources towards its allocation. The only mention the sector finds is in making 500 railway stations differently abled-friendly by providing lifts and escalators. Accessible India Campaign, launched in 2015, was exclusively allotted Rs193 crores from the existing Scheme for Implementation of the Persons with Disabilities Act (SIPDA), which is available for government infrastructure to be made accessible in compliance with the Persons with Disabilities Act, 1995. Limiting the allocation of this fund to only the Accessible India Campaign limits the government's efforts towards accessibility to infrastructure and services in limited number of cities.

The demand for grants by department for the empowerment of persons with disabilities has shown 9 per cent increase, but only 41 per cent of the expenditure will actually go into demand-driven schemes for the welfare of persons with disabilities, even though the new law expands the number of impairments included under such schemes from seven to 21. The SIPDA fund finds a marginal increase of 6.7 per cent. The Scheme for Assistance to Disabled Persons for Purchase/Fitting of Aids and Appliances has actually seen a decline in allocation, with Rs 20 crore decrease from the revised estimates of the previous year. The Artificial Limbs Manufacturing Corporation of India has seen no increase in its allocation of Rs 5 crores over the last three financial years.

The Mental Healthcare Act lays down several rights for persons with mental illnesses, but still allows involuntary admission to mental health establishments and administration of involuntary treatment. Even safeguards to the exercise of capacity in mental health treatment can be overridden. As such, it is not compliant with Convention on the Rights of Persons with Disabilities (CRPD). To see whether the legislation still improves the lives of persons with mental illness depends on the allocation of resources and the establishment of various authorities under the legislation, as well as the formulation of rules.

Amba Salelkar is a lawyer with the Equals Centre for Promotion of Social Justice, Chennai. She works on disability law and policy and budget advocacy.

Challenges in school education and status of RTE

Conditions reflect that education is not a priority for the political class

Providing quality education to all children is a Constitutional promise. The Right to Education Act of 2009 provided the much-needed framework (with many limitations) to make education a fundamental right of all children for a minimum eight years of schooling. Even after seven years of the Act, only 9.5 per cent of the more than 10 lakh schools in India are RTE compliant. Worse, there is no consensus on the number of children who are out of school and hence their primary right to education is being violated. Estimates vary from 60.64 lakh (SRI-IMRB survey) to 103 lakh (MHRD) or 345 lakh (Census 2011). This being so, the DISE data reports that 98.5 per cent of children between 6 and 14 years are enrolled in schools.

An important provision in the Act was 'no detention' of children till class 8 to provide them the space and time to learn and comprehend things. Children's learning was to be assessed through the CCE (continuous comprehensive evaluation) and supported to improve their learning and development. With pressure from teachers and state governments, the CACE committee has recommended the withdrawal of the no-detention provision after class 5. Further, state governments can review and make changes as per their wisdom.

Private schools have been growing at a high rate and the state policy on 'closure of schools' aids privatisation. It is estimated that states have closed over two lakh schools across the country over the past two years. The reason given is that there are no children in government schools and they are not viable. Only about a fourth of children with disabilities are in school. Various states are entering into agreements with private companies to hand over government schools.

There are five lakh vacancies of teachers in government primary schools and 14 per cent of secondary schools do not have the prescribed minimum of six teachers. Further, 10 per cent schools are managed by single teachers. Most schools lack infrastructure while textbooks come after six months of school reopening. The status of government schools does not generate confidence in the common people that the government will provide them education. Without exception, even poor parents report that government schools are not teaching. As soon as they have some assured income, they try to put their children in private schools, reflecting the common concern and desire to access education and have social and economic mobility.

By and large, teachers are dissatisfied and de-motivated. It seems there is no way of monitoring or motivating them to teach children and facilitate their overall development. The government education system is strategically maintained in poor health through low allocation to education by the Centre. It appears there was no intention to fulfil RTE since no financial memorandum was attached to the Bill as should have been. Till date, the government has not allocated 6 per cent of the GDP calculated as necessary to ensure education for all by the Kothari committee as early as 1986. Central allocation has remained poor at 2.43 per cent of the Union Budget in 2014-15, 2.44 per cent in 2015-16 and 2.19 per cent in 2016-17. Even after the increased devolution of funds to states through the 14th Finance Commission, studies do not report increased allocation to education.

Conditions reflect that education is not a priority for the political class. The classical caste, class and gender biases may be taking over our education, given that the majority of children attending government schools are from the scheduled castes, scheduled tribes, Muslim minorities, other marginalised, the poor and wage labour and girls. They neither have the support system in the family nor the opportunity in schools to perform or excel. The few who do are exceptions in the system.

The prognosis for the implementation of this basic and fundamental right does not augur any better in the years ahead. Pathways are not being developed to promote the biggest asset in the nation—children and youth—which the nation claims as the ‘population dividend’. This is bad not only for the poor and the marginalised, but also for the nation as a whole.²

Right to Education Forum (RTE Forum) has raised the demand to fix a new timeline for all provisions making RTE Act a reality and also the inclusion of pre-primary and secondary education under the ambit of legal entitlement.

Ambarish Rai is an education rights activist and the National Convener of RTE Forum.

² Note: The write-up is based on the status report brought out by RTE Forum on the implementation of RTE Act and presented in the 7th National Stocktaking Convention held on March 30, 2017 at Constitution Club in Delhi.

A story of missed deadlines and failed promises

National Education Policy takes a new, much diluted form

One of the first announcements Prime Minister Narendra Modi made after assuming office in May 2014 was the making of a new education policy. While the intention must be appreciated, one must not forget the concerns raised. There was ambiguity regarding the status of the draft, the recommendations were contrary to the provisions of the RTE Act, and finances were a matter of concern.

Flawed process

The Ministry of Human Resource Development (MHRD) claimed that the process involved 2.4 lakh gram panchayat-level consultations, followed by discussions in block, district, state, zonal and national levels to elicit people's suggestions on the policy. The ministry's official website reveals that barely 50 per cent of the planned consultations were held. These consultations are shrouded in mystery, and its reports are not available in public domain.

Committee for Evolution of the New Education Policy, with TSR Subramanian as its chairperson, was constituted to prepare the policy. Ironically, none of the Committee members was an educationist, unlike the earlier committees and commissions. The Committee submitted its report to MHRD in April 2016. Till date, the government has officially not received the report, leave aside put it in public domain.

It was expected that MHRD would prepare a draft policy and share it with state governments for their feedback based on the Subramanian Committee Report. But that never happened. What MHRD did publish was a new draft titled "Some Inputs for Draft National Education Policy—2016." It is not clear if this is the draft of the new policy. It is also not clear if the draft has been shared with state governments for their feedback and suggestions.

The draft was initially published only in English. Later, the Hindi version was also made available. After the issue was raised in the Rajya Sabha, the draft was made available in 11 scheduled languages of the country. It is disappointing to note that the draft has not been released in all the scheduled languages. This excludes a huge section of our population from giving their valuable suggestions and comments on a national policy.

Where are we heading?

The draft of "Some inputs" clearly indicates that the policy will be an attempt to commercialise and communalise education. Though the draft largely talks of modern education in the preamble itself, MHRD has glorified the ancient gurukul system, and has equated education in ancient India with only one strand of Vedic system.

The whole thrust of the draft is on making education a system to produce skilled and employable human resource. The draft fails to acknowledge the vital role of education in developing society and individuals.

The section on higher education talks of internationalisation of higher education, but does not consider higher education in the national context. Another area of concern is the section on financing of education. The new draft chooses to explore options of private philanthropy and CSR to fund education, similar to the recommendations of the Birla-Ambani report which talks of heavy privatisation of higher education. The public-private partnership model will eventually lead to massive exclusionary higher education system in the country.

Dilution of RTE Act

The draft clearly attempts to dilute important provisions of the RTE Act. It paves the way for doing away with No Detention Policy. It formally recognises non-formal education as a way of education. RTE Act clearly states that children have a right to school education. The new draft, by reintroducing the old 1986 policy of non-formal education, dilutes the very foundation principle of RTE Act.

Education in India is going through major changes. We need to constantly remind ourselves of the founding principles of education while approaching these changes. What is essential for ensuring right of every child to education, is to rearticulate the ideals of state-funded public education system, which is socially inclusive and upholds the constitutional values as envisaged in the Right of Children to Free and Compulsory Education Act 2009. The attempt of the government suggests the contrary.

Amit Narkar is the Executive Director of National Centre for Advocacy Studies (NCAS). He holds a post-graduate degree in Economics and works on issues of development and governance from the lens of the marginalised sections. NCAS is a leading social change resource centre that aims to strengthen rights-based and people-centred advocacy.

The jumla of *Bhrashtachar-mukt Bharat*

Government's actions and inactions show its lack of will to strengthen anti-corruption bodies

The status of anti-corruption institutions and legislation is a clear indication of how the Bharatiya Janata Party is reneging with impunity on its poll promise of a *Bhrashtachar-mukt Bharat*. Lack of will on the part of the government to ensure greater accountability and transparency in its functioning, can be inferred from its various actions and inactions in the last three years.

The recently proposed contentious amendments to rules of the RTI Act, which has proved to be one of the most empowering legislation for a common person to fight graft, if adopted, are likely to expose RTI users to increased threats and physical attacks. The proposed changes allow for the withdrawal of appeals based on a written communication by the appellant and closure of proceedings upon death of the appellant. Given the Indian reality where RTI applicants are often threatened, attacked, and even killed, such provisions will provide a perverse incentive to vested interests to silence the information-seeker through coercion or physical harm. In the last few years more than 57 people have been killed for using RTI Act to expose corruption.

This controversial proposal is especially concerning given that the NDA government has failed to implement the Whistle Blowers Protection Act, which was passed by Parliament more than three years ago to provide protection to those who expose corruption and wrongdoing.

The implementation of the Lokpal law, which had the unstinting support of the BJP when it was in Opposition, has been languishing since the party came to power three years ago. With the government's refusal to recognise anyone as the Leader of the Opposition (LoP), appointment of the Lokpal became an immediate casualty as the selection committee of the Lokpal includes the recognised LoP. In order to operationalise the law, the government had its task cut out—introduce a Lokpal amendment Bill in Parliament substituting the recognised LoP in the selection committee with the leader of the single largest Opposition party in the Lok Sabha. In 2016, the government introduced and resolutely pushed through a Bill to amend the Lokpal law. The lack of will of the government to operationalise the Lokpal stood exposed as the amendment did not modify the composition of the selection committee and instead fundamentally diluted the original law by doing away with the statutory requirement of public servants to publicly disclose their assets along with those of their spouses and dependent children.

In a recent case regarding non-operationalisation of the Lokpal Act, the Supreme Court finally ruled that even in the absence of a recognised LoP, the Lokpal could be appointed. The absence of the LoP will lead to a preponderance of the government on the selection committee thereby belying a key principle of an independent Lokpal. Given that the demand for the Lokpal arose as there was no independent and empowered anti-corruption institution to examine allegations of corruption against high ranking officials, the appointment of the Lokpal without the participation of the LoP would be a travesty, especially since legally there is nothing preventing the government from recognising the LoP.

Anjali Bhardwaj is an right to information activist and she is the Co-Convener, National Campaign for Peoples' Right to Information (NCPRI) & Founder, SNS- Satark Nagrik Sangathan (Society for Citizens' Vigilance Initiative)

Failures and hopes

The year witnessed poorly implemented policies, loopholes and discrimination in law-making

Issues government failed to address in 2016

1. National Legal Services Authority (NALSA) Judgement 2014 not implemented
 - Three years after the judgement, there is still no reservation for transgender people. Welfare boards for them are also not yet functional.
 - Till now, the government does not give transgender people the self-identification right, which the NALSA Judgement promises. During the election card-making drive, transmen were asked to identify themselves as 'TG', not 'Male', which they preferred.
2. Loopholes in Transgender Persons (Protection of Rights) Bill 2016
 - The Bill does not give the definition of transgender clearly. It does not mention transmen (female to male transgender persons).
 - It nullifies self-identification because screening committees are appointed at all levels.
 - The *Gharana* system among *Hijras* is endangered, as begging has been criminalised.
 - Government's responsibilities and accountability have not been clearly defined.
 - It does not mention the sexual or reproductive rights of the transgender community.
3. Surrogacy Bill 2016 discriminates
 - Specifically targets LGBTQ communities and single parents.
 - It uses moralistic and cultural arguments which are not in line with the Constitution of India.
4. Mental Health Care Bill 2016 needs implementation
 - It is a very positive Bill, as it recognises the rights of the mentally ill.
 - The Bill has been vetted by the President, so it must be implemented within nine months.
5. HIV/AIDS (Anti-discrimination) Bill 2016 ineffective
 - The phrase "as far as possible" within the Bill allows medical institutions the right to subjectively deny access.
 - No regulation has been imposed on the private sector; the Bill cannot be enforced in a private workplace.
6. No discussion on Section 377 to decriminalise homosexuality
 - Congress MP Shashi Tharoor attempted to bring his Private Member Bill for discussion in Parliament, but the Lok Sabha MPs thwarted all his efforts twice.
7. National health programmes mulling elimination of "key populations" from its HIV interventions by convergence with the National Health Mission
 - A dangerous move which would deny marginalised communities access to proper healthcare
 - It ignores documented cases of discrimination in healthcare centres

- It idealises the country's health centres, and refuses to address the stigma attached to counselling services and health delivery locations such as Integrated Counselling and Testing Centres (ICTCs), Antiretroviral Therapy (ART) centres in tertiary hospitals.
- Major Budget cuts have already been affected in NACO programmes (a 20 per cent cut was restored).
- It can result in significant cuts for community-based organisations (CBOs) of marginalised groups like MSM, sex workers and transgender CBOs.

Hope for the future

1. Implementation of HIV/AIDS Bill is speedy. It will also will cover the private sector.
2. Implementation of the guidelines of Swachh Bharat Mission is speedy. It allows transgender persons to choose bathrooms of their choice.
3. Parliament engages and confronts research and social evidence to discuss Section 377 and strikes it down as unconstitutional
4. Transgender Bill, now referred to a Parliamentary Sub-Committee, will hopefully be in line with the NALSA judgement and not over-ride its recommendations.

Ashok Row Kavi has been a journalist for 28 years in major newspapers and magazines of India. He edits *Bombay Dost*, India's first magazine for sexual minority communities. He is founder-chairperson of Humsafar Trust, an LGBT rights and health services NGO, which also agitates for the legal emancipation of homosexuality in India. The trust's work comprises community work, outreach into gay and MSM groups, advocacy on gender and sexuality issues concerning sexual minorities and research into sexuality and gender issues.

Marginalised sections pushed further to edge

Government must be more sensitive towards marginalised groups

The present government has spoken a lot about marginalised sections but done little for them. This approach has become almost a nightmare for the marginalised groups in the third year of NDA government. Society today looks like a conflict zone where the neglect and boycott of those living on the margins has become the rule.

Scholarships for Dalit, Adivasi and Backward students have come to a near standstill. Lakhs of students are suffering and they have to struggle in various universities for their rights. Discrimination against such students has peaked in institutions of higher learning.

An environment against the reservation policy has been created. Responsible people in the NDA government now do not hesitate to speak against reservations while organisations supported by them are openly running a campaign against reservations.

The government's promise to ensure development of all has proved a failure. It is not even able to ensure safety for the marginalised sections. Dalits and Adivasis all over the country are forced to live in fear.

In name of 'Digital India' less literate and poor people in the villages are being deprived of the basic rights in the garb of cash-less economy. From a Dalit perspective, injustice, oppression and discrimination have escalated. There is no accountability in this government at any level, nor is there any hint of sensitivity towards the marginalised groups. The government has not been able to meet its promises and wishes to remain in power by mere talk or by ensuring a fight between different groups of people.

Bhanwar Meghwanshi is an independent journalist since 2000 and a Dalit activist. He is the founder member of the Dalit Adivasi and Swamantu Raksha Abhiyan Rajasthan. He also runs the Zero Hour Youtube channel. He is a member of the National Council of People's Union for Civil Liberties, a human rights organization.



Let's keep our promise to our children

2016 was a mixed bag for them

"The future is yours". The aphorism, which all of us use on our children, is loaded with promise and responsibility. As individuals, NGOs and government, we must be more sensitive towards our children, and ensure that they do not suffer any kind of discrimination. The annual governance review is a mechanism that helps us to sincerely introspect and evaluate our performance towards making the future of children better than their past.

Without critique and self-critique, stagnation and complacency sets in. Therefore, annual governance review is a necessary and laudable initiative. We hope the collective voice influences both the government as well as the non-government actors involved in India's wholesome and inclusive development.

Each year is different from the last. The year 2016 was a mixed bag for children. In a much-criticised move, the amended Child Labour Prohibition and Regulation Act came in, which removed certain occupations from the Hazardous list, and put them in the Non-hazardous list. The new law also allows home-based work.

While government has marginally increased penalty for the violation of the Act, regulation of the law itself will be more challenging now. We, as civil society and child rights practitioners, need to ensure that the abysmal rate of conviction in cases of child labour is improved.

Commonly called 'street children', more than 20 lakh children in India live without access to health, nutrition, care, and education. The year 2016 was special for them as the Ministry of Women and Child Development released a Standard Operating Procedure (SOP) for their rehabilitation and safeguard. The purpose of the SOP is to identify processes that should be set in motion once a child on the street is identified as someone in need. These processes would be within the existing framework of rules, and would create a convergence of various agencies. A set of guidelines define the role and responsibilities of all the stakeholders in a manner so simple that even a child can understand.

Many children on the streets end up as victims of human trafficking. The number of reported cases of child and women trafficking has increased from 15,448 in 2015 to 19,223 in 2016. This may not necessarily set the alarm bells ringing, as the increased number may signify improved reporting and response mechanism.

Health

Besides launching National Health Policy 2017 after nearly two decades, the government has decisively moved closer to the key goal of complete immunisation. Mission Indradhanush has been launched to drive towards 90 per cent full immunisation coverage by 2020. To protect children from major childhood diseases such as measles and rubella, a nationwide campaign was launched targeting all children between nine months and 15 years. The government also introduced the country's first, indigenous rotavirus vaccine to combat diarrhoeal deaths. Diarrhoea kills nearly 300,000 children every year in India. The gov-

ernment has operationalised 965 Nutritional Rehabilitation Centres across the country to manage acute malnutrition cases. For optimum result, the need is to dovetail this facility-based management with Community Managed Acute Malnutrition.

Education

India achieved the global goal of universal primary education in 2015. An emerging concern is early childhood education and the learning levels of children, besides retention. The government approved the National Early Childhood Care and Education (ECCE) Policy in 2013. The policy framework includes the National Curriculum Framework and Quality Standards for ECCE. But operationalising it remains a challenge. Going forward, we would like to see much more budgetary allocation towards pre-school and quality primary education, with focus on quality learning and a hygienic and child-friendly environment in government schools. The draft New Education Policy, which was completed after massive participatory process involving more than 2.75 direct consultations, remains to be formalised. We hope that this process is expedited.

In the past year, we have set for our ourselves both negative and positive challenges. While we regressed on child labour, we have to work on improved regulation and prevention of child labour. In the fields of health and education, we must live up to the promises we have made.

***Bidisha Pillai** is a child rights practitioner. She has 15 years of experience as a development and communications specialist. She has worked on a range of issues: child rights, women's empowerment, food and nutrition security, drugs and HIV prevention, ICTs for development.*

Focus on hype

Government takes recourse to propaganda to divert attention from relevant issues

In the third year of a five-year term in which the BJP-led government has little of substance to show on issues that affect India's poor and middle classes, its attempt to combine hype with pro-business reform gathered momentum. The intention of the hype, it is now clear, is to shift the discourse from issues such as employment and inclusion to "objectives" such as abolishing black money and corruption, realisation of which no one expects. In practice, last year this hype moved from mere propaganda to policies with material effects, the most dramatic of which was the demonetisation exercise ostensibly aimed at doing away with the black economy, the corruption that feeds it and the currency counterfeiting that ostensibly sustains terrorism. While demonetisation heaped much suffering on the poor, that suffering was identified as the short-term pain that needs to be borne for the sake of major medium- and long-term gains. The fact of the matter is that there is no logical argument to support the view that the demonetisation of notes of Rs 500 and Rs 1,000 denomination, which nearly froze economic activity, can have any significant effect on black money and wealth, corruption or counterfeiting. But the bizarre move did have the effect of focusing the nation's attention on these objectives, and diverting it from issues that are more relevant to the everyday lives of people.

The other element of hype that is diversionary is the attempt to ignore all indicators of well being (such as wage rates, farm incomes and earnings of petty producers) and emphasise outcomes such as the high rate of GDP growth (higher than even China's), the boom in stock markets and the large inflows of foreign capital. Besides the fact that GDP growth has been exaggerated by the drastic revision in the methodology used to estimate it, this strategy too shifts attention from the actual experience on the ground. Further, it conceals the relationship between foreign capital inflows and the boom in the stock market on the one hand, and the liquidity infusion that facilitates a credit financed expansion of demand and output, on the other.

The result of the credit boom has been the accumulation of large non-performing assets (NPAs) on the books of public sector banks. But here too, while the government declares banks' NPAs as being the most important challenge, it does not recognise how the positive GDP trend it celebrates has been facilitated by the credit expansion that has generated those NPAs. To do so would be to admit that whatever growth is occurring is not sustainable. The effort is to separate the NPA problem from the process of growth. This also helps to prescribe privatisation of public banks as an inevitable policy measure to deal with the NPA crisis. That would, if anything more was required, establish the neoliberal credentials of the NDA government with global finance. This is in keeping with the larger agenda of the government of pushing ahead with reform in order to attract more foreign investment in the hope that FDI would drive growth. Such dependence is unavoidable given the fact that the government itself has chosen to stick with fiscal conservatism, forcing it to curtail expenditures to match its lenient tax regime.

Meanwhile, since that government's strategy is not working, the effort to divert India's attention continues, with slogans such as Clean India, Digital India, Start Up India and Make in India, that are made to parade as programmes, though they lack any real substance.

C P Chandrasekhar is Professor at Centre for Economic Studies and Planning in JNU.

Marginalised by government, too

Dichotomy between policies and implementation lays bare government's seriousness towards development of Dalits

This paper assesses the NDA government in 2016-17 from the perspective of the Dalit community. The year is particularly significant as it marked widespread protests by the community against discrimination and exclusion and for claiming their rights as enshrined in the Constitution. The year also marked the 125th birth year of Dr BR Ambedkar, whose ideas and visions have shaped not only the country, but also much of the Dalit struggle in the post-Independence period. According to Census 2011, Dalits constitute 16.6 per cent of the total population. Historically, the community has been marginalised and victimised by society at large. Over the years, different governments have worked towards the betterment of Dalits by introducing new schemes, better implementation of existing policies and programmes, and working towards better representation of the community at different forums.

This article analyses the initiatives the government took in 2016-17. The analysis is rooted in the civil society engagement with the Dalit community across the country.

Access to justice

The 2016 data of National Crime Records Bureau will be available in September 2017. The latest data available, of 2015, shows that crime rate against SC/ST decreased from 2014. The reported cases in 2014 were 47,063, while 2015 saw a minor decline, with 45,003 cases. There was a drop in the conviction rate of crimes against SC from 28.8 (2014) to 22.3 (2015).

Following are the number of criminal cases reported in different states—Uttar Pradesh: 8,358, Rajasthan: 6,998, Bihar: 6,438, Andhra Pradesh: 4,415, Madhya Pradesh: 4,188, Odisha: 2,305, Karnataka: 1,987, Maharashtra: 1,816, Tamil Nadu: 1,782, Telangana: 1,678, Gujarat: 1,046, Chhattisgarh: 1,028, Haryana: 834, Kerala: 752, and Jharkhand: 738.

Access to economic rights

Union Budget 2017-18 introduced two important elements that have a deep impact on the developmental needs and aspirations of the Dalit and Adivasi communities—(i) paradigm shift from the Scheduled Caste Sub Plan and Tribal Sub Plan to the welfare model of SCs and STs, and (ii) merger of plan and non-plan.

The finance ministry issued clear directions to all the relevant ministries and departments to follow the Jadhav guidelines for allocation towards SC/ST schemes. According to these guidelines, applications under the sub-plans were to be in proportion to the population. Last year, Budget allocation under the sub-plans was 16.6 per cent for SCs (Rs 91,386 crores) and 8.6 per cent for STs (Rs 47,276 crores). Taking this as the benchmark for allocation, the 2017-18 Budget allocated 4.63 per cent to SCs and 2.39 per cent to STs of the Total Budget Expenditure.

Allocations under SCSP-TSP revealed that last year's trend of under-allocation continued this year too, with SCSP comprising only 2.50 per cent and TSP only 1.53 per cent of the Total Budget Expenditure. This is not even half of the mandated amount in the Union Budget 2017-18. This is in clear violation of the Jadhav guidelines.

Monitoring sub-plans

The government set aside Rs 84,000 crore to monitor the allocation and utilisation of funds for the development of SCs and STs. This is a first such proactive step taken by a government in ensuring the tracking of funds allocated for the development of Dalits. The system seeks to Centrally monitor allocations under the sub-plans and observe the efficiency of the programmes. Such a move comes after 30 years since the introduction of sub-plans. These were promising moves towards an inclusive development approach the government aims to stand for.

Credit facilities

The year saw the government taking promising strides in the Make in India project. Start-Up India aimed to link entrepreneurs from the Dalit community with credit facilities and turn them from job seekers to job creators. The Venture Capital Fund for SC also got a boost in the Union Budget that aimed to promote entrepreneurship among SCs at concessional loans. The aim of these schemes is to promote Dalit entrepreneurs and link them with concessional finances, as well as to increase financial inclusion of Dalit entrepreneurs.

The schemes are targeted for the benefit of the educated Dalit community. However, these come at a time when massive budget cuts are being made in higher education. With massive slashing down of scholarships, access to higher education for Dalit community is reduced, making accessing this scheme difficult.

Shutting down centres for study of social exclusion

In an unprecedented move, the UGC withdrew its funding of centres for study of social exclusion and discrimination across the country. As many as 32 centres in 24 states have faced grant withdrawal. These centres have completed over 100 major and minor research projects, published about 500 publications which includes books, papers in journals, research papers, working papers and others. These centres have organised over 200 seminars and conferences, arranged above 100 lectures, and produced 55 M.Phil and more than 40 PhD students. Such a move affects the academic space of looking at caste-based discrimination, which houses several Dalit scholars.

Shift towards welfare approach

In Budget 2017-18, Sub-Plans for SC and STs have been replaced by "Allocations for welfare of Scheduled Castes", and "Allocations for welfare of Scheduled Tribes." This is unwarranted and retrogressive, making SCs and STs mere beneficiaries of welfare programmes.

Dissolving the 'plan' component leaves SCSP-TSP in a limbo in the absence of guidelines from either the finance ministry or the NITI Aayog. Several administrative expenses of Non-Plan nature such as salaries and pensions of employees are allocated for SC/ST welfare schemes.

Conclusion

There is a dichotomy between the government's policies and implementation, especially towards the Dalit community. On the one hand, the government has introduced credit facilities, Skill India and monitoring of the funds for SC/ST, while on the other hand, it has replaced SCSP/TSP from the Union Budget with welfare funds for SC and ST, withdrawn grant from centres for study of social exclusion, and not made efforts to stop structural violence against the community

Deepak S Nikarthal is the development (health) governance scholar and socio economist researcher working with Asia Dalit Rights Forum (ADRF). He has been working towards addressing and highlighting the issues of Dalits (traditionally excluded on the basis of caste) in the international platforms of UN and others.

Dyuti is a social-legal researcher with a background in working on women's rights and access to justice. Her training in social work with specialisation in women-centred social work has led her to work on range of women's rights issues focussing on access to justice and services. Currently she is associated with NCDHR.

Right to Food gone wrong

Food and nutrition not on government's priority list

This year came at the back of a severe drought in several parts of the country and yet the right to adequate food and nutrition did not emerge as a priority issue for the government. Budget 2017 of this government was as lackluster as its previous editions as far as food and agriculture go. There was no significant expansion in any of the relevant schemes with underfunding to the extent where there is a decline in real allocation for schemes like ICDS and Mid Day Meal. While the Right to Food covers several issues, this review is restricted to the implementation of the National Food Security Act (2013). As far as PDS entitlements are concerned, the year saw the implementation of the Act, expanding it to the entire country, including Tamil Nadu and Kerala, which were reluctant to join due to certain state-level concerns over reduced allocations.

A glaring omission in the implementation of NFSA continues to be the universal maternity benefit of at least Rs 6000 to all pregnant and lactating women since it is yet to be rolled out. The Prime Minister of India announced that the scheme would be expanded to all districts. In an affidavit before the Supreme Court, the central government also said that with effect from January 1, 2017, such benefits will be given across the country. The situation on the ground is, however, very different with only the pilot programme, Indira Gandhi Matritva Sahayog Yojana (IGMSY), being implemented in 53 districts. This scheme also discriminates on the basis of the age of marriage and number of children. A significant proportion of the most marginalised women are left out of the ambit of the maternity entitlement by the enforcement of the two-child norm and the requirement for the mother to be at least 19 years of age at the time of the delivery. Further, while the maternity benefit Act has been amended recently, expanding the period of leave, this Act includes only women in the organised sector excluding over 90% of Indian women. At present, cash entitlement under NFSA is the only legal provision to address the maternity benefits of the vast majority of women, and even this is inadequate as the amount is low, neither inflation-indexed, nor wage-linked.

Besides fiscal conservatism and non-implementation of maternity entitlements, two other aspects related to NFSA need to be underlined. First, the government has not taken any of the grievance redress provisions under the Act seriously. It is only after repeated questioning by the Supreme Court, that some draft Rules have been framed for the appointment of the State Food Commissions and the District Grievance Redressal Officers (DGRO). These rules are yet to be made public and the central government, on the whole, seems to be passing the blame to the states. An independent and decentralized grievance redress mechanism would be crucial for ensuring that the entitlements under the Act actually reach the rights-holders.

The other drawback of NFSA and the food schemes has been the indiscriminate manner in which Aadhaar has been made mandatory for getting benefits. In many parts of the country, Aadhaar-seeding and ABBA (Aadhaar Based Biometric Authentication) has been made compulsory for getting rations under PDS. Field reports show a number of exclusions due to absence of Aadhaar, biometric authentication failures and connectivity issues. More recently, notifications making Aadhaar mandatory for more than 90 schemes, including schemes related to children such as the school MDM, have been announced. This raises the worry that along with weakening the programmes through inadequate budgetary support, the push for Aadhaar would only serve to further weaken the schemes by keeping out many rightful beneficiaries.

There are serious concerns related to the government's policies (or rather the lack of any coherent policy) towards right to food and nutrition. The focus seems to be more on undermining what has been achieved over the years through struggle on the streets and in courts.

Dipa Sinha teaches Economics at Ambedkar University, Delhi. She is Co-convener of the Steering committee of Right to Food campaign. She has worked extensively on issues related to food security, nutrition and public health.

Conflicts of Interest in public policy

“He who pays the piper calls the tunes”

Over the past few years, Conflict of Interest (Col) has become an important global consideration. In July 2014, Prime Minister promised to bring a law on this as part of his 17-point agenda. In 2015, he directed his MPs to stay out of parliamentary committees dealing with subjects they have vested interest in. The UN Convention against corruption, which India is signatory to, identifies Col as a precursor to corruption. The 69th report on the Prevention of Corruption Amendment Bill 2013 presented to the Rajya Sabha recommends inclusion of Col under bribery.

Col is defined as circumstances that create a risk that professional judgement, or actions regarding a primary interest, is unduly influenced by a secondary interest. Such situations can be institutional or personal and can stem from financial or other interests, including post-employment opportunities or during public-private partnerships.

When it comes to research related to health, and the creation of public policies, especially in health and nutrition sectors, Col can have negative impact on the lives of millions of people. However, the government has not taken any serious action in this direction.

The country does not have written guidelines to prevent and manage Col, if it arises. This may allow secondary interests to dominate policy-making. The 2003 *OECD guidelines on managing conflict of interest in the public service* noted that, “...new forms of relationship have developed between the public sector and the business and non-profit sectors, giving rise, for example, to increasingly close forms of collaboration such as public/private partnerships, self-regulation, interchanges of personnel, and sponsorships. New forms of employment in the public sector have also emerged with potential for changes to traditional employment obligations and loyalties. In consequence, there is clearly an emerging potential for new forms of conflict of interest involving an individual official's private interests and public duties, and growing public concern has put pressure on governments to ensure that the integrity of official decision-making is not compromised.”

Col can be caused by different and divided loyalties. Let's take the example of Scaling of Nutrition Movement, or SUN as it is popularly called. If a country becomes a member of SUN, it becomes a “SUN country” and is expected to “have a multi-stakeholder partnership for coordination at national level” as a strategy. SUN has even moved from neglecting the Col issues to “blurring” the Col concept in letter and in spirit. SUN encourages to set up influential SUN Business Network (SBN) as part of the multi-stakeholder platform. SBN member companies include Pepsi, Cargill, Nutriset, Britannia, Edesia, General Mills, Galxo SKB, Mars, Indofood, Nutrifood, DSM, Amul, Valid Nutrition, and many other local firms.

Can this be conflict of interest? According to SUN, SBN works to “develop profitable, sustainable and innovative business model...to scale up nutrition globally and within countries.” Majority of the SBN members are in food businesses, promoting either ready-to-use foods, nutrition supplements, nutrients, or fortified foods.

It is not rocket science to understand what big food businesses want in food policy. It is especially dangerous when there are no guidelines to prevent or manage Col in a country like India.

We also know that processed foods cause obesity, diabetes and other non-communicable diseases, and that SBN does nothing to prevent it.

In case India becomes a SUN country, its focus on cultural, sustainable, and locally-based food system may get lost. It can even compromise India's interests in terms of its economy. One of the reasons big food players want to come to India is because market in the West is saturated, and growth of processed food is projected in lower middle income countries.

What's the solution?

India can have a short-term guideline to prevent and manage Col. It can be followed by a legal framework.

In April, the Supreme Court debarred former BCCI president N Srinivasan from representing the board at International Cricket Council because he was guilty of Col. Similarly, in 2012 the apex court asked for the removal of the representatives of food and drinks industry from the panels of Food Safety and Standards Authority of India. These support the demand for a legal framework as a long-term strategy to prevent and manage conflicts of interest.

Dr Arun Gupta has been a pediatrician for 40 years. He is a Fellow of Indian Academy of Pediatrics. He is one of the founders of Breastfeeding Promotion Network of India (BPNI), and works as the Central Coordinator there. BPNI is a leading organisation in India that works on infant and young child nutrition. It challenges corporate interference in policy matters. He is coordinating the Asian part of International Baby Food Action Network (IBFAN), which is a 1998 Right Livelihood Award recipient. He is also the convenor of Alliance Against Conflict of Interest (AACI) and Nutrition advocacy in Public Interest (NAPi). He writes extensively on child health and nutrition issues in the Economic and Political Weekly, viewpoints/editorials in national, regional and international publications. He founded IBFAN's World Breastfeeding Trends Initiative (WBTi), a breakthrough tool to measure policy inputs and new World Breastfeeding Costing Initiative (WBCi) to cost and plan interventions.

Reforms in NHRC crucial now

The commission must make amendments by November 2017, before its re-accreditation process

All India Network of NGOs and Individuals working with National and State Human Rights Institutions (AiNNI) is engaging with more than 170 human rights institutions through complaints, colloquiums, trainings and advocacy for their compliance with Paris Principles (PP). AiNNI submitted reports to the Global Alliance of NHRIs, Sub-Committee on Accreditation (SCA) for National Human Rights Commission's (NHRC) periodic accreditation in 2011 and 2016. NHRC's November 2016 accreditation has been deferred by a year as SCA cited serious concerns regarding its compliance with PP.

With regard to composition and pluralism, SCA reiterated its 2006 and 2011 observations and stated that the chair be a former Chief Justice of the Supreme Court, and the majority of members be recruited from the senior judiciary. It severely restricts the potential pool of candidates, particularly as it relates to the representation of women in the governing body of the NHRC. Women form only 20 per cent of the staff at NHRC, and the commission has not taken necessary steps to ensure pluralism of its institution through its staff complement.

Concerning selection and appointment, SCA observed that the current selection process enshrined in the Protection of Human Rights Act (PHRA) is not sufficiently broad and transparent. It does not require the advertisement of vacancies, clear uniform criteria to assess merit and scope of broad consultation/participation in appointment process. SCA recommended that NHRC appointment should be through publicising vacancies and assessing candidates on specific indicators. Ignoring SCA recommendations of January 2017, a woman member from civil society has been appointed to NHRC, reportedly associated with an organisation close to the party in power in the Central government, without any transparent process. One seat of a member continues to remain vacant in NHRC.

SCA again raised concerns about the independence of NHRC. The body should function independent of government interference, as required by the PP. It raised concerns about secondment of staffs from the government, particularly senior functionaries such as Secretary General (SG) and Director General of Investigation (DG), compromising the capacity of NHRC to function independently. For the past five years, the post of SG has been held by a variety of people seconded from government and has been vacant for a substantial period. SCA recommended that SG should be recruited through an open and merit-based selection process. For the post of DG, SCA noted with concern the practice of using police officers to investigate complaints. SCA recommended to have a civilian oversight over the use of police for investigation by the NHRC. SCA further expressed concerns regarding NHRC's complaint handling, through citing huge backlog and dependency on state agencies for investigation.

The most recent annual report of NHRC published and available in public domain is for the year 2011-12. SCA expressed concern on the massive delay in publication of annual reports which is the main source of information. NHRC will need to make necessary amendments by November 2017, before its re-accreditation process. With these critical observations, NHRC stands at risk of losing its 'A' status which is detrimental for India's democracy and its international aspirations.

Dr Harsh Dobhal, Honorary National Director, All India Network of NGOs and Individuals working with NHRIs

Adivasis wronged

Political parties, government officials not serious about implementing laws

Poverty eradication and exploitation of Adivasis have always been a matter of concern for the government as well as the Adivasis. Several legislation have been brought in relation to natural resources to protect and empower Adivasis inhabiting areas under Schedule V. However, the protective regime is not yielding the desired results due to lack of seriousness among officials and successive ruling political parties.

Adivasis have a rich history linked to natural resources. The tribal communities of Andhra Pradesh and Telangana have been victim of the revenue system rooted in private property. Failure of redressal mechanism has marginalised them. More than non-tribals, it's the tribals who have lost their claim of land in Schedule V areas. A Tribal Welfare Department report reveals the success rate for land restoration of alienated tribal land from 1976 to January 2010 is 49 per cent in case of tribals, and 51 per cent in case of non-tribals.

Non-recognition of CFR rights

Forest Rights Act (FRA), which was enacted in 2006 to recognise the pre-existing forest rights of tribes and other traditional forest-dwellers to undo the historical injustices, could achieve only three percent of the minimum potential forest area available for the recognition of Community Forest Resources (CFR) rights in the country. The total estimated potential forest land under the jurisdiction of gramsabha through FRA in Andhra Pradesh is 35.85 lakh acres, while the minimum potential for CFRs in Telangana is estimated to be 39.57 lakhs acres.³ The environment ministry has issued new forest policy guidelines to privatise nearly 40 percent of open forest lands in the country undermining the forest rights of Adivasis. This move is an attempt to encroach upon the forest rights of 300 million forest-dependent communities in the country.⁴ Further, the environment ministry also backtracked from its stand in notifying the draft National Forest Policy in place of the existing 1988 forest policy.

The Compensatory Afforestation Fund (CAF) Bill 2016, approved by Parliament that facilitate state governments to spend an accumulated fund of Rs 42,000 crores for compensatory afforestation, is not only jeopardising the livelihood of Adivasis, but also affecting the objective of natural forest rejuvenation in lieu of loss of forests due to diversion. Adivasis, whose livelihood is intertwined with forests and common property resources, are getting affected by diversion of forestland as well as by compensatory afforestation. The customary laws of Adivasis are changed by legislative fiat, and restrictions are imposed on usage through CAF Bill and other forest laws.⁵ The state government is responsible for diversion of forestland. For instance, in July 2010 the environment minister cleared the proposal to divert 9,219.5 acres of forestland for the construction of Polavaramdam. The Andhra Pradesh government gave false assurance that the area did not require settlement of forest rights under FRA. But the actions that the state government has taken for the project are the key factors for the loss of forest cover.

The Telangana government has set the stage to relocate thousands of Adivasis from Kawal Tiger Reserve and Amrabad Tiger Reserve areas in Telangana. The Chenchus, who are a Particularly Vulnerable Tribal Group in Mahabubnagar district, and the Kolams in Adilabad districts, besides Gonds and Naikpods, are now threatened of eviction without settlement of their rights.⁶ The Andhra Pradesh government permitted AP Mineral Development Corporation to mine bauxite in 2,995 acres of Chintha-

3 Trinadharao.Palla, policy and performance of FRA in A.P and Telangana, CFR&LA publication 2017)

4 TrindharaoPalla, The Hans India. 03,October, 2015).

5 TrinadharaoPalla, The Hans India, 19th Aug,2016.

6 TrinadharaoPalla, The Hans India, Dec,05,2015

palli and Jarrela Scheduled areas in Visakhapatnam district. The permission to mine bauxite is not in accordance with the law of Fifth Scheduled areas of the state. The Fifth Schedule of the Constitution protects the interests of Scheduled Tribes and their livelihood in the Scheduled areas.⁷

Adivasi self-rule

The Panchayats (Extension to Scheduled Areas) Act, 1996, or PESA, is another key legislation which was enacted after the recommendations of the Bhuria Committee Report. Andhra Pradesh enforced PESA in the state in 1998. Further, it brought PESA Rules 2011 giving effect to State PESA Legislation. The Andhra Pradesh government also notified gram sabhas under the Rules in 2013. The same set of rules were adopted by Telangana after Andhra Pradesh was bifurcated. But, the implementation of PESA Act in Telangana is dismal. In complete deviation of laws, Land Acquisition Authorities are acquiring land from Adivasis under the Polavaram project in the Schedule V areas of East and West Godavari districts without taking into consideration any provision of Central or state PESA laws. They are also paying monetary compensation to non-tribal pattadars although the land has been occupied by the Adivasis for 25 to 30 years. Although the Polavaram project has been declared a national project, there is no supervision or monitoring over the issues of displacement of Adivasis due to the project.

Tribal Sub Plan

The erstwhile Andhra Pradesh government also brought the SC & ST Sub Plan Act 2013, first of its kind in the country, aiming at ensuring accelerated development of SC & STs by earmarking a portion of the total State Plan outlay, in proportion to the population of SCs and STs in the state. However, implementation of the law is tardy and not yielding desired objectives. It is also disheartening to note that the NDA partner and the ruling TDP in Andhra Pradesh has failed to get the approved tribal welfare budget of Rs 30 crore for 2014-2015 from the Central government and Rs 40 crore for 2015-16 which were intended for the development of tribals.⁸

Dr Palla Trinadha Rao is a tribal rights activist and lawyer supporting the cause of tribals. He has been involved in addressing issues of tribal land alienation, forest land and governance issues in both the States of Andhra and in Andhra Pradesh and Telangana. He is author of a number of articles and books on Adivasi issues in Telugu and English. He is an independent and collaborative researcher. His research areas are Scheduled Tribes, and Tribal Areas.

(pallatrinadh5@gmail.com)

⁷ TrinadharaoPalla, The Hans India, Nov,07, 2016

⁸ TrinadharaoPalla, The Hans India 14 Aug,2015

Constituency Women

Three years of NDA government has given little

Achievements and failures

- Women are the nation builders, declares the BJP manifesto and commits to 33 per cent reservation in Parliament and state Assemblies through a Constitutional amendment. The NDA government has completed three years, but there is no sign of enacting Constitutional amendment to fulfill this promise and the long-standing demand of women's movement.
- Draft National Policy for Women was framed last year, which was one of the recommendations of the High-Level Committee on the Status of Women. However, it still remains in draft form.
- Allocation to the Ministry of Women and Child Development has increased from Rs 17,408 crore in 2016-17(BE) to Rs 22,095 crore in 2017-18, which is 1.03 per cent as a proportion of the Union Budget less than what was in 2012-13 (1.20 per cent), 2013-14 (1.16 per cent) and 2014-15 (1.11 per cent). There is an overall increase in the Gender Budget Statement from Rs 90,770 crore in 2016-17 (BE) to Rs 1,13,327 crore in 2017-18 (BE).
- Allocation under the Maternity Benefits Programme has been raised to Rs 2,700 crore though as per Standing Committee on Food, Consumer Affairs and Public Distribution, the estimated expenditure towards maternity benefits to **2.25 crore pregnant and lactating women** works out to be Rs. 14,512 crore.
- Government had approved 33 per cent reservation to women in police force across all Union Territories, but it is yet to fulfilled.
- Free LPG connections to 5 crore women living below poverty line have been provided under Ujjwala Yojna.
- Under the Stand Up India scheme meant to benefit through loans ranging from Rs 10 lakh to Rs 1 crore for new entrepreneurship to Dalits and Women, it is estimated that 12,055 loans have been sanctioned to women (December 23, 2016).

Challenges and concerns

- Women continue to experience disadvantages and oppression. Gender inequalities arising from patriarchal structures are exacerbated by poverty, status (SCs/STs), sexual orientation and gender identity.
- The major challenge, infact failure, on part of the government is to arrest the increasing incidence of violence against women in its varied forms. Neither public nor private spaces are safe for women and girls. Women and girls from Dalit families are most vulnerable to violence and are denied access to justice.
- The other pressing concern is the declining female labour force participation. All time low, it stands at 22.5 per cent.
- There is feminisation of poverty, particularly rural poverty, increase in female headed households and with farmers committing suicides, the burden to meet subsistence needs of the family is falling on women.
- Women continue to be denied the right to land.
- There is no socially gender disaggregated data that could reflect on the status of women in the marginalised sections of society. As they are missing in data, they are also missing in policies and budgetary allocations.
- Issues of food security, livelihood, health and education continue to be critical for women.

Aspirations

- Women must be recognised as individual rights holders, and as equal partners in decision-making. Development paradigm is people-centric with redistributive justice and eradication of all forms of inequalities not just gender inequalities but also caste, ethnicity, age, sexual orientation, and occupation. Economic policies must ensure that no woman or girl is left behind.

Recommendations

- A concrete action plan for zero tolerance to violence against women and girls.
- 50 per cent representation in all decision-making bodies. Reservation Bill with 50 per cent provision, not 33 per cent, must be passed.
- Recognise diversity, intersectionality in policies, action plans and resource allocations.
- Recognise women as primary workers and unpaid work as work. Redefine the concept of work to include all activities economic, social, human and environment development. All women work and should, therefore, be entitled to universal social security.
- Macro-economic policies should be gender responsive.
- Institutional and accountability mechanisms must be strengthened.
- NITI Aayog should have a window for interacting with women's groups, academics and experts, so should line ministries.

Dr Pam Rajput is an academic turned activist who has engaged in the women's movement since the mid-1970s from the grassroots to the global level. She is former Dean, Faculty of Arts at Punjab University. Rajput has been a member of expert committees of the National Commission for Women (NCW), the 11th Plan Working Group on Empowerment of Women, the 12th Plan Working Group on Women's Agency and Empowerment. She was member of the Central Monitoring Committee of the NMEW and the Governing Council of the Central Social Welfare Board.

LGBT rights: Words, words and words

**The government
speaks in favour
of, but acts against
the marginalised
community**

The absurdity of the present government is the consistent U-turns it takes from its own commitments. The NDA government, which came to power in 2014 with a landslide victory, has forgotten its own moralistic and humanitarian stance. The LGBT (lesbian, gay, bisexual, transgender) issue has always witnessed a see-saw situation amongst the Supreme Court and our political leaders. The government is back to terming LGBT as a genetic disorder. This, despite many BJP leaders being certain that support for the LGBT cause can bring a lot of goodwill. They have been vocal about it too. At times, their statements have even prompted hope that the government may actually take a step towards scrapping Section 377.

This government's problem is towards recognising LGBT rights as human rights. Last year witnessed some positive signs towards empowerment of the marginalized communities in India. Unfortunately, those were scrapped due to the government's own attitude. Last year, after the Supreme Court judgement, transgender development boards were formed in many states. But these are as active as a lazy sloth. The little steps that the government and the transgender development boards have taken are questionable.

In the last three years, we have actively seen the BJP politicians changing their stance on homosexuality. Finance Minister Arun Jaitley spoke in support of gay rights activists and said, "Supreme Court should not have reversed the Delhi High Court order which decriminalised consensual sex between gay adults." His predecessor P Chidambaram also battled for LGBT rights. Environment minister Prakash Javadekar supported Jaitley's comments and said that Supreme Court should reconsider its verdict. "We should not marginalise the already marginal," he said. Despite this, when it comes to taking steps in this direction, the government disappoints the marginalized community.

India voted against the UN Secretary General's decision to extend marriage benefits to LGBT or same sex couples. India was among the 43 countries, along with China, Saudi Arabia and Pakistan, which voted against the Russian resolution to withdraw benefits to same sex couples. Significantly, India had abstained from voting on a previous resolution against LGBT discrimination that was passed by the UNGA in September 2014. So how can we say that the government was successful in providing equal rights to the LGBT people when they have failed to stand on their promises?

Challenges facing the government vis-à-vis LGBT rights must be handled maturely. Inclusion of LGBT people in policies and law-making is a must. If the government wants to reach out to the people of this country, its words must translate into action. It must create a much stronger space for LGBT people.

Instead of pointless talks, the government should put more efforts in decriminalising homosexuality, not just in the terms of law but also in the minds of people.

Dr Santosh Kumar Giri is the founder Secretary and Director at Kolkata Rista. She is a Bachelor of Ayurveda Medicine and Surgery. She has been actively engaging on issues of Sexuality and Gender, Human Rights, Sexual Health and Engaging with Men. She also works on issues related to empowering women, combating trafficking and the campaign as Zero Tolerance. She wrote a research paper called "Hum Kahan" based on the struggles and issues faced by the male born transgender people married to cisgendered women. She is the recipient of WISCOMP SAAHAS award 2017 from foundation for universal responsibility of His Holiness The Dalai Lama for her display of courage in overcoming the hurdles and humiliation in her personal life and standing for the rights of the LGBT community.

Parliament's performance

Frost during Winter Session

Parliament, a pillar institution of the Indian democracy, mirrors how the government is functioning. It also shows in which direction the country is heading. Last year, the BJP government made history, especially in the Rajya Sabha. Landslide victory in the Uttar Pradesh elections took BJP to become the single largest party in the Upper House. With majority in the Lok Sabha as well, the party will now be able to easily push its economic and social reforms agenda.

In terms of productivity, Parliament witnessed a new low in 2016-2017. The Lok Sabha held only 83 sittings in which 413 hours were utilised. This is much less than last year's record. This year, a total of 106 hours were lost due to disruptions, much higher than last year. The House introduced 52 Bills and passed 51.

During this period, the Rajya Sabha held 85 sittings in which 339 hours were utilised. This was much less than last two years. As much as 138.6 hours were lost due to disruptions. A total of 59 Bills were introduced and 42 were passed or returned.

The worst performance of the Parliament was during the Winter Session. More than 80 per cent of productive time was washed out as Members of Parliament caused chaos taking up demonetisation as an issue.

Some major Bills were also passed during this period. These are—Taxation Laws (Amendment) Bill, Central Goods and Services Tax Bill, Integrated Goods and Services Tax Bill, Union Territory Goods and Services Tax Bill, Goods and Services Tax (Compensation to States) Bill, Finance Bill, Payment of Wages (Amendment) Bill, Specified Bank Notes (Cessation of Liabilities) Bill, Taxation Laws (Second Amendment) Bill 2016, Maternity Benefit (Amendment) Bill, and Enforcement of Security Interest and Recovery of Debts Laws and Miscellaneous Provisions (Amendment) Bill, 2016.

However, some important Bills are still pending. These are—Right of Children to Free and Compulsory Education (Amendment) Bill, National Commission for Backward Classes (Repeal) Bill, National Bank for Agriculture And Rural Development (Amendment) Bill, Constitution (One Hundred and Twenty-Third Amendment) Bill, Indian Institutes of Information Technology (Amendment) Bill, Inter-State River Water Disputes (Amendment) Bill, Merchant Shipping Bill 2016, Constitution (Scheduled Castes and Scheduled Tribes) Orders (Amendment) Bill 2016, Surrogacy (Regulation) Bill 2016, Factories (Amendment) Bill 2016, Taxation Laws (Amendment) Bill 2016, Transgender Persons (Protection of Rights) Bill 2016 and Citizenship (Amendment) Bill 2016.

Apart from these Bills that are pending are Lokpal and Lokayuktas and other related Law (Amendment) Bill 2014, Companies (Amendment) Bill 2016, Consumer Protection Bill 2015, and Whistle Blowers Protection (Amendment) Bill 2015. These provides a mechanism for receiving and inquiring into public interest disclosures against acts of corruption, willful misuse of power or discretion, or criminal offences by public servants.

The government has made three major achievements. Constitution (101st) Amendment Act, 2016 allows both the Centre and states to levy Goods and Services Tax (GST). Before the 2016 amendment, taxation powers were divided between the Centre and states. For example, while the Centre exclusively taxed services, the states exclusively taxed goods at the time of sale. The 2016 amendment replaces various Central and state taxes such as excise duty, service tax, sales tax, entry tax and entertainment tax with GST. It will help boost GDP by about 2 per cent and check tax evasion. Second, Specified Bank Notes (Cessation of Liabilities) Bill as per the specified bank notes (old Rs 500 and Rs 1,000) will cease to be liabilities of the Reserve Bank of India from December 31, 2016. On the social sphere, the government has passed the Maternity Benefit (Amendment) Bill, 2016. As per the Act, maternity leave has been extended from 12 weeks to 26 weeks.

Dr Santosh Kumar Singh is Assistant Professor, at department of political science, Sri Venkateswara College, University of Delhi. He has undertaken research on governance, democracy, civil society, foreign policy and security issues of the countries in Africa. He has done intensive research on civil society and foreign policy issues in Sub Sahara Africa with special focus on South Africa. His areas of research include India-Africa Relations, Indian Diaspora in Africa, governance, democracy, civil society and Conflict

Health policies sans political will

Soothing words have failed to translate into action

More than half way through its five-year term, the NDA government has successfully built a public perception on its intention of taking policy measures to improve the health of the people. However, a critical review of translation of rhetoric into action points to the lack of political will to take substantial steps to implement them.

Policy measures

The National Health Policy (NHP) 2017 strikes a right chord with the aspirations of people with the goal of “attainment of the highest possible level of health and well-being for all” and “universal access to good quality healthcare services without anyone having to face financial hardship as a consequence.” The pathway suggested is by increasing access, improving quality and lowering the cost of healthcare. The key legislation include Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) (Prevention and Control) Bill 2017, Mental Health Care Act 2017, Maternity Benefit (Amendment) Act 2017, and Rights of Persons with Disabilities Act 2016.

Continued cracks

Data of the fourth round of National Health and Family Survey (NHFS) 2015-16 released on March 1, 2017, points to incremental improvement in key areas of population health outcomes. This can be attributed to the investment done through National Rural Health Mission from 2005. Although figures paint a positive picture, facts differ substantially in categories as income, educational qualification, and rural-urban populations. In addition, the data does not indicate significant improvement for the marginalised who are solely dependent on a well-functioning health system. The government promotes privatization, which is clear from its resistance to increase budgetary allocations, enact regulatory provisions for the private healthcare providers and to protect patient's rights.

Low budgetary allocations

As pointed out by the National Health Accounts (NHA) 2013-14, the government spends merely 1.15 per cent of GDP on healthcare, equating to 3.8 per cent of the general government expenditure and 8.6 per cent of the total health expenditure. This means it has a paltry Rs1,042 per capita expenditure on healthcare, one of the lowest in the world. This year's Budget allocation remains abysmally low at 1.2 per cent of GDP.

Enhanced emphasis on privatisation

The continued emphasis on insurance, private sector engagement and a policy eco-system encouraging business in health has been readily accepted in a government document, which forms the background for NHP. NHA 2013-14 suggest that the out-of-pocket expenditure amounts to 72.9 per cent. Government's focus on “insurance” as primary means of “assuring health” indicates siphoning of government reserves to private business. Further, the Clinical Establishment Act 2010 was one intended measure by the earlier government which has remained a toothless tiger without notification of required rules and no steps are being taken.

Disentitling conditionalities

Many states continued to enact legislation making two child norm, Aadhar card, and bank accounts mandatory in addition to the existing documentary requirements of BPL card for the poor. The proposed draft Labour Code on Social Security and

Welfare disentitles all women with more than two children to the maternity benefits which were hitherto universal under the Maternity Benefits Act 1961. States ruled by BJP, such as Rajasthan, Assam and Haryana, have enacted far stringent and regressive legislation around these issues.

Universal access to healthcare

Though the national average figures of NHFS-4 show incremental change in health outcomes over a decade, factors in other interconnected dimensions such as increased unemployment, drought and migration, decreasing food sovereignty, decreased access to food and nutrition along with unbridled communal violence and atrocities on Dalits are increasingly trapping the poorer and rural citizens in the vicious cycle of morbidity/injuries/diseases—health expenditure and debt. A disaggregated view of data in terms of state, region, urban/rural location and vulnerable community show enormous inequity in access to healthcare.

Recommendations

- Government spend 3.5 per cent of GDP on healthcare, immediately increasing health budget to 2.5 per cent in the coming two years, with a plan to spend at least 65 percent of it on comprehensive primary healthcare.
- Regulatory measures on the private healthcare sector by notifying rules of CEA and providing an independent National Health Regulatory Authority for grievance redressal and regulation of private sector.
- Bringing all-essential and life-saving medicines under DPCO 1978 and free treatment to all citizens as an entitlement.
- All conditionalities that disentitle citizens to any healthcare provisions should be abolished making comprehensive healthcare universal and accessible to all as part of making right to healthcare a constitutional and fundamental right.

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E Premdas Pinto is a Human Rights advocate and Public Health practitioner, actively engaged in processes and social justice issues of the marginalised communities for the last 22 years in India. At present, he leads the health governance and accountability theme and is the Director – Research and Advocacy at the Centre for Health and Social Justice (CHSJ), Delhi. CHSJ is the national resource centre for public health practice, health rights and accountability. He has a post-graduate degree in social sciences as well as in law. Currently, he is pursuing his doctoral research on public health and law from Jawaharlal Nehru University, Delhi.

Union Budget: Through the minority lens

**Allocation and
utilisation
of funds for
minorities shows
government's
intent**

In India, six religious communities—Muslim, Christian, Sikh, Buddhist, Zoroastrian and Jain—are notified as minority under Section 2(c) of the National Commission for Minorities Act, 1992. In 2006, the Sachar Committee report highlighted the social, economic and educational backwardness suffered by Muslims. The same year, Ministry of Minority Affairs (MoMA) was created to ensure a focused approach towards the minorities.

A major policy change to address the development deficit of minorities came in the form of Prime Minister's New 15 Point Programme and Multi-sectoral Development Programme (MsDP), both of which entail significant budgetary commitments. Thus, budgetary analysis of these programmes can reliably indicate the efforts government has made for the betterment of minorities.

The 15 Point Programme initiated the concept of minority budgeting in the government's flagship schemes. It also introduced a number of minority-specific schemes, which were largely implemented by MoMA. Studies reveal that minority budgeting in flagship schemes, as required under the programme, has largely been notional. Budgeting was done without considering minorities' requirements.

Studying minority budgeting in government schemes is not easy because of non-availability of disaggregated data of beneficiaries. This study confines itself to minority schemes and looks at direct allocation for minorities under MoMA, the Ministry of Human Resource Development and the Ministry of Civil Aviation. It analyses the adequacy of funds, priority given to areas within the minority allocation, and the progress government has made in its efforts.

Minorities' share

This year, the Union Budget increased the allocation to MoMA by over 9 percent. But it also reduced allocation to the Ministry of Civil Aviation, with regard to Haj subsidy. So, the overall increase in direct allocation for minorities is only over 2 percent. This is less than the increase in the size of the Budget. It also reduces the direct share of minorities in the Union Budget.

	Ministry of Minority Affairs	Ministry of Civil Aviation (Welfare of SC, ST, OBC, Minorities)	MHRD (Education scheme for Madrasas and Minorities)	Total Allocation for Minorities
2017-18	4,195.48	200	120	4,515.48
2016-17	3,827.25	450	120	4,397.25

Note: Budgetary figures in all the tables are in Rs crores

Minorities, who form 19.32 per cent of the population (Census 2011), have been directly allocated only 0.21 per cent in Budget 2017-18.

	Total Allocation for Minorities	Total Union Budget	% Share of Minorities in Budget	% Share of Minorities in Population
2017-18	4,515.48	2,146,735	0.21	19.32
2016-17	4,397.25	1,978,060.45	0.22	19.32

Allocation and utilisation by MoMA

The minority affairs ministry is tasked with implementing major minority-specific development programmes relating to educational empowerment, skill development and livelihood, MsDP and so on. Budget allocation to the ministry has increased by 9 per cent, but the situation of minorities, specifically Muslims, demands far more resources.

On the positive side, MoMA has utilised more funds reflecting greater efficiency and actual expenditure on schemes.

Year	Allocation (Budget Estimate)	Expenditure (Actual)	Utilisation Level (%)
2012-13	3,154.7	2,174.29	68.92
2013-14	3,530.98	3,026.7	85.71
2014-15	3,165	3,088.57	97.58
2015-16	3,738.11	3,654.86	97.77
2016-17	3,827.25	-	-
2017-18	4,195.48	-	-

Funds distribution within MoMA

The ministry was provided almost the entire fund under the Central scheme Net Umbrella Programme for Development of Minorities. A look at the division of funds reveals that almost half of the funds are devoted to improving education, such as scholarship programmes for minority students. A little less than one-third of the fund is allocated to MsDPs for minorities. The next priority is skill development and livelihood programmes for minorities.

Fund Distribution 2017-2018 (BE)	
Education empowerment	2,053.54
Skill development and livelihood	634.95
Special programmes of minorities	64
Multi-sectoral Development Programme for Minorities (MsDP)	1,200
Net Total: Umbrella Programme for Development of Minorities	3,952.49

Scholarships under MoMA

Scholarship is an important aspect for the minority affairs ministry, yet scholarship programmes suffer from inadequate funds. Union Budget failed to increase funds for it this year. In fact, the largest scholarship scheme—Pre-Matric Scholarship—has seen a decline in the present allocation over actual spending in 2015-16.

Scholarship	2015-16 (A)	2016-17 (RE)	2017-18 (BE)
Pre-Matric	1,015.73	931	950
Post-Matric	552.83	550	550
Merit-cum-Means	315.01	395	393.54
Maulana Azad National Fellowship	55.52	120	100
Free Coaching and Allied Schemes	44.87	40	48

Multi-sectoral Development Programme for Minorities

Multi-sectoral Development Programme (MsDP) is an area development initiative for minority-concentrated areas. It focuses on infrastructure for education, skill development, health, sanitation, drinking water, pucca housing, roads, and so on for minorities. There is some increase in allocation for MsDP but it is inadequate considering the programme's wide scope. The programme covers 710 blocks and 66 towns in 196 districts.

	2015-16 (A)	2016-17 (RE)	2017-18 (BE)
MsDP	1,120.73	1,059	1,200

Another concern is the poor ground-level progress under MsDP. Till now, more than 80 per cent of the

Proposed funds for MsDP under the 12th Five Year Plan has been spent. But little can be seen on ground. This calls for better implementation of the programme by the ministry.

Skill development and livelihood

MoMA's skill development and livelihood programme has seen a 25 percent increase in spending from last year. This reflects government's priority in skill development programmes for the development of minorities.

The table shows the funds spent and allocated for skill development schemes under the ministry over three years. Seekho Aur Kamao, and Nai Manzil schemes have registered the largest increase. Similarly, there has been an increase in contribution to National Minority Development Corporation, which would lead to increase in access to credit for the minorities.

Skill Development Schemes under MoMA	2015-16 (A)	2016-17 (RE)	2017-18 (BE)
Seekho Aur Kamao	191.96	210	250
Nai Manzil		120	175.95
USTADD	16.9	20	22
Nai Roshni	14.99	15	15
NMDFC contribution	120	140	170

Madrassa and minority education institution

The Ministry of Human Resource Development initiated two madrasa-related schemes—Scheme to Provide Quality Education in Madrasas (SPQEM) and Infrastructure Development in Minority Institutes (IDMI). The aim was to provide funds to modernise madrasas. But last year, Budget allocation was substantially reduced, from Rs 295.8 crore to Rs 120 crore. This year the allocation did not increase.

Haj subsidy

The Ministry of Civil Aviation provides subsidy to air charter operators for Haj pilgrims. Often, the charter planes are that of the government-owned Air India. Allocation under this head has seen a consistent decline over the last few years. In 2013-14, the allocation was Rs 680.03 crore, in 2014-15 it was Rs 583.84 crore, in 2015-16 Rs 529.51 crore and in 2016-17 Rs 407 crore. This Budget the allocation has fallen to Rs 200 crore. Clearly, this is an outcome of the political rhetoric surrounding the issue.

Conclusion

- The direct share of religious minorities in the overall Union Budget is a dismal 0.21 per cent. There is a pressing need to increase funds for minority-specific schemes and rigorously implement minority budgeting in flagship schemes.
- Utilisation of funds by MoMA has increased overtime and remains high.
- Scholarship schemes are very useful for students and need to be demand-driven. But at present, funds allocation for scholarships is clearly inadequate. Further, funds need to increase with inflation.
- This year, budgetary allocation for MsDP increased. But there is need for even more funds to reach out to all the backward minority concentrated areas. A major concern with regard to MsDP is slow rate of work progress.
- The Skill Development and Livelihood programme has seen a good 25 percent increase in allocation. The focus is on Seekho Aur Kamao, Nai Manzil, and credit access through NMDFC. There should have been proportionate increase in USTADD scheme as well, which caters to traditional craftsmen.
- Fund allocation for women empowerment scheme has remained stagnant. Government's concern for minority women should match its budgetary commitments.
- Fund allocation for madrasa modernisation programme remains capped at reduced levels.
- Subsidy for operation of Haj air charters has significantly declined.
- There is a need to introduce a Budget Statement on Minorities in the Budget process.

Fahad M Khan is a Research Associate at Centre for Social Justice, Ahmedabad and has interest in minority rights issues. He is a law graduate from Faculty of Law, Aligarh Muslim University.

Leave no child behind

NDA government must focus on child welfare

India is home to 442 million children, constituting about 39 per cent of the country's population. However, the world's fastest growing economy has not touched these millions of children. The promises that the NDA government made on health, education and welfare of the children, especially the backward classes, were quite assuring. But it did not show in Budget 2016-17. The allocation has only marginally increased—from 3.26 per cent to 3.32 per cent. Although even this much is welcome, how much can it benefit the millions of children?

Education

Budget for the education sector has seen a consistent decline from 3.44 per cent in 2012-13 to 02.40 per cent in 2016-17. According to Ministry of Human Resource Development data, the national dropout rate at the primary level was 4.34 per cent in 2014-15. At the secondary level, it was as much as 17.86 per cent.

One of the present government's programmes is to provide the girl children all possible help to complete school education. But India has more than 4.5 lakh girls under 15 years of age who are married and even have children. Of these, 70 per cent have two children (Census 2011). The government diligently implemented schemes such as Beti Bachao Beti Padhao, showing that it was serious in its efforts. Yet in the present Budget, the share for strengthening education among Schedule Tribe girls and for National Scheme for Incentive to Girl Child for Secondary Education (SUCCESS) has been significantly reduced. Under the Sarva Shiksha Abhiyan, budgetary increase is 2.27 per cent, which is extremely low considering the stress the BJP had laid on it before being elected to power.

Child health

In India, 38.7 per cent children less than five years are below normal height, 19.8 per cent are wasted, underweight and short, and 42.4 per cent are underweight. The infant mortality rate is 42 per 1,000 live births, and the number of girl child is higher than that of boys. India accounts for 20 per cent global deaths of children under five years. One in every 21 children born in India die before reaching their fifth birthday.

The under-five mortality rate (U5MR) in India is about seven times higher than in high-income countries. The government has reduced the budgetary share for health from 0.13 per cent in 2015 to 0.12 per cent in 2016. The mid-day meal allocation has increased by only Rs 463.6 cr, or five per cent. Integrated Child Development Services (ICDS) supplementary programme finds no mention in the Budget.

Child protection

Child protection has received only 0.03 per cent of the total financial resources. Child protection seemed shaky as Integrated Child Protection Scheme (ICPS) has been subsumed with ICDS. National Crime Records Bureau (NCRB) data shows that crime against children rose 10 per cent respectively in 2015. Crime against children increased from 89,423 cases in 2014 to 94,172 cases in 2015. Schemes such as ICDS are welcome and the focus towards it is appreciable. Funds allocation for scheme for the Welfare of Working Children in Need of Care and Protection has reduced by 70 per cent from last year.

Recommendations

- With the focus on getting every child educated, the government needs to increase the allocation for Sarva Shiksha Abhiyaan in the next Budget.
- Government's needs to focus on children from the vulnerable section of society. More emphasis is required on eradication of child labour.
- Data on trafficking shows that around a lakh children go missing every year. The government should come up with more security measures to eliminate it.
- Decrease of budget for health is a cause of serious concern. The government should look at this issue more carefully.

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Fr Koshy Thomas is the Executive Secretary of Don Bosco National Forum for the Young at Risk - a network of over 75 organizations across 19 states of India, engaged in rescue, care and protection, education and advocacy intervention on behalf of children and young persons who are at-risk or invulnerable situations. The network envisions a world where every child and every young person lives and grows towards "fullness of life" in secure, enabling environments.

Goals take backseat

India lags in creating a just, peaceful and inclusive society

Goal 16 of the United Nation's Sustainable Development Goals may have focused, among other things, on access to justice for all. But facts show that India's effort towards achieving the goal is anything but satisfactory, whether it is provision of infrastructure, human resources, or public investment into achieving the goal. Worse, when it comes to the marginalised communities, access to justice particularly takes backseat.

A nationwide survey on access to justice, conducted by Bengaluru-based NGO Daksh, in 305 courts across 170 districts of 24 states, interviewing 9,329 litigants, gave startling results. The loss of wages and business for litigants attending lower court hearings was estimated at over Rs 50,000 crore a year at an average of Rs 1,746 per case per day. If one adds to this the cost incurred by litigants in a year on payment of legal fees and other expenditure, the figure reaches a whopping Rs 80,000 crore annually or 0.70 per cent of India's GDP (in 2015-16).

Pointing out that "majority of litigants strongly felt that delay in their cases is caused because judges do not pass orders quickly", the survey report states that more than 60 per cent of the litigants said the delay was caused because the judges did not pass orders quickly, while about 50 per cent said that it was because of lack of adequate judges. The marginalised communities suffer the most, suggests the survey. In majority of cases involving poorer and marginalised sections, the lawyers appointed by courts are "not allotted" through legal services authorities (without any fees). Of the 9,329 cases, only in 132 of the survey respondents, or less than 2 per cent, said they availed the facility. The rest got lawyers based on reference from family, or friends, or colleagues, or other acquaintances.

There is no dearth of data suggesting poor infrastructure and human resources as the main hurdles in access to justice. A report by the Centre for Research and Planning of the Supreme Court (October 2016), titled "Subordinate Courts of India: A Report on Access to Justice 2016", stated, "If the demographic standard of 50 judges per million of population is applied, with a population of 1,210.6 million (Census 2011) India requires a total of 60,530 judges to reach a judge-population ratio of 50 per million." It pointed out that India has a judge-population ratio of 18 judges per million as on December 31, 2015, one of the worst in the world. Australia has 48 judges per million, while England and Wales have 56 judges per million. If the 19,634 "serving magistrates" of England and Wales are included, the ratio shoots up to 342 judges per million. China has 147 judges per million.

That the marginalised communities suffer the most because of poor infrastructure and human resources is clear from the Supreme Court taking strong exception to tardy implementation of the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act. Criticising the government's "indifferent attitude" towards the Act, a bench headed by former Chief Justice TS Thakur, observed in December 21, 2016 that "the constitutional goal of equality for all the citizens can be achieved only when the rights of the Scheduled Castes and Scheduled Tribes are protected. The abundant material on record proves that the authorities are guilty of not enforcing the provisions of the Act."

Facts released by the Ministry of Social Justice and Empowerment in December 2016 showed that from 2013 to 2015, only 43.3 per cent of the total cases registered (13,8077) under the Act were disposed of by courts and 25.7 per cent of total cases disposed of by courts (59,779) ended in conviction. "In certain states, that is Andhra Pradesh (6.3 per cent), Gujarat (3.1 per cent), Karnataka (3.5 per cent), Maharashtra (7.6 per cent), Odisha (4.3 per cent), Tamil Nadu (7.5 per cent), Telangana (7.5 per cent) and West Bengal (3 per cent), the conviction rate was in single digit," an agenda note put forward for discussion before the ministry reads.

The International Dalit Solidarity Network notes non-implementation of laws prohibiting caste discrimination, especially the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and ignoring of “several UN human rights bodies” which have “underlined the need for strong enforcement of laws to prevent and eliminate discrimination”. The Committee on the Elimination of Racial Discrimination has “expressed deep concern about the non-implementation of legislative measures to protect the rights of Dalits in a large number of affected countries”, while UN Special Rapporteur has called it as one of the “contemporary forms of racism.”

An international survey carried out by the World Justice Project, placed India among 133 countries in rule of law index, well below at least two peer countries Brazil (52nd) and South Africa (43rd). An editorial notes, the poor ranking is the result of “insufficient attention” to access to justice, pointing towards the fact that India hasn't yet ratified “UN conventions on torture, rights of migrant workers and their families, and protection against enforced disappearance.” Calling it a “serious lacuna” it adds, one would also need to look into factors like the need to handle “major emerging challenges such as urbanisation, the housing deficit, access to power, water, education and health care.”

Gagan Sethi is a development educator and practicing OD professional with the voluntary sector. He is the co-founder of Ahmedabad-based Centre for Social Justice, which works on access of justice.

Crisis for CSOs

Civil Society Organisations must be empowered to help in nation building

The year 2016-17 witnessed a love-hate relationship between the government and civil society organisations (CSOs). In India, CSOs have become habitual of such a relationship, whichever the government be at the Centre.

This year, the government addressed many concerns of CSOs, but several remained unattended. These organisations played an important role in developing partnership with various government departments to achieve the national goal of development. Various flagship projects of the current government received vital contribution from CSOs. This year also saw NITI Aayog taking shape and redefining its relationship with CSOs. An online engagement portal, called Darpan, was launched by NITI Aayog, which required registration of CSOs aspiring to work with the government. The growing arena of Corporate Social Responsibility (CSR), further strengthened the triangular relationship between the private sector, government and CSOs.

The year was also crucial for *Foreign Contribution (Regulation) Act*-registered organisations as the first cycle of renewal started. The amended FCRA (2010) required renewal of registration after five years. The rules were further amended this year to facilitate the renewal process. Although quite late, every interaction between registered organisations and FCRA department was made through online system. The law abiding CSOs of India do hope that the online system will save them not only from arbitrary department actions, but also from the corruption associated with it.

An additional requirement demanded more real-time reporting of foreign funds through quarterly reporting. However, the renewal process also came with plenty of pain. It seems the system was applied without understanding the problems that so many organisations would face regarding software and connectivity. Although many organisations like VANI provided support to grassroots groups, but problems remained.

FCRA was also amended through Finance Bill to convert donations from foreign companies to Indian currency. Considering the current scenario of CSR, this step looked positive for CSOs, but it also included political funding. The finance ministry stopped the cancellation of tax exemption under 12A, which was major relief for the sector.

This year CSOs also witnessed a hide and seek game with Lokpal and Lokayukta Act. Clearly, CSOs were included in the Act as a punishment for taking part in the anti-corruption movement in 2013. The inclusion defies logic, because very few CSOs deal with government funds and FCRA funds are anyway private funds. The next major development, which defined the relationship between CSOs and the government was the intervention of Supreme Court while responding to the Public Interest Litigation. The Supreme Court directed the government to create a proper system to regulate CSOs and build database of good CSOs.

The dark side of the relationship between CSOs and government was penalising many FCRA-registered organisations. Many organisations were denied renewal, and bank accounts of several others were frozen on flimsy grounds. The FCRA department continued its unilateral actions without following the natural law of justice. Since FCRA does not have any appellate authority like Income Tax Tribunal, it is expected that a chance of hearing would be given to organisation before punishment.

We hope that the government realises the need for vibrant and empowered civil society organisations for nation building.

Harsh Jaitli is the Chief Executive of VANI, a national platform for civil society organisations.

Right to Association: FCRA misused by government to target CSOs

**Government's
restrictive legislation
and policies
gag civil society
organisations**

Article 19 (c) of the Constitution guarantees the right to form associations and unions. Article 22 of the International Covenant on Civil and Political Rights (ICCPR), to which India is a state party, also guarantees freedom of association. Despite these commitments, the government has, since 2012, used restrictive legislation and policies to target civil society organisations, suspended the operations of some and cancelled the registration of others. Ministry of Home Affairs (MHA) has, on several occasions, frozen the bank accounts of organisations thereby preventing them from accessing funding to carry out their operations. The Foreign Contributions Regulations Act 2010 (FCRA), effectively replaced FCRA 1976, which compulsorily mandated all FCRA-registered organisations to undergo certificate renewal once every five years, with the first one in 2016. The number of organisations possessing certificates to receive foreign grants have come down from 33,000 to 13,000 as per an MHA estimate. Undefined broad provisions of FCRA have been used to subjectively target organisations that question government policies.

On June 1, 2016, MHA suspended the registration of the human rights organisation Lawyers Collective (LC) for six months for violating FCRA and further cancelled it in November 2016. The authorities accused LC of authorising reimbursements to two of its founding members—Indira Jaising and Anand Grover. LC was also accused of “spending foreign contributions on advocacy with media and Members of Parliament. LC was given a month to provide an explanation as to why its registration should not be permanently cancelled. LC has approached the Bombay High Court and has now its domestic account de-frozen.

On April 9, 2015, MHA issued an order to freeze the bank accounts of Greenpeace India to prevent the organisation from receiving funds from abroad. The Indian government accused Greenpeace of engaging in activities that were against Indian's economic interests, were threatening national security, and were inciting protests. It accused Greenpeace India of incurring 50 per cent of foreign donations on administrative costs between 2011 and 2013 without prior approval. On May 27, 2015, the Delhi High Court granted Greenpeace India a temporary relief for some of its funds. While Greenpeace was granted FCRA renewal, the renewal was cancelled in November 2016. Cancellation of renewal has been stayed by Madras High Court. Similarly, Sabrang Trust, Navsarjan Trust and other organisations whose FCRA registrations were renewed, were cancelled in November 2016.

FCRAs of 25 NGOs (available in public domain) were not renewed till October 31, 2016. These included human rights organisations such as Indian Social Action Forum (INSAF) and Centre for Promotion of Social Concerns (CPSC). In FCRA non-renewal case of CPSC, MHA has placed on record in the Delhi High Court that it takes objection to organisation's engagement with UN special rapporteurs and foreign embassies as it is against national interest. In all the FCRA matters, the proceedings are pending in various high courts. It is pertinent to note that the reason for non-renewal of FCRA has been one—“based on field agency reports.” Intelligence Bureau is referred to as field agency.

Henri Tiphagne is human rights activist and Executive Director of People's Watch.

Happy to say I'm gay

**How can I be
happy when I am
not free?**

At the outset, let me introduce myself. I am a gay citizen of our fabulously happy and gay nation. Of the many things that are intrinsic to my character, being gay and being Indian top the list. I call upon you to speak on the issue of sexuality that is different, but not unnatural by any stretch of imagination. The party you represent has regularly bullied and belittled every effort by the MP Shashi Tharoor to engage in a debate on the issue. You watched silently as people jumped in and called him gay for merely intending to invite a discussion on the Bill. I understand differing views, and I understand bullying. This was bullying. You may have many political differences with Shashi Tharoor, but you ought to know the rules of decency in a debate.

Enough of mudslinging, nitpicking and dirty laundry being washed on the floor of the House. You need to agree to at least a decent debate on the issue. If statistics and science is anything to go by, there are 7 to 10 per cent of a population that is not straight. We are speaking about that big a demography, a demography you choose to invisibilise, and be silent about. I am yet to hear you utter the words Section 377, let alone speak at length about it. Parallely, in another India, you choose not to acknowledge young men being abused, extorted and even raped. There are young women who are forced into marriages because it is difficult for gay men to come out and find acceptance. You started an ambitious "Beti Bachao, Beti Padhao". Isn't a fulfilling married life a part of Beti Bachao campaign? It is the woman who gets sacrificed for the laws and prejudices that you choose to ignore. There is no Beti Bachao campaign in sight with the sword of Section 377 lingering over gay heads. Our causes are interrelated. So inevitably, you cannot champion women's rights by ignoring gay rights. You promised us a happier and wealthier life with your prime ministership. While wealth can be debated, I ask you a very basic question—How can I be happy when I am not truly free? How can I be happy when my own government makes its stand clear in the UN by either abstaining or by taking a homophobic stance on issues? How can I be happy when your minister Sushma Swaraj openly claims that homosexuality is against Indian ethos?

You promised us a life of contentment. We believed you will be better. I hope you will break your silence, and if not support, debate and learn from us what homosexuality is. Wada Na Todo.

Harish Iyer is a multiple award winning equal rights activist, and the only Indian to be listed in the world pride list of the most influential LGBT persons in the world.

Jobless growth

The promise of millions of jobs still remain a cruel mirage

For millions of young voters Prime Minister Modi's most alluring election promise in 2014 was that his government would create ten million jobs, reversing the dismal UPA record of almost jobless growth. 65 percent Indians are younger than 35 years, and legitimately dream of a better life built on well-paid and secure employment; therefore many among them chose to trust their futures with his leadership.

But three years into his tenure, employment-creation has proved to be one of the most spectacular failures of his government. As pointed out in the India Exclusion Report 2016 of the Centre for Equity Studies, there are almost no jobs available in India's high-growth economy. Job creation has plummeted to levels even below those of preceding UPA governments. The government is reluctant to publish official data about employment, because it is so damning. But data compiled from the Quarterly Report on Changes in Employment in Selected Sectors by the Labour and Employment Labour Bureau of the Government of India reveals that employment creation even in the most labour-intensive sectors of the economy in 2015 plummeted to a mind-numbing low of 135,000 jobs. One million new people join the workforce every month. This means that just 0.01 percent of new workers added to the work force actually found work.

The picture of jobless growth is further complicated because jobs are being extinguished even as others are being created, and net figures hide this. Employment in the formal sector has continuously fallen since 1997. More and more people are being pushed into either lowest-end self-employment; or the most unprotected and casualised wage employment. The countryside is of course the most stricken. But the situation is almost as hopeless for the distress migrant to the city.

The twelve million people joining the labour force does include those who seek work in the cities because of the near-death of the rural economy. The worst-hit by jobless growth indeed are rural workers and distress migrants. The SECC survey revealed that 56 percent rural households own no land, and depend primarily on manual labour to survive. Economist Prabhat Patnaik observed that our share of cultivators has actually fallen since 1951. A whole set of people who might have been independent peasants have been pushed into the ranks of agricultural labour. They have no rights, no security of income, they are subject to the worst kind of drudgery, they cannot be organised.

Since the stagnant rural economy offers meagre opportunities for employment, a large segment of these households are footloose circular distress migrants, evocatively described by labour anthropologist Jan Breman as 'hunters and gatherers of work'. In order to stay alive, they will go to any corner of the country, to do any work, with any remuneration, on any terms. An estimated 12.24 million people seek work for 2-6 months annually. Of these, 77 percent are resident in rural areas and more than two thirds of them migrate in desperate search of any kind of work to urban areas. Some estimates show that about 35-40 million labourers – almost half the number of casual labourers outside agriculture could be seasonal migrants.

These are the migrant workers toiling in the prosperous rice, wheat, sugarcane and cotton farms of Punjab, Haryana, Western UP and Maharashtra, construction workers building high-rise structures in cities across the country, semi-bonded workers in brick kilns which pockmark the country, workers building roads in conflict- endemic frontier states, and so on. As social policy commentator Colin Todhunter observes in a biting indictment, 'much mainstream thinking implies that shifting people from agriculture to what are a number of already overburdened, filthy, polluted mega-cities to work in factories, clean the floors of a shopping mall or work as a security guard improves the human condition'. Often boys barely in their teens set out to distant lands to earn some money to keep their families alive. But now increasingly families migrate along with men, interrupting children's schooling, forcing women to bear and raise children on dusty city streets and shanties, and leaving behind old people in the village to starve, beg or die.

The highest promise of reforms was that it would unleash millions of jobs. However, the reality of what was accomplished in the years of high noon of economic growth under the UPA governments was jobless growth. The Prime Minister had promised to reverse this, but his government has no diagnosis of why past policies failed. Without reversing the agrarian crisis, mending the broken education system, installing greater labour protections and promoting labour-intensive small manufacturing, the promise of millions of jobs will remain a cruel mirage.

Harsh Mander, human rights and peace worker, writer, columnist, researcher and teacher, works with survivors of mass violence, hunger, homeless persons and street children. His books include 'Looking Away: Inequality, Prejudice and Indifference in New India'; 'Fatal Accidents of Birth: Stories of Suffering, Oppression and Resistance', 'Ash in the Belly: India's Unfinished Battle against Hunger', and 'Invisible People'. He is Director, Centre for Equity Studies, and founder of the campaigns Aman Biradari, for secularism, peace and justice; Nyayagrah, for legal justice and reconciliation for the survivors of communal violence; Dil Se, for street children running 46 residential schools for former street children and youth, and 'Hausla' for urban homeless people, for homeless shelters, recovery shelters and street medicine. He regularly writes columns for the *Hindustan Times*, *Scroll* and the *Indian Express*.

Fumbling attempts at providing 'Housing for All'

Government's colourful campaign for urban development is devoid of action

The National Democratic Alliance (NDA) government promised and set a high octane agenda for transforming urban India since it came to power in May 2014. While reviewing its performance across the various verticals of urban development, especially housing and urban poverty, the amplified missions, schemes and projects continue as fumbling attempts to catch the bull by its horns. Stating the Constitutional provisions on the powers of the Union and state governments, and citing the core of urban development as a subject of the state governments, the NDA government has been washing its hands of the urban transformation agenda, which it committed. Whatever the reasons, the government's performance during its third year in office has been largely of a colourful campaign with powerless presentations devoid of action on the ground. In terms of housing and urban poverty, its leadership role remained only in the confines of the four walls of the Ministry of Housing and Urban Poverty Alleviation (MoHUPA) in Delhi.

Commitments: Schemes, programmes and policies

- **Smart Cities:** Smart cities, which involve application of "smart" solutions, technology and data in urban infrastructure and service delivery, will receive Central assistance of Rs 100 crore each.
- **Atal Mission for Rejuvenation and Urban Transformation (AMRUT):** AMRUT aims at achieving optimal levels of basic services provisions—water supply, sewerage, drainage, waste management, urban mobility and green spaces.
- **Pradhan Mantri Awas Yojana (PMAY):** The scheme that promises housing for all by 2022 was launched on June 25, 2015. All the 4,041 statutory towns as per Census 2011 are eligible for coverage under the scheme. It is implemented in three phases. In the first phase (April 2015 to March 2017) 100 cities are selected, in the second phase (April 2017 to March 2019) 200 more cities, and in the third phase (April 2019 to March 2022) the remaining cities will be covered.
- **Rental housing:** The government has drafted National Urban Rental Housing Policy, 2016, to encourage promotion of rental housing for various segments of income, and create adequate rental housing stock by promoting Social Rental Housing. Special focus is on affordability of vulnerable groups and the urban poor by promoting shelter facilities for the most vulnerable groups and need-based rental housing for specific target groups.
- **Housing for migrant population:** The government created a working group to study the impact of migration on housing, infrastructure and livelihood in urban areas so that appropriate product mix of housing supply market catering to migrant population of various income segments can be devised along with infrastructure and livelihood support programmes.
- **Deendayal Upadhyay Antyodaya Yojana-National Urban Livelihoods Mission (DAY-NULM):** It will focus on organising the urban poor in their strong grassroots level institutions, creating opportunities for skill training for self and wage employment, and assisted to set up self-employment ventures by providing credit at subsidised rate of interest.
- **Skill development for construction workers:** Since an estimated 45 million people are employed in construction sector and only less than 6 per cent have the benefit of structured training and skill building, the government will intensify skill development training for construction workers for their increased productivity and more contribution of labour force to urban economy.

Where We Stand

- **Housing for All:** Under PMAY (urban), 3,888 cities (468 Class-1 cities) were selected. A total of 102,676 houses have been constructed so far, of which only 78,808 are occupied, MHUPA data states. The data does not specify any reason for this. The government has not bothered to examine why people evicted from various urban slums are reluctant to move into hundreds of units constructed under earlier schemes like JnNURM and Basic Services for Urban Poor (BSUP). The government believes that housing shortage is turning acute due to increasing urbanisation and migration. Under PMAY, the plan is to construct 25 million houses by 2022. With an achievement of only 0.1 per cent in the first year, can we achieve the milestone of constructing over 9,781 houses per day? Taking first year's pace, it will take the country 35,211 years to achieve the target. Are we planning corrective measures?
- **Shelters for urban homeless:** City makers, or homeless urban workers, are looked down upon by others. No effort is made to construct shelters for them in cities. Except Delhi, which had 269 shelters in January 2017, no other city has made adequate efforts to build shelters for the homeless. A metropolitan city like Mumbai does not have even a single shelter for the homeless. The NDA government has been unsuccessful in goading and demanding state governments to build shelters for the homeless, in spite of the Supreme Court order.
- **Evictions in cities:** Forced evictions and demolitions are the norm in many cities, even as the government continues its the big talk of providing "housing for all". Even the Capital is not free from demolitions and evictions.
- **Smart Cities:** Apart from generating a list of names of cities that would be turned "Smart", and constructing a few "Smart" toilets, under the Swachh Bharat Mission funds, the big promise remains under cloud. With components such as GIS, property survey, Aadhar seeding, CCTV surveillance, Wifi and so on, Smart City Mission has little to do with the urban poor. Housing does not find mention under any of its various components.

DAY-NULM: The mission has been hijacked by private training centres, which run nominal programmes and appropriate the huge government funds allocated under the scheme.

Recommendations

- The government should recognise that it is a Constitutional obligation to make laws, policies and schemes for creating desirable, integrated and functional human settlements, thereby addressing the larger right to adequate housing. Housing policy, law and practice should be guided by a broad social perspective and not with an economic motive of asset creation or for accelerating employment opportunities and increasing GDP. Policy measures should focus on augmenting the supply of affordable and social housing. Housing strategies need to be context-specific and must include policy reforms, institutional innovations and investments, keeping people at the centre of policy-making.
- National Housing Commission (NHC) and State Housing Commission (SHC) should be created to plan, implement and monitor all the housing schemes and programmes. While NHC serves as the nodal body at the Union level, SHC should anchor planning, implementation and monitoring in the states. The housing commissions are to facilitate people's participation, through stakeholder consultations as and when required. The commissions should also be given the mandate on forced evictions (including compensation), rehabilitation and resettlement, apart from releasing annual housing shortage data. The commission should be given a quasi-judicial role on all matters related to housing. Any new housing policy at the national or state government level should attempt to institutionalise these mechanisms.
- Declaration of big ticket housing schemes and the related advertisements result in financial exploitation of the urban poor. Unscrupulous people in connivance with private builders offer to help the urban poor to get free houses in the city and collect money for it from them. The government should take note of all such instances and prevent such exploitation of urban poor in the name of housing.
- Under PMAY in urban areas, offline and online demand survey is conducted free of cost by the concerned Urban Local Bodies. While online registration by all eligible beneficiaries is possible through the MHUPA website, Common Service Centres facilitated by state governments also provide registration services. The government should facilitate large scale public awareness in urban pockets to ensure that the urban poor are not left out.

- There should be zero exclusion of the urban poor in accessing critical housing and basic services. They should be treated as any other residents in the cities. All government departments should be made aware of the Supreme Court order, which held in 2014 that the concept of domicile/residence had no rationale and was in violation of Articles 14 and 15 (*Charu Khurana v. Union of India (Civil Writ Petition No. 73/2013)*).
- Urban poor, who are largely migrants, face exclusion from subsidised public housing and rehabilitation schemes due to the requirement of BPL cards, caste certificates, domicile, cut-off date provisions and so on. The government should recognise that the urban poor are embedded in the cities' workforce, and not to consider them as a liability.
- Convergence of government schemes and programmes through effective inter- and intra- government coordination is critical for the provision of housing and basic services to the urban poor. The focus should be on delivery of such services and not on creating a maze of institutional structures involved in their implementation.
- Expand basic services provisions in all urban poor settlements through special allocations under PMAY. State and Urban Local Bodies do not have the required finances to fund basic services expansion on a large scale.
- Shifting gears from the "provider" to the enabler/facilitator for affordable housing should not mean providing huge financial assistance for big real estate development in the name of "affordable housing", which really are least affordable for the urban poor. Market approach to social and affordable housing must end, and government must delink the affordable, social housing segment as an economic good, thereby considering it as a priority 'social good'. Housing for the urban poor should be given "social infrastructure" status. The government, and not the private sector, must be the key driver for this.
- Announce a moratorium on all forced evictions and uphold the fundamental tenets of the Constitution. Shelter for the homeless in cities should be given top priority and the government should create adequate permanent and functional shelters as per the Supreme Court orders, adhering to the norm of one shelter per 100,000 population (as per the MPD 2021 norm, accepted by the Supreme Court) with each person in the shelter getting at least 50 square feet (as per NULM guidelines).
- Our focus needs to be on housing continuum, starting from shelters (for women, men, children, elderly, families, recovery—for the ailing to recuperate, and de-addiction) to workers' hostels, dormitories, rental housing, transit accommodation in case of *in-situ* upgradation, incremental housing, and secure tenure housing.
- Emphasis on "adequate housing" with provision for social and physical infrastructure (accessible, safe and healthy, environmentally sustainable) for vibrant living for all in cities. Equal access for livelihood opportunities is critical for a productive city, while people-friendly governance is required for inclusive, equitable and caring city.

Dr indu prakash singh (indupragya@gmail.com) and Anil Kumar (editoranil@gmail.com) are the National Convenor and Secretary of the National Forum for Housing Rights (NFHR), respectively. NFHR is a coalition of independent organisations, institutions, social and housing rights activists across India.

An eluding manifesto

Funds do not match government promises

The list of commitments made under the BJP's manifesto of 2014, which brought the party to power, was pretty long. It included universal secondary education, implementation of national policy on education, 'enrol and excel' under SarvaShikshaAbhiyan, revitalising Mid-Day Meal (MDM) scheme, enhancing role of teachers, work culture, salaries, promote learning of foreign languages, develop skills, digital empowerment, promote industry-academia linkages, foster research, make higher education accessible to the 'last man in the line' and restructuring UGC into a Higher Education Council among other promises. The manifesto also committed 6 per cent public expenditure on education and involving the private sector to "further" enhance this.

In this government's first full budget in 2015-16, spending on education was reduced by 16 per cent or Rs12,895.60 crore. In 2015, the budget for MDM scheme was hiked by a nominal Rs446.70 crore, slanted to drought-hit areas and not commensurate with increase in universal enrolment under the Right to Education Act. MDM is now being linked with Aadhar despite the Supreme Court's directive not to link social schemes with it, putting vulnerable children's right to food in great jeopardy. The backlash of the No Detention Policy results in massive failures at class 1X, putting the commitment to secondary education in peril.

The much publicised "consultations" on the national policy on education has resulted in an 'input' report largely drafted by former civil servants which has not yet been placed in public domain. The report was unilaterally released by one of the authors. The most concerning aspect of this report is the re-emphasis of what is also stated in the manifesto: the idea of social cohesion. Cohesion refers to sticking together of same particles. When applied to society, it implies a 'sameness' which is diametrically opposite to the idea of the syncretic unity in diversity, the hallmark of free India. Though the national policy on education is yet to come, reports from states governed by BJP indicate that textbooks are being rewritten in line with the dominant ideology. The return of national awards by some of the finest literary figures of India is eloquent testimony of the anguished concerns on such exclusionary, narrow ideology.

The expressed commitment to research was dealt a body blow when India's best university, JNU, was prevented from admitting hundreds of PhD/MPhil scholars on grounds of mechanical 'guidelines'. The autonomy promised to higher education institutions in the manifesto has evaporated. There is an unprecedented control of institutions of higher learning. This ranges from administration, curricula, credits, to research. Independent academics are trolled and reviled. Intellectuals have been assaulted indicating deep intolerance to diversity of viewpoints.

Even more troubling is the control of knowledge sources. Despite the directive of regulatory authority that the government cannot limit digital resources to one vendor, it is learnt that Digital India provisions for students in higher education continue to use single vendor source as government partner.

Privatisation of higher education is accelerating while public universities face increasing resource crunch and demands that they generate their own resources. This does not augur well for the commitment in the manifesto to bridge the gaps for SCs, STs, OBCs and weaker sections who cannot afford expensive private education.

The emphasis on skill development, bypassing emphasis on equal access to knowledge, can only reinforce traditional labour hierarchies. Reliance on technology and industry is welcome, but the need for liberal and humane education is vital for preparing our youth to be leaders and not just technological or cyber workers.

Teachers' role in education is undeniable. Although the manifesto commits enhancement of salaries for teachers, and this has indeed been done for those in the central government sectors, the declining public expenditure on education leaves states with no option but to employ teachers on poorly paid contracts, especially those who teach the children of the most marginalised sections.

Children in the 0-6 age group had been bypassed under right to education. A government with such a mandate was expected to take steps for ensuring high quality, universal early childhood care and education, the foundation upon which all education and development depends.

Janaki Rajan is former Director, SCERT, Delhi. She has taught at Hyderabad and at Delhi University. She is currently professor in education at Jamia Milla Islamia, New Delhi and is part of various people's networks on gender, child rights and education.

Campaign mode keeps communities cowering in fear

Modi's aggressive hate rhetoric keeps religious minorities under stress

The seeming perpetual-motion election campaign mode of Prime Minister Narendra Modi, and the BJP-Rashtriya Swayamsewak Sangh's translating it into an aggressive hate rhetoric, have kept religious minorities under deep stress across the country as the NDA government completes three years in office. The acridity of the 2013-14 "high-voltage campaigns and aggressive social media push", as India.com calls it, that propelled Modi to power seems not to have abated one whit, going by the incidents of targeted violence against Muslims and Christians in 2016-2017 (till April 30). The BJP has won elections in 11 states since it formed the government at the Centre in May 2014. It won in six states and formed alliances in the rest. It won Andhra Pradesh, Jammu and Kashmir, Jharkhand, Haryana, Maharashtra and Sikkim in 2014, Assam in 2016 and Goa, Manipur, Uttar Pradesh and Uttarakhand in 2017. Each victory has left a trail of tears, and often of blood, in its wake.

Christian documentations by the Evangelical Fellowship of India and others recorded 37 cases in the first four months of 2017, with the 2016 figure estimated at over 300. On an average, at least one documented case is recorded every day. Typical cases include a panchayat resolution passed under Section 129G banning entry of non-Hindu religions in Binje village in Kondagaon district of Chhattisgarh. Sunday worship was disrupted and worshippers were attacked by Hindutva forces, five Christians were hospitalised with severe injuries in Kondagaon district of Chhattisgarh. Pastor Basanna and the Church were attacked, Bibles burned, pastor and believers brutally beaten up by the RSS in Chitradurga.

The Ghar Wapsi, Love Jihad and panchayat expulsions of the first two years were overtaken by the aftermath of the ban on cow slaughter and the transport of beef, a wildfire that has seen lynch mobs chase cattle traders, buffalo breeders, carcass scavengers, meat sellers and small hostellers and restaurants attacked. While official figures of the total number of deaths is not known, half a dozen well-documented lynchings have been recorded, especially in Jharkhand, Uttar Pradesh and Haryana. Beef is consumed by Christians, Muslims, Dalits of all religions, tribals and other communities in India.

Cow protecting Hindutva vigilante groups called gaurakshaks, many of them paid local thugs, implement the policy by publicly humiliating, attacking and occasionally lynching those suspected of possessing or consuming beef or slaughtering cow's cattle. Now, slaughter of not only cows but also buffalos is legal. A case in point is of 50-year-old Mohammad Akola who was lynched in Dadri town and his son Danish (22) was brutally assaulted as a punishment for allegedly eating beef on Eid. On July 11, 2016, seven members of a Dalit family in Gujarat's Una town, involved in leather trading, were attacked and brutally assaulted, as a 'punishment' for skinning the carcass of a cow brought from a neighboring village by the self-proclaimed *gaurakshaks*.⁹ Retaliating against the oppression, protests by Dalits, including Christian Dalits, broke out throughout Gujarat. Although most such attacks have largely targeted the Muslim community, the Christian community, including Dalit Christians, also face a persistent threat of being killed.

Modi has never focused on these during his radio talk "Man Ki Baat", or elsewhere. India faced sharp scrutiny at the United Nations Human Rights Council this May when its record of human rights violations in the 2012-16 Universal Period Review cycle came up for discussion in Geneva.

John Dayal is a human rights activist. He is presently the Secretary-General of the All India Christian Council and a past president of the All India Catholic Union.

9 'Gujarat: 7 of Dalit Family Beaten up for Skinning Dead Cow', The Indian Express, 20 July 2016

Put women in forefront

Digital India alright, but what about violence against women?

Achievements

A scheme is in place in which Rs 6,000 is transferred directly to the bank accounts of women who undergo institutional delivery and vaccinate their children. In the past financial year, the NDA government has released 3.25 crore new LPG connections under the Pradhan Mantri Ujjwala Yojana. This includes two crore free connections, which is allowed to women of families living below poverty line in rural areas.

Failures

Not much has been done to reduce the extent of violence against women, both in terms of legislation as well as policy. Marital rape has not been criminalised, instances of honour killing and stalking have increased. Movement on health and education has been slow. The new health insurance scheme of 2016 has not been implemented yet. There is rising concern due to frugal primary healthcare, doctor absenteeism, low effort of medical personnel, lack of use of treatment protocols, over-medication, maltreatment of patients, and inability to access quality healthcare that specifically challenge women and girls. In this milieu, classification of menstrual hygiene and healthcare products as luxury items and their taxation at 14 per cent is alarming.

Challenges

We appreciate that the government's priority towards making India corruption-free and digital. However, both these concerns come a close second when women are constantly objectified, harassed and face violence, both at home and outside. Sex education is not offered in schools. As a result, children are vulnerable in terms of safety. Textbooks under the CBSE appear to promote a certain kind of perception of women which is dangerous to the future of gender equality.

Recommendations

We request the government to take up violence against women as priority. It should push for robust reporting and legislative implementation schemes, and regulate the vehicle of education to create empathy and more peace-loving individuals.

Kirthi Jayakumar is a Chennai-based activist, artist and writer. She founded and runs the Red Elephant Foundation, a civilian peace building initiative that works for gender equality through storytelling, advocacy and digital interventions. She is a member of the Youth Working Group for Gender Equality under the UNIANYS. Kirthi is the recipient of the US Presidential Services Medal (2012) for her services as a volunteer to Delta Women NGO, and the two-time recipient of the UN Online Volunteer of the Year Award (2012, 2013). Her second book, *The Dove's Lament*, made it to the final shortlist for the Muse India Young Writers' Literary Award. Kirthi was recently invited to the United State of Women Summit at the White House in Washington DC, as a nominated change maker. She is also a Zen Doodler, and her works have been commissioned by corporate establishments, non-profits and art collectors world over.

Civil society faultline and the emergence of right wing fundamentalism

Isn't there an urgency for civil society to look within even as it reviews the government's performance?

Marx had famously said: history makes leaders and not leaders history. BJP – the economic and cultural fundamentalist - is riding our democracy. Because the elite of this nation does not believe in equality as a right. Because it substitutes constitutional guarantees of diversity, inclusion and fairness with benevolent patronage. BJP is the creation of the Indian elite. It will not go away – merely because they engage with it; and refuse to engage with themselves. As if BJP is out there and not in here, with our mindsets. Because the Indian elite believe equality is a matter of benevolence – not of right. Because – in a land of unbridgeable chasms of inequalities, we evaluate prosperity with measures of central tendency and not measures of skewness.

Economic inequality is premised on *“power inequality”*. The price of inequality is *the deep state, masquerading as democracy*. The **neoliberals** are parasites on nation states. They capture the state: to appropriate the “commons”, to bail them out of the misadventures of their greed, to palm off their negative externalities, and to keep the “expropriated” distracted, if not quiet. Heads they win. Tails people lose. **Right wing parties** are their bedfellows. Without their “demagoguery”, “bigotry” and “chauvinism” – manipulative and diversionary tactics - neoliberals cannot hope to bridle and ride “democracy”. Neoliberals are, therefore, happy to “finance” the right and ensure that they control decisions on “who should get most of what there is to get”. The right knocks “politics” out of the political economy. Between them, they run a deep state, with the citizen at their mercy!

The bottom half of India owns only 2% of the national wealth (Vice President, Hamid Ansari). 57 Indians own as much as our bottom 875 million (Oxfam). We would be lunatics if we thought the democratic political space of these 57 is a mere 57 votes! Deepening and wrenching inequalities do not impact political economy agenda and rational voter choices. The plutocratic state obfuscates the causes and consequences of exclusion. It fuels “ressentiment” and whips up frustration into anti-establishment anger and divisive politics.

Our Indian liberal civil society – historically - is elitist and gentrified. Because of its natural affinity with laissez faire capitalism, it has always obscured the meaning and challenges of equality. Dalits, tribals, minorities, women, landless agricultural labourers, unorganised sectors... would enjoy equality under the “benevolence of the majority” – not from “institutionalized” safeguards. We failed them when we wrote our constitution. We continued to fail them when we applauded Narasimha Rao and Manmohan Singh when they embraced (neo) liberal economics. Market is the highway to development. We cannot distribute poverty, can we? Living with inequality and distracting the excluded are old games for the Indian elite. Congress was tailored for this. Fortunately, its tactics are no more working.

Namo has filled this vacuum. He is doing a far better job - skillfully aligning economic fundamentalism with cultural fundamentalism. BJP has perfected the fine art of demagoguery, dog yells and the deep state. The chasms of inequality can now

be deepened and widened. Why not now applaud BJP for its praxis of fundamentalist politics and its ability to entice and excite the liberal (erstwhile) congress constituency? There is little to be surprised if SM Krishna, Rita Bahuguna, Paswan ... have crossed over. There is nothing to cross over. Except the phantoms in the mind!

BJP is the thoroughbred Indian right. And doing a far better job than the mongrel Congress!

Our “advocacy” NGOs are at the core of Indian liberal civil society. They have found for themselves comfortable niches within the Washington Consensus driven “civil” society and have abandoned positioning within and engagement with the “political” society. They absent themselves from ground level democratization processes. They are “comfortably” busy with their self appointed and appropriated people’s spokespersons roles – even when they know very well that their real interests and real lives are far removed from the day to day struggles of the vast majority. They are complicit in normalizing and legitimizing BJP - engaging with it in theoretical discourses on its governance (aka Broken Promises!), refusing to unmask its real political economy agenda, not challenging state capture and not standing up to its “deep state”.

It is time that these lead NGOs moved the development/inequality discourse outside the deafening polemics on majoritarian cultural fundamentalism. And not undermine the institutional bases of political participation. The “political society” must resurrect the public sphere challenging and breaking the boundaries of permissible language and behaviour, and “sanitize” people and their speak. . They must critique their lack of enthusiasm for participating in political mobilization. Technocratic discourse only serves legitimization and widespread acceptance – there are no alternatives - of economic fundamentalism and the cultural fundamentalism it breeds.

Advocacy and lobbying are not ‘institutionalizing representation’, drawing into the NGO all protest and democratic participation and turning them around into ‘legitimized and controlled public debate with institutional and financial support from the donor community’. Instead NGOs must speak with the people and empower the people to speak for themselves - through and in their own democratic institutions. Elite NGOs must become critically conscious that they are being trapped within a structure and culture of exclusion.

If the left of centre civil society refuses to “democratically engage” a “democratically legitimised” BJP with the demands of “substantive power equality” - political, economic, social, cultural, gender - it will become irrelevant. Not only, it will be the object of ridicule of right wing ideologues and the victims of dog yells.

Kurian Katticaren is Freelance Activist Development Consultant.

FCRA is an affront to civil society, democracy

The law chokes funding of organisations uncovering inconvenient truths

Civil society has played a crucial role in India's socio-political evolution in the pre- and post-Independence eras. In the 19th century, Jyotirao and Savitri Bai Phule led the movement for women's empowerment and to put an end to caste-based discrimination, while Raja Rammohan Roy challenged child marriage and Sati system. In Mahatma Gandhi, India gave the world its most celebrated civil society activist. In 1948, when the UN Declaration of Human Rights was being drafted, Hansa Mehta, as India's representative to the Commission on Human Rights, drew on her social activism to ensure that the first clause expressly stated that all human beings, rather than just 'men', are equal in dignity and rights. This tradition of social justice advocacy has continued in the 21st century. The 2005 Right to Information Act, which draws from the best of international legislation, grew out of a civil society-led national campaign by anti-corruption activists. The 2006 Protection of Women from Domestic Violence Act, is another example of progressive legislation pioneered by civil society.

Since assuming power in May 2014, the National Democratic Alliance (NDA) government has been busy laying out the red carpet for foreign corporations to invest in India. At the same time, it has used the Foreign Contributions Regulation Act (FCRA) to cancel international funding licences of over 20,000 civil society organisations (CSOs). Many of the affected CSOs are pursuing a human rights-based approach, perceived to be out of sync with the current government's political agenda and world view.

The action is tarnishing India's reputation in the international community as that of a human rights-respecting democracy, able to accommodate legitimate expressions of dissent. This year, India will celebrate 70 years of successful culmination of its freedom struggle, which inspired the world. Yet, today the country is lagging behind among the global indices of democratic freedoms. The Economist Intelligence Unit, which provides key analysis to business leaders, rates India as a 'flawed' democracy, placing it at a middling 32 among 167 countries surveyed in its 2016 Democracy Index. The CIVICUS Monitor, which measures protection of the freedoms of expression, association and peaceful assembly globally, puts India in the 'obstructed' category. The 2017 Press Freedom Index ranks India at a poor 136 out of 180 jurisdictions covered.

India's diverse and vibrant civil society has long been a source of pride and soft power in international circles. But the selective use of international funding restrictions in FCRA to hobble CSOs by a government keen to project a positive image to foreign investors amounts to a self-goal. The contribution of CSOs to national life is well documented. They help ensure the inclusion of diverse voices in decision-making, find innovative solutions to complex political, social and economic challenges, assist central and state governments in service delivery, and exercise a watchdog role for the public in exposing corruption and governance failures. Non-profit organisations and social movements are, indeed, integral to advancing constitutional values, social cohesion and peaceful resolution of conflicts.

At a time when barriers are being lowered to enable entry of foreign private entities, and to take out huge amounts of capital from the country, use of FCRA to target a substantial section of CSOs receiving relatively insignificant amounts is jarring. This, considering that like private companies, CSOs must also adhere to criminal, anti-terror and money laundering legislation. The FCRA was originally conceived in a period of suspension of democracy during the Emergency of 1975-77 by Mrs Indira Gandhi's Congress Party government. It was re-enacted in its current avatar by the United Progress Alliance (UPA) government in

2010. It subjects non-profit organisations to a complex maze of bureaucratic requirements and arbitrary discretion to receive resources from international philanthropic institutions or development agencies.

FCRA's adoption of malleable terms such as "security, strategic, scientific or economic interest of the state" can be conveniently invoked to choke the funding of organisations uncovering inconvenient truths about high-level corruption or rights violations. In June 2016, three UN experts issued a joint statement urging its repeal for failing to comply with the international human rights standards that India helped develop. Nonetheless, this anti-civil society law remains firmly in place, and presents an affront to country's democratic credentials.

During India's Universal Periodic Review at the UN Human Rights Council on May 4, 2017, the country's Attorney General spoke about the Indian tradition of openness and diversity, coexistence and cooperation, and tolerance and mutual understanding, which are ingrained in the country's polity. Yet, the experience is very different of environmental groups perceived to be against the government's market-oriented economic development agenda, of human rights organisations uncovering rights violations in insurgency affected areas, or of those seeking justice for historically disadvantaged communities or religious minorities.

The NDA government, indeed, needs to do much more to create the right conditions for civil society to maximise their contributions to national life. Contestations on political and economic matters are inevitable in any democracy. CSOs and activists do not expect governments to always agree with them, but they do expect them to respect and protect their right to disagree.

Mandeep Tiwana is the head of policy and research at CIVICUS, the global civil society alliance. Mandeep specialises in legislation affecting the core civil society freedoms of expression, association and assembly and has been leading CIVICUS' work on protection of civil society space globally. Prior to joining CIVICUS in 2008, Mandeep has worked on a number of projects relating to good governance, accountability and reform of the criminal justice sector in India. He has written extensively on civil society and human rights issues.

Approaching an unproclaimed Emergency

Violence in silent presence of law and order machinery is disturbing

The year 2016 brought new perpetrators for Dalits—the cow vigilantes. Absence of preventive measures to curb such violence by the state has been the gauge of its complicity. Unfortunately, such violence in the silent presence of the law and order machinery has not yet been the subject of suo motu judicial purview. It is apparent that the trained and organised cadres of cow vigilantes are rising in number. Is this a political tool tested to silence civil and democratic dissent? Or, have we entered a lawless state? Is it a part of conspiracy to strengthen Hindu nationalism by perpetuating caste, and belittle the fabric of diversity interwoven by the Constitution? Such groups have not swelled overnight, nor is there lack of political patronage. These are disturbing questions that will haunt our minds until 2019.

Violence on Dalits is not new. What is new is the response. There seems to be a shift from judicial approach to punish the perpetrator, to replying in the very language of the perpetrator. In both the approaches, the underlying vocabulary remains the same—invocation of Dr Ambedkar's message, to "Organise". The only exception to this is the "reserved" political leadership of Dalits who have been organised to remain silent, cutting across the ruling and the opposition. The worst defeat of Dr Ambedkar's clarion call, the annihilation of caste, is the result of the new approach, the manifestation of society further divided by caste and strengthening of the caste itself.

The victims of the cow vigilante violence have brought forth, lest we decide to ignore, the glaring inequalities within Dalits on two counts—lack of education and dependence on caste-based occupations. The latter is perceived as both economic and social security. The approach of organizations serving the Dalit cause have also shifted, from strengthening the educational and economic lives of the masses to lobbying. There have been some successful lobbying interventions in the past but their success can doubtless be attributed to the strong presence of civil society groups at the grassroots.

Today, thanks to technology and powerful legal tools such as RTI, we as organisations are better equipped with evidence of the state and its discriminatory policies. Whether these are manifested through non-expenditure on committed financial resources, or through non-performance on statutory obligations, we lack the fuel to move forward that could create an impact. Is it due to the slow decline of our much-required presence with the people who need us most? For them the battle of the day to be equal starts with discrimination at mid-day meals at school? We are approaching an unproclaimed Emergency.

Martin Macwan is human rights activist from Gujarat, India. Since the 1980s, Macwan has been working to address the issue of caste discrimination. In 2002, he was awarded the Robert F. Kennedy Human Rights Award by the Robert F. Kennedy Center for Justice and Human Rights. In the same year, Human Rights Watch (HRW) named him one of the year's five "outstanding human rights defenders." He works with youth and writes books for children and was the chair of Indian Institute of Dalit Studies (IIDS), research institutes in India focused specifically on the development concerns of marginalized groups and socially excluded communities.

Elderly still an ignored lot

Last three years have witnessed little in their favour

Social security and old age pension figure as items 23 and 24 in the Constitution's 7th Schedule under the Concurrent List. Old age pension is still not reaching all the poor elderly persons in India's 684 districts. The National Social Assistance Programme (NSAP) has not expanded in the last three years despite demands by HelpAge India and Pension Parishad.

The population of elderly persons is around 10.8 crore and NSAP for the elderly poor covers only 1.96 crore people. That leaves the bulk of elderly poor aside. From April 1, 2014, NSAP has again become a Centrally Sponsored Scheme (CSS) under the Ministry of Rural Development. The rural development ministry now releases funds to all states and Union Territories, based on sub-scheme wise annual allocation.

These are non-negotiable features based on Constitutional provisions. We must not forget that persons eligible for pensions/assistance under NSAP belong to the most vulnerable sections. It is, therefore, the moral duty of the implementing agency to ensure least burden on them in identification, sanction and verification processes.

- A whopping 93 per cent of the workforce does not come under the organised sector employees. A majority of these employees are not covered under any pension scheme.
- The limited number who get pension after the application of the BPL criterion, get a meagre sum of Rs200 and that too not in all states. (*Source: Report of MORD Task force, March 2013*)

The NDA government promised a transparent, people-friendly process for application, sanction, appeal and review. But no such steps have been taken and there is little support from government agencies to the eligible elderly persons in obtaining their documents to establish eligibility.

The government had also promised regular monthly disbursement of pensions and benefits, preferably at the beneficiaries' doorstep. But no such steps have been taken and pensions still get delayed by six months or more. The mode of disbursement is supposed to be decided on the basis of beneficiary's choice and convenience. However, the Aadhar-based system has caused more delays and concerns to many elderly persons.

The Aadhar-based pension disbursement platform was expected to enhance efficiency in the sanction, payment and disbursement processes. Many states and union territories have reached an advanced stage in Aadhar enrollment of beneficiaries, recognising that this will help in reduction of leakages and duplication. It could also provide mobility to the pensioners in case of migration. This platform would also support financial inclusion. Our survey in Rajasthan revealed that many pensioners have been denied payments due to Aadhar and in some cases, they have even been declared dead.

Mathew Cherian is Chief Executive of HelpAge India and the chairman of Voluntary Action Network India (VANI)



Human rights defenders: Shrinking of democratic spaces in India

The government has suppressed any dissenting or questioning voice

The number of cases have increased regarding killings, disappearances, harassments, arrests, and threats to those exercising their fundamental right to freedom of expression, association, assembly, free movement and dissent guaranteed under the Constitution of India. However, little or no action has taken place on ground to formally charge, convict the responsible, or prevent future attacks. Social activists, journalists, lawyers, writers, researchers, academicians and whistle-blowers are subjected to a growing number of overt and covert acts of intimidation and violence across India. The state has constantly suppressed any dissenting and questioning voices who are often profiled, harassed, intimidated, ill-treated and subjected to hateful abuse.

Teesta Setalvad has been subjected to judicial persecution, harassment and intimidation. She has been targeted for assisting victims of communal violence in Gujarat. On April 26, 2016, Lama Lobsang Gyatso, general secretary of Save Mon Region Federation, a group comprising monks opposed to construction of up to 7,000 MW hydropower in Tawang, Arunachal Pradesh, was arrested for allegedly leading a group of people from Gongkhar village, where the Mukto Shakangchu 6 MW project is coming up.

Several activists in Chhattisgarh are reported to have been routinely targeted. On January 23, 2017, researcher and academician Bela Bhatia was harassed and threatened by the state-sponsored vigilante groups to leave Jagdalpur for assisting NHRC to document testimonies of rape victims with the accused being security forces. Human rights defenders are barred from traveling outside the country for their work. On September 14, 2016, Khurram Parvez, a Kashmiri activist, was barred at the Delhi Airport from attending a session of UNHRC. Parvez on his return to Kashmir was booked under Public Security Act and illegally detained for 75 days.

Restrictive provisions of the Indian Penal Code (1860) to curb freedom of expression, Section 499 of IPC that criminalises defamation and Section 124(A) on sedition were frequently misused to restrict freedom of expression and dissent, and target those who criticise the state. On May 13, 2016, unidentified gunmen shot and killed journalist Rajdev Ranjan in Siwan, Bihar. On May 12, 2016, journalist Indradev Yadav was murdered by unidentified individuals in Chatra, Jharkhand.

Section 144 of the Code of Criminal Procedure is routinely used to prevent peaceful public gatherings, aimed at restricting protests and to stifle people's movements. The authorities have used excessive force including pellet guns during protests, especially in conflict-affected areas such as Jammu and Kashmir, leaving many dead and many others with eye and other injuries, including blindness. Protests by students and farmers have witnessed state excesses across India.

NHRC has established a focal point for human rights defenders, held by an officer of the law division as an additional responsibility. The focal point has no powers to act on a complaint. There are several reports suggesting that NHRC has failed to investigate and act on cases brought to it by civil society organisations. The situation of human rights defenders in India is exacerbated by the fact that the country does not have a human rights defenders' protection law. The government has failed to implement in letter and spirit the UN General Assembly Resolution on human rights defenders.

Mathew Jacob, National Co-ordinator, Human Rights Defenders Alert - India

Trend at 100, Tandav at 1,000

**How NDA
government has
fared in its 1,000
days of governance**

This critique seeks to juxtapose the concerns I raised on Day 100¹⁰ of the NDA government, and the reality of *Rudra Tandav* that the country is witnessing by Day 1,000.

Written on Day 100

Concerns: Prima facie, the trends emerging from the first 100 days of the NDA Government do not appear positive for the Muslim community on any of the essential parameters of security, inclusion or development.

Fringe on centre stage: Portent for violence and polarisation

The first major concern of Muslims since the swearing in of the BJP government is the possibility of increased violence against the community. Though the BJP election manifesto for 2014 mentions ensuring a peaceful and secure environment, it is clear that a wide range of fringe groups espousing violence and professing allegiance to the Hindutva ideology seem to be striving towards occupation of the centre stage.

Incidences of violence started right from the day of counting of votes on May 16, 2014. More than overt violence, virulent statements and the launch of a systematic campaign around "Love Jihad" are vitiating the atmosphere to instigate polarisation. BJP MP Yogi Adityanath said, "If they take one Hindu girl, we will take 100 Muslims girls." Such statements could result in outbreak of violence on a large scale.

The Tandav on Day 1,000

Yogi Adityanath becomes the Chief Minister of Uttar Pradesh. The fringe is, indeed, the centre now! Cow vigilantes are becoming the new vanguards of Indian culture even as the government successfully pushes Brazil to second position to emerge as the top beef exporter in the world.

Now when Muslims are assaulted, the question no longer is, "How can they be beaten?" Rather, it is, "What were they beaten for?" The line that divides the rule of law and mob rule is blurring.

Written on Day 100

Concerns

The NDA government came to power on the promise of development and jobs for all. Any violence adversely impacts the processes of development. If the promise of development and jobs for all is realised, the government can ensure success in 2019 elections. This would be an ideal scenario and Plan A.

However, the first 100 days have shown that the government has not sent a clear message to rein in the fringe Hindutva groups who are consistently vitiating the country's communal atmosphere. This is indicative of a preparation for Plan B, that is, of returning to power in 2019 through communal polarisation. Whether Plan A or Plan B is a dominant strategy for elections 2019 would be clear by mid-2018.

¹⁰ <http://www.milligazette.com/print/issue/16-30-september-2014/2>

So far as Muslims are concerned, the issue of security has already come under a cloud.

The Tandav on Day 1,000

As many as 550 jobs are being lost every day in India (*Times of India*, October 16, 2016¹¹). The March 2017 elections in Uttar Pradesh have shown that one need not wait till mid-2018 to understand that the BJP will take Plan B for 2019 elections.

Written on Day 100

Concerns: Political and systemic exclusion of Muslims

The BJP has traditional antagonism towards the Muslim community and there was zero dependence on Muslims to come to power. The result is very low participation of Muslims in the government at all levels. During the 2014 Lok Sabha elections, the party gave tickets to only seven Muslims out of the 482 candidates it fielded. This is only 1.45 per cent participation. None of the Muslim candidates could win. With only one Muslim becoming a minister in the entire Union government even when BJP gave place to defeated candidates in the Central Ministry, it is clear that there will be very little Muslim representation in the present government and in the echelons of policy-making.

The Tandav on Day 1,000

There are 403 seats in the Uttar Pradesh Assembly, and 18 per cent of the state's population is Muslim. BJP swept the UP State Assembly polls of February- March 2017 even though it did not give a single ticket to Muslims. Political marginalisation of Muslims in India is now shown to be possible, and will soon be complete.

Written on Day 100

Concerns: Unpromising Budget

The 2014 BJP manifesto promised to focus on the development of minorities, particularly Muslims. But only 0.7 per cent of Total Plan Fund of Union Budget 2014-15 has been earmarked for minorities, who constitute 19.5 per cent of the population.

The Tandav on Day 1,000

In this year's Budget, the minorities were allocated only Rs 4,515 crores (just 0.21), which envisages total expenditure of Rs 2,146,735 crores. The per capita outlay for minorities comes to only Rs 187!

Endnote

It is clear that the world is moving from an era of democracy to the times of majoritarian mindset. Whether it is the Hispanics and migrants in America, or the migrants and refugees in Europe, or the religious minorities and marginalised communities in the whole of South Asia (including Muslims and Dalits in India), all are facing increasing assaults on their citizenship and human rights. They are perceived as the Other. The Encroacher. The Outsider.

A truly globalised world is hurling towards the ultimate sectarian societies. Can the dénouement for humanity be far now?

Mazher Hussain is the Executive Director of COVA (Confederation of Voluntary Associations) a national network working for communal harmony and community empowerment in India and peace in South Asia. He is the architect of COFI (Countering Online Fanatic Indoctrination) Networks being launched in 12 countries of South Asia and Far East.

11 <http://timesofindia.indiatimes.com/india/7-million-jobs-can-disappear-by-2050-says-a-study/articleshow/54880692.cms>

Core promises forgotten

Governance and inclusive development not in agenda any more

Sixty percent of the tenure of the Bharatiya Janata Party government at the Centre is over. Instead of attempting a comprehensive review of its performance, I would confine to the core agenda set by the prime minister at the start of his innings with two maxims—"Minimum Government, Maximum Governance" and "SabkaSaath, SabkaVikas."

The first maxim has been reversed. It is now "Maximum Government, Minimum Governance." Abrupt demonetisation, and thrusting of Aadhar are cases in point. Demonetisation was, in effect, the government's "act of expropriation" driving people to the streets. Compulsory Aadhar despite the Supreme Court ban is government's intrusion into citizen's privacy and basic rights.

As for governance, the very concept is misunderstood as if it is state-centered. In a democracy, governance should be society-oriented. It should include the government, which is its dominant part, but transcend it by taking in the private (farming/business/industry) and voluntary (non-profit) sectors. All three are critical for sustaining human, economic and social development. Being a joint venture, governance should adhere to the basic functional norm of involving stakeholders in the decision-making and implementation process.

The NDA government made a false start from Day One by condemning and intimidating the voluntary sector. Those who spoke against "development" models that destroyed environment and displaced the poor and the disadvantaged were accused of being anti-national and anti-growth. Along with suppressing dissent, the voluntary sector is being hounded making even genuine NGOs running for cover.

As for farmers, they are treated more like mendicants than partners. Agriculture, which accounts for 60 per cent of India's population, is only an add-on in the scheme of things. Ordinances were passed amending the Land Acquisition Act 2013 giving moneybags a free run to grab land, even the most fertile. Faced with stiff resistance, this failed. But the plight of farming and farmers continue to be dismal.

In businesses, it is 'big-ticket', and they are the real partners. The smaller ones are passé. This is glaringly visible in all the postures, policies and proclamations of the prime minister and his corporate think-tank NITI Aayog, both obsessed with digitalisation. Besides, decision-making is highly centralised with the PMO functioning as a monolith dictating things and ordering everyone around. There is no dialogue, only a one-sided monologue—Man Ki Baat.

While the government is running riot, there is no trace of governance. In the event, the second maxim "SabkaSaath, SabkaVikas" is a non-starter. Dalits, Adivasis and Muslims and persons with disabilities are the worst-hit in terms of access to basic public goods/services, pension for the elderly, digital access, agricultural land and legal justice for undertrials, let alone development.

The rate of landlessness is highest, at 57.3 per cent, among Dalits. Among Muslims, it was 52.6 per cent. Around 40 per cent of all those displaced by "development activity" were Adivasis. Where Dalits, Muslims and women owned land, the holdings were meagre in size, with only 2.08 per cent of Dalit households owning more than two hectares. Also, the quality of land owned by Dalits was poor, with 58 per cent of it having no irrigation facility.

As for digital exclusion, almost 100 crore Indians were offline even though India ranks among the top five nations in terms of the total number of Internet users. Poverty and geographic location were the two major barriers to digital access, with urban locations enjoying better Internet penetration. The poor are denied IT access due to implementation problems like inadequate infrastructure, lack of proper institutional framework, low literacy in targeted areas, and sloppy performance of government officials.

There is sharp rise in inequity while governance and inclusive development remain unkept promises.

M G Devasahayam is a former Army and IAS Officer. He participated in India-Pakistan War-1965 and Counter-Insurgency operations in Nagaland. In IAS he held several senior positions in Haryana and Central Governments. He is a writer, columnist and author of Books: "India's Second Freedom - An Untold Saga"; "JP in Jail-An Uncensored Account"; "JP Movement, Emergency and India's Second Freedom" and "A Drop of Love-Memoir of Saint Teresa." He is recipient of Loyola College, Madras Alumni Lifetime Achiever Award.

Early childhood low on govt priority

Sound policies are poorly implemented

The government has accorded lowest priority to early childhood in its policies, programmes, laws and Budgets.

Health and Nutrition: The measures it took last year in this regard raise grave concerns. Earlier investments in Integrated Child Development Services (ICDS) and National Rural Health Mission (NRHM) did yield some positive results. Stunting among children under five years of age reduced from 48 per cent (National Family Health Survey III, 2005) to 38 per cent (NFHS IV, 2014). The percentage of underweight children came down from 42 per cent to 35.7 per cent. The trend should have accelerated last year. Severe wasting showed an increase from 6.4 per cent (NFHS III) to 7.5 per cent (NFHS IV).

There are indications of a big government push in micronutrient fortification. The introduction of ready-to-eat food will benefit only the corporate sector. This will negate the Supreme Court order of provisioning hot and fresh meals from locally available sources as part of ICDS meals.

Maternity Entitlements, critical for mother and child health, and nutrition, which the Prime Minister announced in his New Year speech, is not backed by allocations. As per RTF calculations, Rs 16,000 crores is required for the universalisation of Maternity Entitlements. Last year's allocations is a meagre Rs 2,700 crores. Further, several conditions have been attached to avail the benefits.

In terms of policies, the current NDA government needs a more focused approach. It has announced the Nutrition Mission, with an annual budgetary allocation of Rs 1,500 crore. However, there is no transparency regarding how the amount will be used. The government needs to set up Early Childhood Care and Education (ECCE) councils, address budgetary requirements to improve the quality of ICDS—provide better spaces, fill up vacant posts, and improve remuneration.

Early Learning and Development: This government took no step to implement the Anganwadi cum Crèche Scheme for the care and protection of children under three years of age. It did not provide creches for the support of women's health and economic status. Instead, it announced the National Programme for Creches. While the government has increased the budget for this, state governments will have to address it through their departments, or through NGOs and corporations. This will dilute the state government's responsibility towards the most vulnerable. The government's approach will have severe implications on the safety, protection and care that young children urgently require.

It is pertinent to add that only 38 per cent of the children between three and five years of age attend Anganwadi centres and government pre-schools. As many as 27 per cent are not enrolled in any government or private pre-schools (RSOC, 2013-14). The reason is not far to seek. The quality of pre-schools in Anganwadi centres is abysmal, primarily because of the lack of trained teachers, and inadequate space. The focus has been and continues to be on feeding. On the flip side, private sector has responded to parents' demand for pre-primary schooling, which is completely unregulated.

India has committed to Sustainable Development Goals (SDG). It aims at Target 4.2, which says that “all girls and boys have access to early childhood development, care and pre-primary education so that they are ready for primary education by 2030.” But last year the ICDS programme, which is an integrated programme focusing on children under six years of age, suffered a severe Budgetary cut of 54 per cent. Though it was partially restored because of civil society pressure, the Budget for ICDS did not get any increase. It currently stands at Rs 15,245 crores, which is inadequate to address issues such as improved training, second worker to focus on pre-schooling, infrastructure etc.

Mridula Bajaj is a child development professional, working on children’s issues for four decades and is actively engaged in field of research and advocating for the rights of the young child. She has been a member of several working groups and committees constituted by the Planning Commission and the Government of India and many other organizations like New Education Group–Foundation for Innovation and Research in Education (NEG - FIRE), Centre for Early Childhood Education and Development (CECED), Asia-Pacific Regional Network for Early Childhood (ARNEC) and Forum for Creches and Childcare Services (FORCES). She has been the Executive Director of Mobile Creches for two decades.

Devika Singh is the co-founder of Mobile Creches. She was part of the team in 1969 that pioneered creches for children of migrant workers on large construction sites, and explored the challenges faced by women working in the informal sector in slums, agriculture and self-employed occupations. She has also, coordinated the national network Forum for Creches and Childcare Services (FORCES) from 1995 to 2005. She is currently part of the Secretariat team on the Alliance for Right to Early Childhood Development.

Flaws in schemes hinder growth

Centre must redesign programmes meant for the poor

India's social indicators continue to lag despite growth. This is because India does not spend enough on education and health sectors. The country's tax to GDP ratio is just half of many other BRICS countries. Central allocation of funds is unfair to the poorer states leading to the sharpening of inter-state disparity. But mere increase in the social sector expenditure would not be enough unless programmes are well designed and expenditure is directed to the socially excluded groups and linked with outcomes.

Many Central schemes such as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the Public Distribution System (PDS), and urban housing are not performing well as these have design flaws.

MGNREGA does not spend sufficient money in poorer states such as Bihar, Odisha, and Uttar Pradesh. Its impact on poverty reduction is, therefore, marginal. In 2016-17, the government spent Rs15,657 under MGNREGA on each rural poor in Kerala—the least poor state in India—as against a paltry 688 in Bihar and 889 in Uttar Pradesh. The government needs to earmark MGNREGA funds for states on the basis of poverty, just as Pradhan Mantri Gram Sadak Yojana (PMGSY) allocations are in proportion to state-wise shortage of rural roads. "Free-for-all" approach punishes poorer states as they are not able to compete with better governed states in attracting government funds.

The root cause of corruption in PDS is dual pricing system, because Fair Price Shop (FPS) dealers get grain at highly subsidised rates. As per the newly proposed model, the government would abolish dual pricing system and sell food grains to the FPS dealer at market price, say Rs 24 per kg for wheat. The consumer would produce his or her Aadhar card and pay the FPS dealer only Rs 2 for one kg of wheat. The government would transfer the remaining Rs 22 to the dealer's bank account. Under the new model, fund transfer is not done to the consumer. Therefore, it is not necessary for the poor beneficiary to have a bank account or to possess a smart phone. This will vastly reduce the number of bank account transfers that need monitoring. It would also ensure "entitlement portability" that will allow PDS entitlements to be accessed anywhere in the country and greatly help poor migrant workers.

The government has almost completely neglected the urban homeless citizens. Most of the houses being built in cities are meant for high income groups. The result is that the rich own more than one house. So, the second house remains unoccupied, leading to wastage of a scarce resource. At today's prices, even a modest 300 square feet cost close to Rs 10 lakhs, well beyond the reach of the urban poor. The government should promote rental housing by constructing large housing estates targeted towards low-income earners, as was done in Europe after World War II. The poorest, such as unskilled wage earners, cannot afford houses even on rent. For them night shelters should be revived as a Central scheme.

The primary responsibility of initiating correction in the design of such faltering programmes is that of the Central government in consultation with state governments, civil society and professional organisations.

Naresh Chandra Saxena has been a career civil servant. Topper of his batch (1964) in the premier Indian Administrative Service (IAS), Dr Saxena retired as Secretary, Planning Commission. He also worked as Secretary, Ministry of Rural Development, and Secretary Minorities Commission in Government of India. During 1993-96 he was Director, National Academy of Administration, Mussoorie. On behalf of the Supreme Court of India, Dr Saxena monitored hunger based programmes in India from 2001 to 2017. He has chaired several government committees, such as on 'Women's Land Rights', 'Identification of poor families', 'Implementation of Forest Rights Act', 'Joint Review Mission on Elementary Education' and 'Bauxite Mining in Orissa'. He was a Member of National Advisory Council, chaired by Ms Sonia Gandhi during 2004-08 & 2010-14. Author of several books and articles, Dr Saxena has Doctorate degree in Forestry from the Oxford University in 1992. He was awarded honorary Ph.D from the University of East Anglia (UK) in 2006. He is a Member of Editorial Board, Development Policy Review, London and Royal Swedish Academy of Agriculture and Forestry, Stockholm. He was a Visiting Professor to Regional Community Forestry Training Centre, Bangkok 1993-98 and Member, Governing Council, ADB Institute, Tokyo, 2002-04.

Three years of hatred and bigotry against Indian Muslims and Christians

Civil society and secular parties must fight for the values laid down in the Constitution

The Bharatiya Janata Party (BJP) fought the 2014 general elections with Gujarat's 2002 anti-Muslim pogrom famed Narendra Damodardas Modi as its prime ministerial candidate. Openly backed by Rashtriya Swayamsevak Sangh (RSS), a right-wing Hindu nationalist and paramilitary volunteer organisation, the BJP came to power with a landslide victory. Its campaign slogan was "*Achhe din aane waale hain*" (Good days are coming soon), which projected that BJP will form a government that is pro-development and pro-good governance. Three years later, good days are nowhere in sight. Modi is now considered the biggest bluff master.

The Modi government is majoritarian and authoritarian in nature. The BJP, backed by RSS, has managed to sow the seeds of hatred and bigotry among the masses against minorities, namely —Muslims and Christians. It is now clear that anti-minority violence, the hallmark of BJP government, was never because of rogue elements. In fact, it is the mainstream ideology of the BJP and is appreciated by its supporters. Spreading hatred and promoting violence against minorities is something the BJP/RSS combine has mastered.

It is an open secret that the ultimate goal of RSS is to convert the Indian democracy into a Hindu *rashtra*. The Modi government has achieved a lot in this direction. The dream which Hindutva ideologue VD Savarkar saw, is becoming real with the conscious support of majority. He had said, "Hinduise all politics and militarise Hindudom, and the resurrection of our Hindu nation is bound to follow it as certainly as the dawn follows the darkest hour of night".

The Hindutva ideology, which believes in worshiping the state, has attracted several Hindus in its fold. The level of communalisation of electoral politics has reached a point where mere presence of a Muslim candidate will polarise majority vote. The recent Uttar Pradesh Assembly elections has proved that secular parties have not understood that by abandoning Muslim representation they are actually helping RSS in making India a Hindu nation.

What's even more alarming is that the sweeping victories of the BJP in the Uttar Pradesh Assembly and Delhi Municipal Corporation elections have convinced many Muslims to keep away from electoral politics. Seeing polarisation of the majority community votes, Muslims have been successfully pushed to punish themselves. Those advocating the cause say that Muslims should concentrate on education without realising that education will not save them in times of targeted violence, pogroms, and discrimination. Participation in electoral politics is the only way to ensure dignified survival of minorities.

The judiciary seems completely oblivious of the need to intervene to protect the rights of minorities. Even after several atrocities against minorities under projects such as cow vigilantism, Love Jihad and Ghar Wapsi, the judiciary has failed to take *suo motu* cognizance.

The lesser discussed “achievement” of the Modi government is its attack on institutions that safeguard minorities. It has made National Commission for Minorities a dead institution— which has left with no member and chairperson. The commission had not done great in the past, but atleast there was a place for minorities to register their grievances, and the state machinery had to respond to complaints.

The Modi government has succeeded in blocking the thinking ability of the so-called “concerned India” from visualising the greater challenges ahead. The current dispensation is much more grass-rooted than the former authoritarian regimes, as they had no such organizations like RSS, backing them.

We definitely hope that civil society and secular political parties will change their own attitude and fight for the values laid down in the Constitution of India. They must understand that electoral victories of political parties will not save India. They have to strategise, not only to save people who are under attack, but also to save the country. Civil society and secular political parties cannot remain silent against the wrongs committed on Muslims and Christians in order to avoid negative voting by the majority community.

Apoorvanand, professor at the University of Delhi and social activist, is the first to dare to call Modi government’s “achievement” as a war on Muslims of India. He said that the fact that we are so reluctant to speak the ‘M’ word is proof of what has changed in India. Muslims plead not to utter their name for, it may infuriate many Hindus.

Today, naming atrocities against Christians is not considered an “anti-National” act by the Hindu Right wing, as is considered standing with Muslims. It is the responsibility of civil society and secular political parties to make general public understand the need to acknowledge and empathise with Muslims as victims. We should accept that not revealing Muslim identity is not just an omission, but is adding to the oppression. Erasing Muslims from the narrative reinforces a bigoted society’s desire to erase their existence. For opposing this bigoted desire of a section of society, we need to talk openly about Muslims and Christians, not just in select gatherings and brainstorming sessions.

We should learn from the American people, who are taking open stand against anti-Muslim policies of President Donald Trump. We should know that out of 323.95 million American population, the Muslim population share is only 0.9%. We should get inspiration from 20.9 million Americans, who came out on the streets in defense of Muslims, from the very next day after Trump took oath and tried to push his Islamophobic ideas.

As Mahatma Gandhi did, we must boldly call a spade a spade and stand against majoritarianism. Muslims in India must understand that they have no choice but to take the path of “rage, refuse and resist.” Behaving like an Ostrich will not end the storm.

Ovais Sultan Khan is a trustee of ANHAD (Act Now for Harmony and Democracy), established in response to 2002 anti-Muslim Gujarat genocide. It works on democracy, secularism, human rights and communal harmony. Ovais is also associated with Vikalp Sangam (Alternative Confluence), You Can Foundation and Adhyaay Foundation in honorary capacity. As an activist and negotiator, Ovais has carved a niche for himself in the civil society and wider community of social movements. He has engaged with issues of peace building, justice, conflict mitigation, alternatives, knowledge, democratic governance, gender, religion and culture in different capacities.

Child labour unaddressed

Instead of strengthening it, the government diluted a Bill on child labour and passed it in Parliament

In its election manifesto, the Bharatiya Janata Party promised to address children's issues such as malnutrition and under-nutrition, child labour, child trafficking and missing children, sexual abuse and school dropouts. These cannot be addressed in isolation. A holistic approach to child development is required.

The BJP promised to review, amend and strengthen Child Labour (Prohibition and Regulation) Amendment Bill, 2012 of UPA-II. But the Bill was diluted and passed in the Rajya Sabha on July 19, 2016 and in the Lok Sabha on July 26, 2016. It was published in the gazette as Child Labour (Prohibition and Regulation) Amendment Act, 2016.

The Bill had proposed complete ban on child labour upto 14 years and exempted children from helping families. A family comprised father, mother, brother and sister. Had the BJP government intended to strengthen the Bill, it would have proposed complete ban on child labour up to 18 years in line with United Nations Convention on the Rights of the Child and National Policy for Children 2013. This was not done. Instead, children can now not only help families but also family enterprises. The definition of family has also expanded. It now includes father's brother and sister, and mother's brother and sister as well. Family enterprise has been defined as any work, profession, manufacture or business which is performed by members of the family with the engagement of other persons. This throws open almost all occupations and processes for children to work.

A majority of the parliamentarians who spoke on the Bill condemned the regressive amendment. It is not the children who are celebrating the amendment, it is not the child rights activists happy about it either, the teachers are also unhappy with it. But one can see the factory owner checking his money bag and walking back home, grinning from ear to ear.

Recommendations

All forms of child labour should be abolished to enable children to enjoy their rights. It would also help country attain Sustainable Development Goal 4.1 and 8.7. SDG 4.1 states that all girls and boys must be ensured free, equitable and quality primary and secondary education leading to relevant and effective learning outcomes. SDG 8.7 asks for immediate and effective measures to eradicate forced labour, end modern slavery, and human trafficking. It targets elimination of the worst forms of child labour, including recruitment and use of child soldiers. It also aims to end **child labour in all its form by 2025**.

P Joseph Victor Raj is a child rights activist and National Convener of CACL.

Sentinels of power choke information

Time we spoke out against repression, and built our own public discourse

When the Bharatiya Janata Party emerged victorious after the 16th General Election of 2014, it was expected that the political landscape would get considerably transformed, given the history and politics of both the party and the prime minister, Narendra Modi. Today, as the BJP-led government completes three years in power, the pace at which it has moved towards mainstreaming its core ideology of Hindutva has far exceeded anything that had been projected earlier. The appointment of Yogi Adityanath as the Chief Minister of Uttar Pradesh in March 2017 was, perhaps, the clearest sign that what is being envisaged by the current political dispensation is nothing less than instituting a Hindu state.

Looking at the scenario through the prism of media may be useful, given the central role played by newspapers, TV channels and social media in helping normalise and sanitise these seismic shifts. It is well-acknowledged that Modi won his handsome mandate in 2014 with unqualified support from the mainstream media. Three years later, the media continues on the same groove, enthusiastically promoting his policies and politics. They do this against a background of blocked access, tweaked data and opacity in government functioning. Here, we come to one of the paradoxes of the Modi-media relationship. Not since Emergency has there been such sustained attempts to control the flow of information from the corridors of power. In these three years, NDA has failed to hold even one press conference or submit himself to unscripted one-on-one interviews. Yet, the treatment he receives from the media remains spectacularly positive. Even a highly controversial move like demonetisation, which led to widespread public hardship, was often projected in the media as a “masterstroke”.

How can this paradox be explained? There are, in fact, structural reasons why the media fights shy of speaking the truth, or providing voice to those who suffer repression at the hands of the state. To take just one example, they failed to pay sustained attention to how the shutting down of slaughterhouses in Uttar Pradesh had caused widespread pauperization, unemployment and distress, especially among large numbers of Muslims and Dalits in the state. We know that one reason for such silences is the corporate nature of media houses. Many of them have now evolved into big businesses in their own right, and constantly seek government patronage and cooperation. Others are controlled by corporate magnates who have benefitted from government policies and largesse and therefore make sure that their platforms remain loyal to the Central government. The issuing of 11 television channel licences to media companies TV18 and Viacom18 Media, both controlled by Reliance Industries Limited, in April 2016, is a case in point. Other major players like Zee TV have also benefitted from the close proximity to the NDA government. The latest to join the list is a TV channel that goes by the name Republic TV, but is by no means republican in spirit. The channel is partly supported by an NDA Rajya Sabha Member of Parliament with business interests in the arms trade; its managing director, Arnab Goswami, has built his career by strongly identifying with the policies of the government. Along with the consolidation of such supportive media entities, there is growing deployment of social media for propaganda purposes. The Prime Minister was early to realise the advantages of new communications technology and social media platforms like Twitter and Facebook to help him build a public discourse of his choosing.

All these are disturbing developments that bode ill for the future. A new note of muscular nationalism has crept into media discourse. Also conspicuous is the curbing of dissent and the rise of the surveillance state. The mandatory inclusion of Aadhaar details for availing welfare benefits and filing income tax returns; the use of sedition laws to intimidate opponents; the planting of false information and the monitoring of media content, all point in this direction.

These are times that test not just the honest journalist but also the ordinary citizen, as civil society organisations are shut down, saffron vigilantism rises, and an unaccountable government grows more arrogant. With General Election 2019 drawing closer, the challenges are only set to rise. The call of the times is for people to come together, share their experiences, speak out against everyday repressions, wherever and whenever they take place, and build a public discourse that reflects our common humanity and aspirations for an equal, just and democratic state.

Pamela Philipose is a senior journalist and public editor of *The Wire*

NDA's policy for higher education: Profit making business

Quality of higher education compromised due to budget cuts

Starving the public universities of funds and pushing the students towards the private universities seems to be the twin strategy for higher education in the NDA regime. The fund squeeze and increased centralization has created unease in campuses. Recent UGC regulations have drastically reduced the number of seats for M.Phil/PhD in JNU and other universities, which will adversely affect the poor and socially weaker section students.

Budgetary Proposals: Encouraging Private Sector

It may be recalled that the incumbent BJP-led NDA government in its election manifesto had promised to allocate 6 % of GDP on education. However, the allocations do not stand up to this promise. The Union budget for higher education for 2015-16 was cut down by Rs.3900/ crores (from Rs.16,900 crores in 2014-15 to Rs.13,000/ crores). The Rashtriya Uchchatar Shiksha Abhiyan (RUSA) budget was slashed to Rs.397 crores against the original Rs.2,200/crores. In the 2016-17 budget, the total plan expenditure of the government for higher education through its nodal Ministry of Human Resource Development was 0.37% of GDP which is lower than the figure of 0.44 % in 2014-14, the last year of the UPA government.

When the government is claiming to usher a new policy framework, there was a need to increase the public expenditure on education in the 2016-17 budget to drive initiatives. With the funds crunch, there is no room left for promoting innovation, research or setting up more IITs, IIMs and Central Universities. On the contrary, a substantial part of the higher education budget is being allocated towards skill development initiatives (Rs. 1,700 crore for 1500 multi-skill development centres) that will at best produce a reserve of low skilled labour force. Instead of allocating funds for capital expenditure to construct classrooms to meet the infrastructural deficits, the government is planning to move towards virtual classrooms and online courses.

The creation of *Higher Education Financing Agency (HEFA)* with an initial capital base of Rs.1,000/ crores is a move towards further privatisation of Higher Education. The HEFA, a not-for-profit organization, is envisaged to leverage funds to finance improvement in infrastructure from the market and supplement them with donations and CSR funds. The role of the UGC is almost negligent. Such moves will adversely affect the accessibility of poor, SC, ST and OBC to higher education.

Fund Cut

There is a drastic fund cut in UGC, CSIR and ICSSR which is forcing the universities and colleges to start new courses in self-financing mode; scholarships and fellowships are being discontinued. The students from Dalit, Tribal, Backward and Minority community have been major beneficiaries of these scholarships and fellowships. Research and innovations has also been at the receiving end as the funding for the research projects is drying up. Permanent positions are being curtailed to meet this funding crisis.

Government orders for 30% Grant Cut

Office Memorandum (OM) F. No. 1/1/2016-E.III (A), Ministry of Finance, Department of Expenditure, Government of India, dated 13 January 2017 has been sent to all central universities on 23rd February 2017. This Office Memorandum (OM) states that in no case would the government support be more than 70 per cent, meaning thereby, that the remaining 30 per cent would have to be generated from the students. This fund cut of 30% may increase in subsequent years. This will lead to steep hike in the fees of different courses as was seen in case of Punjab University. This will deprive SC, ST, OBC, women and Minority students from accessing quality higher education.

Choice Based Credit System (CBCS): Universities can't frame their syllabus

Universities as a space for germination of new ideas, critical debates and discussions have always been accorded immunity from outside interference from the society. Indian universities are also created by Central/State Acts defining their pedagogical and academic spaces in the most autonomous manner. But the CBCS has been imposed brazenly by the MHRD. On 14th November 2014, MHRD Secretary directly wrote a letter the VCs of all central universities to implement CBCS from the ensuing academic session, i.e. 2015-16. This gave 44 central universities less than six months to commence the new academic session. The tone and tenor of the letter did not leave any space for discretion to the university – 'CBCS has to be implemented from the academic year 2015-16 and Action Taken Report be sent to this Ministry.' Despite massive protest from students and teachers, MHRD went ahead and called a meeting of all VCs on 7th July 2015 for implementation of CBCS from 2015-16 session. MHRD directly dealt with the universities bypassing UGC.

Under CBCS, the UGC has prepared common syllabus to be adopted by the universities across the country, which kills diversity, new initiatives and innovations. Different universities have developed their specialization in different areas over a period of time. This has facilitated local knowledge, history and demands to be incorporated into the university framework. There is no such scope under CBCS. CBCS has also restricted the choice for students and adversely affected quality of courses. The private universities have been kept out of the purview of CBCS.

Overall, the NDA government is making the higher education situation favourable for private universities and tough for the public universities.

Rajesh Jha is a Senior Assistant Professor at Rajdhani College, Department of Political Science, University of Delhi. He is also Joint Secretary at Delhi University Teachers Association and Executive Council member at University of Delhi.

Land rights: An unfinished agenda

Landless and the homeless poor are nowhere in the political radar

Seven decades after Independence, land rights remain amongst the lowest priorities in the political circles. Growing landlessness among people is reflected in the recently-released Socio Economic Caste Census (SECC) Report. It states that about 30 percent of the rural households are landless. They derive a major part of their income from manual and casual labour. Of this 30 per cent, 45.15 per cent are dalits and 29.84 per cent are tribals. The country has 17.92 crore rural households, of which 10.08 crore, or 56 per cent, do not own any agricultural land. As many as 10.69 crore households in villages are considered deprived, and are nowhere in the states' political radar.

The government's approach towards rural development without securing land tenure is not acceptable to the landless and homeless poor, and is the root cause of unrest in rural areas. Absence of rural development and land reform policies gives impetus to this rural unrest. It also plays down the alarm signals sent out by the SECC Report on landlessness.

Central government's Model Land Leasing Bill drafted under Niti Aayog in 2016 has its own pitfalls. The key argument of liberating land leasing does not guarantee misuse of agricultural land by corporate entities and reduce the status of a landholder to a labourer. Lack of clarity on the duration of the lease could work in favour of the corporate entities. But the most important issue of "leasing of unused land" completely scraps the scope of "land (rights) distribution" to majority of the landless and homeless poor.

Forest Rights Act (FRA), which recognized forest land rights, is yet to be implemented effectively. Ten years after the law was enacted, to undo the "historical injustice", it has benefited barely 12 per cent of the Scheduled Tribes and Other Traditional Forest-dwellers. In most cases, land settlement has been done for less than one acre. It shows that the tragedy of "historical injustice" continues. The 2016-17, shows the slowest pace of distribution of title deeds in the past decade. Lack of interest in distribution of title deeds, and sluggish execution of FRA raise several questions for the government to answer.

Recommendations

- Framing and execution of National Homestead Land Rights Act to ensure at least 10 decimals of homestead land to the homeless rural poor. These entitlements should be secured in the name of the women head of the family. A time-bound execution should ensure "shelter, dignity and identity" to the millions of homeless poor in India.
- Framing and execution of National Land Reform Policy to set preferential order of land use and distribution. Considering the various issues of land reforms, reclamation, conservation and litigation, a policy should provide a strategic approach to deal with them in favour of the marginalized communities.
- Setting up of National Land Reforms Council to provide institutional directions and assistance to the state-level actions for land rights.
- Strengthening the execution of FRA towards settlement of individual land rights and for community rights over common property resources.

Ramesh Sharma works as the National Coordinator of Ekta Parishad. He has been part of several land reforms committees of the government. In 2008, he was nominated by Government of India, as a member of National Committee on Agrarian Crisis and Land Reforms. In 2012, he was appointed as a member of the National Task Force on Land Reforms. Being a member of Task Force; he is engaged in drafting the National Homestead Rights Act; National Land Reforms Policy; and various other pro-poor institutional & legal remedial measures towards land reforms. He also works in solidarity with various global and national alliance working on issues of land and agrarian rights.

Policy paralysis continues

NDA fails to recover from the malady UPA inflicted

Most of our health policies in the past have failed at the ground level. This was primarily due to the lack of political commitment to allocate the required resources in the Budget. Based on the analysis of a High-level Expert Group report, the 12th Five Year Plan targeted reaching 2.5 per cent of GDP by the end of the Plan, in 2017. However, the current government reduced the original allocation of Rs 268,551 crores to merely Rs 125,117 crores, or 46.5 per cent of the Plan target. This has led to huge deficits in implementing the National Rural Health Mission and other health programmes. When UPA was in power, BJP charged it with policy paralysis. But post-2014, when it formed the government under majority rule, BJP too failed to cross 1.2 per cent GDP expenditure on public healthcare. It failed to make any significant change in healthcare delivery. Clearly, healthcare is not on the government's priority list.

The BJP manifesto talks about universally accessible and affordable healthcare that would drastically reduce out-of-pocket spending. It assures healthcare to all Indians and create a strong regulatory framework for the health sector. But till now, it has failed on all these fronts. When it came to power, BJP boasted of a sound Health Assurance Mission. Within four months it replaced Health Minister Harsh Vardhan with Jagat Prakash Nadda. The new minister initiated a totally different health policy. By 2014-end, Draft National Health Policy (NHP) 2015 was formed and placed in public domain for discussion.

The new policy was an improvement on the 2002 policy. It comprehensively consolidated the thinking of the High-level Expert Group report and the 12th Five-Year Plan, and clearly defined the trajectory for moving towards universal access to healthcare. The main elements of this policy were:

- i. 2.5% of the GDP as public health spending should be reached by 2020, of which 70% should be on primary healthcare.
- ii. Per capita public spending on healthcare should be Rs3,800 at 2015 prices.
- iii. Centre would contribute 40% of the resources instead of its present 20% share. For this it would raise resources through health cess and cess on health degrading goods such as tobacco and alcohol.
- iv. The states would commit 8% of their total budget to health.
- v. Free drugs and diagnostics in all public health facilities would be available.
- vi. All district hospitals would be converted into medical colleges.
- vii. All healthcare facilities—infrastructure and human resources—would be as per the Indian Public Health Standards norms.
- viii. Financing all the above would be largely through a tax-based mechanism.
- ix. Above all, a National Health Rights Bill would be formulated to establish healthcare as a right.

Under the NITI Aayog, the robust 2015 draft NHP was sent to cold storage leading to policy paralysis for the health sector. Two years later, a diluted version of the draft was tabled in Parliament as draft NHP 2017. It acknowledges that primary healthcare needs to be strengthened, but it also unabashedly suggests the insurance route and private sector delivery for secondary and tertiary care. Such compartmentalised and segmented approach to healthcare is a continuum of the existing approach. It will encourage more state resources to be diverted to insurance, and private sector, which will further emasculate the public health system.

Deficits within the public healthcare system continue, with 70 to 80 percent vacancy of specialists' posts in community health centres, 30 to 40 percent vacancy of doctors' posts in primary health centres, poor supply of medicines, failure to achieve even the minimum Indian Public Health Standards, and poor maintenance of public health facilities.

For the current scenario to change, the government must immediately implement the 2015 draft NHP. The only way this can be done is by allocating the promised 2.5% of GDP, which is close to Rs 428,000 crores to the health sector. Only such a political commitment will fill up the vacant posts, assure medicine and other supplies, properly maintain facilities and Indian Public Health Standards. This is the only way to bring people back to the public health system. Only then will we be on track towards a universally accessible and affordable healthcare system with drastically reduced out-of-pocket expenditures, as mandated in the BJP manifesto.

Ravi Duggal is a sociologist who has worked for over three decades in the civil society sector on public health and public finance. He presently works as the Country Coordinator of the International Budget Partnership managing its programme in India. He has worked on these issues across Asia with Action Aid International, IDRC and IBP. He is also active in the Peoples Health Movement and the Medico Friend Circle.

Ravi Duggal/rduggal57@gmail.com

Sabka Saath Sabka Vikas: Mere words

**Government must
make stronger
budgetary
commitments to
make a slogan real**

The BJP manifesto for the 16th Lok Sabha elections had the slogan “Sabka Saath Sabka Vikas”, which means collective effort for inclusive growth. The manifesto had photographs of only Hindu leaders. Three years down the line, the slogan has proved to be nothing more than words. Dalits and minorities have been assaulted and killed by vigilantes, minority culture and food habits have been attacked, and bans have been imposed. Where is Sabka Saath Sabka Vikas?

The purported agenda of the BJP requires investment of resources in critical sectors which create basic equity—food security, guaranteed employment, education, healthcare and social security. Union government’s overall allocation for the social sector (social service, rural development, food subsidy and agriculture, and allied services) has remained stagnant at 3.3 per cent of the GDP during BJP’s tenure. This, despite increase in tax-GDP ratio during the same period from 10 per cent to 11.3 per cent. See Table 1 and Graph 1 showing priority for critical social sector programmes.

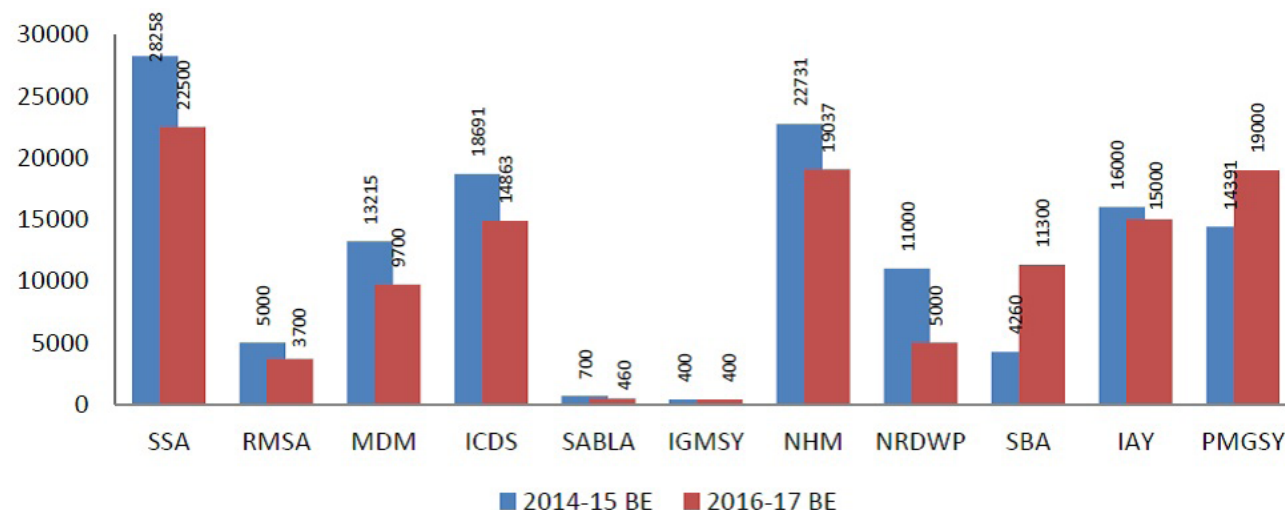
Table 1: Budget allocation for critical social sectors

(Figures in percentage, of the total government expenditure)

Sector	2012-13 A/c	2014-15 A/c	2015-16 A/c	2016-17 BE	2017-18 BE
Health	1.98	1.93	1.96	1.99	2.34
Education	4.68	4.14	3.75	3.66	3.71
Women and Child Development	1.21	1.11	0.96	0.88	1.02
Food	6.14	7.11	7.86	7.14	7.18
Rural Development	3.77	4.19	4.41	4.43	5.01
Source: Expenditure Volume 2 of Union Budgets, respective years					
Note: The percentages include grants to states under various Central schemes; A/c=Accounts, BE=Budget Estimate					

Within these critical social sectors, worst sufferers are the flagship programmes which show a clear perceptible decline, except for Swachh Bharat Abhiyan (SBA) and Pradhan Mantri Gram Sadak Yojna (PMGSY). See Graph 1.

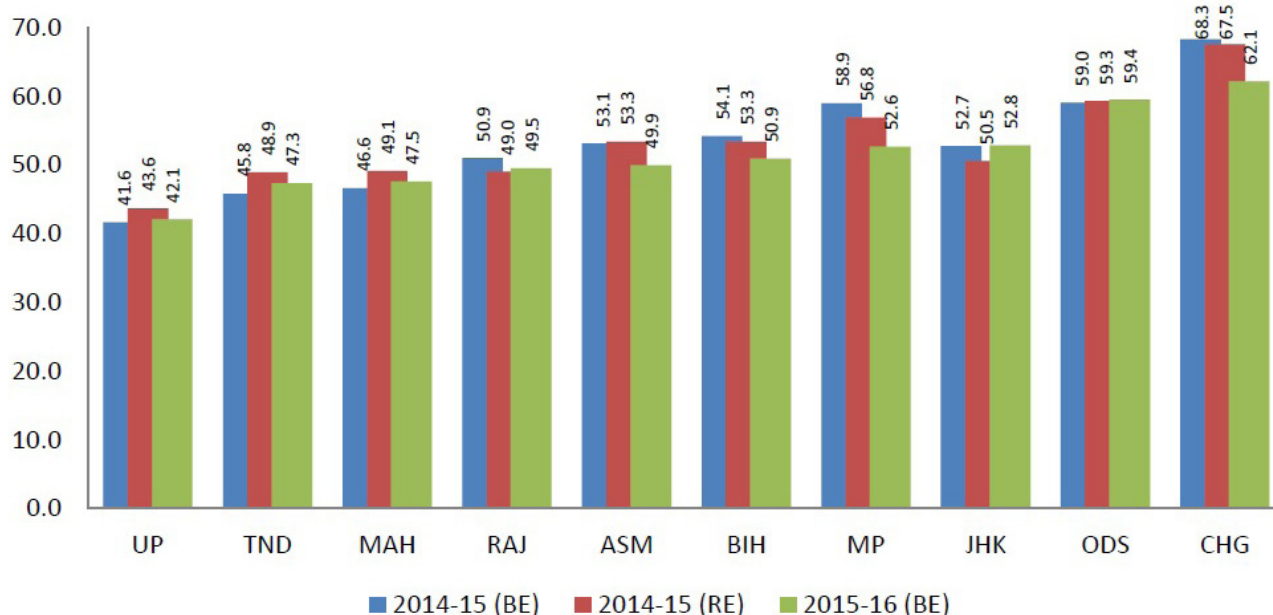
Graph 1: Allocation for key flagship programmes (Figures in Rs crores)



Source: CBGA-Comparative Analysis of Priorities in State Budgets, Working Paper 1, Feb 2016, CBGA, New Delhi

While the Union government continues to neglect the social sectors, including those which have the backing of a legal mandate, the burden was transferred to state governments by the 14th Finance Commission by upping the state government share in the divisible pool of taxes by 10 percent points. While this is a substantial increase in untied funds for states giving them greater fiscal policy space, the Union government cut down substantially on transfers through Central schemes, expecting states to pitch in from their enhanced untied kitty. A quick study by CBGA for the period 2014-15 to 2015-16 across 10 major states shows that in this period when untied resources have increased for states, allocations to social sectors as a proportion of state government budgets have declined. See Graph 2.

Graph 2: Social sector outlays of states (A Proportion of the Total State Budget, in percentage)



Source: CBGA-Comparative Analysis of Priorities in State Budgets, Working Paper 1, Feb 2016, CBGA, New Delhi

Why do we see such trends in the already neglected and under-funded social sectors? A clear reason is the declining trend of the fiscal envelope of the Union Budget, which has declined from 14.2 per cent of GDP in 2012-13 to 12.7 per cent of GDP estimated for 2017-18 (*CBGA—What do the Numbers Tell—An Analysis of the Union Budget 2107-18*). Second, at the national level there is very little political commitment for social sectors with budgetary commitments stagnant at 3.3 per cent of GDP for social sectors. Third, while states' share of taxes have doubled between 2014-15 and 2017-18, they too have failed to commit additional resources in their budgets for the social sectors. Finally, the tax-GDP ratio in India is grossly inadequate at 16.5 per cent of GDP to provide the fiscal space for making substantially higher commitments to social sectors. This is because of our skewed taxation policies where the burden is mostly on the poor through the high proportion of indirect taxation; declining trends/growth of corporate tax whose growth for the latest budget is only 9 per cent, in sharp contrast to personal income tax which is projected to grow at 25 per cent; and, ofcourse, huge revenues forgone for the corporate sector. So, it's definitely not Sabka Saath Sabka Vikas. Instead, it is "*punjiwadiyon ke saath punjiwadiyon ka vikas*".

What's needed to change the fiscal architecture towards Sabka Saath Sabka Vikas is:

- Increase the tax-GDP ratio to atleast 25 per cent by reducing revenues forgone and increasing corporate taxes
- Key social policies for health, education, food security, employment guarantee and social security must mandate benchmarked budgets based on rational cost assessment towards universal access for these services and benefits.
- Both Union and state governments need to make stronger political commitments by significantly increasing budgetary allocations for social sectors.

Ravi Duggal is a sociologist who has worked for over three decades in the civil society sector on public health and public finance. He presently works as the Country Coordinator of the International Budget Partnership managing its programme in India. He has worked on these issues across Asia with Action Aid International, IDRC and IBP. He is also active in the Peoples Health Movement and the Medico Friend Circle.

Ravi Duggal/rduggal57@gmail.com

The reality of bonded labour

To free them, we need more funds, passage of Anti-trafficking Act

The Ministry of Home Affairs (MHA) lists bonded labour as one of the many forms of human trafficking. Human trafficking is the trade of people by improper means such as force, fraud and deception, with the aim of exploiting them. In many cases where individuals have been trafficked for labour, the conditions are similar to that of bonded labour.

Bonded labour is an oppressive form of forced labour where, due to debt or other obligations—customary, caste-based, or economic considerations—the labourer forfeits certain basic rights and freedoms that are guaranteed by the Constitution. Physical, verbal and sexual abuse are often common elements in bonded labour making it a serious human rights crime. Siddarth Kara, visiting professor at the Harvard School of Public Health, estimated 1.6 crore bonded labourers in South Asia, of which 1.17 to 1.27 crores live in India alone.

Bonded labour is human rights violation under the Bonded Labour System (Abolition) Act, 1976, or BLSA 1976. Article 23 of the Constitution states, “Traffic in human beings and beggars and other forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law”. BLSA 1976 defines “bonded labourer” as a labourer who, on account of debtor obligation, is forced to forfeit one of the following rights or freedoms:

- Right to receive legal minimum wage,
- Freedom to seek employment elsewhere,
- Right to move freely throughout India, and
- Right to sell goods and services at market value.

BLSA 1976 protects labourers from all liabilities to repay bonded debts, and provides rehabilitation to labourers who have been victim to the system.

The definition of “modern-day slavery” is taken mainly from the “*1956 UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*”. It states, “debt bondage, serfdom, forced marriage, and delivery of a child for the exploitation of that child, are all slavery-like practices and require criminalisation and abolishment”. Indeed, in the global context, the United Nations and the international community have set in motion a plan aimed to build a more prosperous, equal and secure world by 2030, through 17 Sustainable Development Goals (SDGs). Of these 17, four goals and five targets specifically relate to bonded labour and human trafficking.

Achievements

The Central government is taking positive steps to combat bonded labour. Labour minister Bandaru Battatreya stated that the total number of bonded labourers released and rehabilitated till March 2016 is 2,82,429 (*India Today*, 2016). He informs of the perspective vision document for 2030 according to which the Centre plans to identify, release and rehabilitate 1.84 crore bonded labourers, and strengthen the prosecution machinery to reach 100 per cent conviction rate for preventing new bondage.

A seven-year strategy (2017-18 to 2023-24) has been included in the document to bring down the number of bonded labourers by 50 per cent, and augment the annual Budget to cater to the needs of at least Rs 12 lakh bonded labourers. The strategy aims to cover as many vulnerable workers as possible by amending labour laws.

Further, a three-year action plan (2017-18 to 2019-20) has been enacted under which the government will create a district-level rehabilitation fund with a minimum corpus of Rs 10 lakhs at the disposal of each district magistrate for immediate cash assistance. The action plan, called the Central Sector Scheme for Rehabilitation of Bonded Labourer 2016, provides for a substantially increased rehabilitation assistance to bonded labourers. As such, states are guided and empowered to implement the objectives of rehabilitation under BLSA 1976, Supreme Court guidelines, and the new Central Sector Scheme (CSS). However, the key to the success of CSS lies largely on its implementation at the state level. Under the action plan and the 2030 vision, 18 states are required to compile a survey on bonded labour at the rate of two per state every year.

From January 17, 2017, the amount of immediate assistance to rescued bonded labourers has been enhanced from Rs 5,000 to Rs 20,000 under the District Bonded Labour Rehabilitation Fund. Under the new rules, the total financial assistance has been increased from Rs 20,000 to Rs 1 lakh per adult male beneficiary, and Rs 2 lakhs for special category beneficiaries, including children, orphans, those rescued from organised begging rings, and other forms of child labour, and women. The total financial assistance has also increased to Rs 3 lakhs in cases of bonded labour involving extreme cases of deprivation or marginalisation. The government will also ensure that bonded labour cases are tried and judgements delivered on the same day.

The government drafted the new, comprehensive Anti-Trafficking Bill that introduces punitive measures against all kinds of human trafficking. While the original version of the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2016 was criticised, the new draft lists more offences such as trafficking for bonded labour, begging, bearing a child, under the pretext of marriage, and using them as a human shield or child soldiers. The penalty for these crimes can range from Rs 1 lakh to Rs 10 lakhs and a jail term between seven years to life imprisonment. This new draft aims to strengthen prosecutions and increase the number of convictions by setting up a special investigative agency to coordinate work between states and collect intelligence on trafficking offences.

National statistics (NCRB)

The National Crime Record Bureau (NCRB) is yet to release statistics on bonded labour for 2016. However, 2015 statistics show the extent of the crime throughout India. There was 31.4 per cent increase in crime of bonded labour in 2015 compared to 2014. However, 92 cases were recorded with 426 victims. Uttar Pradesh had the most number of cases at 31, of which 49 victims were rescued. Tamil Nadu had 15 cases of which 254 victims were rescued, the majority belonging to the Other Backward Class. As many as 109 countrywide arrests were made in 2015 in relation to bonded labour. Of these, which 73 arrests were individuals between the age groups of 30 and 45 years. Another 22 arrested were between 45 and 60 years.

With only 92 cases reported to NCRB, it suggests that states are not responding or reporting cases of bonded labour to the Central government. However, under the action plan, a survey on bonded labour is now required by 18 selected states at a rate of two per state every year. Implementation and compilation of such a survey is crucial at the state and district level to gain accurate data in understanding the true extent of bonded labour at the national context.

Budget

Under the labour and employment ministry's Outcome Framework for Schemes 2017-18, the scheme for the rehabilitation of bonded labourers has a budget of only Rs 10 crores with an output aim for the "release of 500 bonded labourers and awareness generation". A realistic and sufficient budget must be available to properly combat the crime of bonded labour, if the 2030 vision is to be achieved.

Central Sector Scheme 2016

States have not yet deposited any corpus funds for bonded labour victims in districts. Procurement of these funds has the potential to become a financial burden on states. Funds will not be reimbursed until conviction takes place, and it could take years before the state received funds from the Central government. Further, the release certificate and rehabilitation amount can only be issued once the judicial process is complete. However, if the process is held in a magistrate's court (in states where Section 21 has been struck down) it may not be issued for several years.

Recommendations

- District officials do not fully understand the immediate disbursement of rehabilitation money. A written clarification to state governments on this would help.
- A corpus of Rs 10 lakh per district is not sufficient. The ministry should provide written clarification on timelines for the reimbursement by the Centre for initial rehabilitation assistance given and documents required from state government for the same at the earliest.
- States have not yet deposited any corpus funds for bonded labour victims in districts. More corpus funds must be deposited in districts with a high prevalence of bonded labour.
- An alternative process is recommended to be adopted where Section 21 is struck down. As in the SC/ST Act, 1989, we propose that the rehabilitation funds be dispersed throughout the different stages of the legal process instead of after the conviction. The Central government should reimburse states immediately after each stage.
- States should enforce the minimum wage for each industry and create more sustainable opportunities and safeguards for labourers working to support themselves and their families.
- We recommend the immediate passing and implementation of the most recent draft of the new comprehensive Anti-Trafficking Bill.

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Renji Jacob is a senior development practitioner with close to 30 years of experience in the areas of advocacy, peace building, child rights, gender, education, disability and micro enterprise development. Qualified in the areas of law, social work, business administration, pastoral sociology and theology, he has held senior positions in prominent NGOs within India. He is also a board member of National Coalition for Education (NCE), Delhi, Steering Committee member of Wada Na Todo Abhiyan, and a member of India Alliance for Child Rights (IACR), Delhi.

Being LGBT in India

Annual
report card
of the Union
government

This review provides a snapshot of the stance the current NDA government has taken on various policy decisions at the national and international levels with regards to people marginalized on the basis of their gender identity and sexual orientation.

- UGC notifies India's first gender neutral regulations on sexual harassment where it urged Higher Educational Institutions to ***"act decisively against all gender based violence perpetrated against employees and students of all sexes recognising that primarily women employees and students and some male students and students of the third gender are vulnerable to many forms of sexual harassment and humiliation and exploitation"***.
- The Mental Health Care Bill, 2013 brings people with diverse gender identities and sexual orientation under its ambit. The Bill was passed in the Rajya Sabha on March 20, 2017. While ensuring that every person shall have the right to access mental healthcare and treatment from mental health services, it also espouses that there shall be no discrimination on the basis of ***"gender, sex, sexual orientation, religion, culture, caste, social or political beliefs, class or disability"***².
- India abstained from voting in the UN Human Rights Council on a resolution to appoint an independent expert on protection against violence and discrimination based on sexual orientation and gender identity. India offered no official reason for its abstention. Vikas Swarup, spokesperson for the Ministry of External Affairs, said, ***"The Supreme Court, you also know, is yet to pronounce on this issue. As such, we had to take this into account in terms of our vote on the third UN resolution to institutionalise the office of an independent expert to prevent discrimination against LGBT persons"***³.
- The Transgender Persons (Protection of Rights) Bill, 2016 grossly undermines all the principles laid down in National Legal Services Authority (NALSA), whether in terms of definition of a "transgender" person, or in prescribing a detailed bureaucratic procedure to certify one's transgender status. The Bill conflates the identities of people with intersex variation and transgender people. The definition of discrimination has been left vague in the Bill, and is not reflective of the various forms of discrimination and violence faced by transgender persons⁴. The Bill is pending in Parliament.
- The Surrogacy (Regulation) Bill, 2016 does not cover live-in couples and gay people. It prohibits commercial surrogacy, but allows altruistic surrogacy which involves no monetary compensation to the surrogate mother other than the medical expenses and insurance coverage during pregnancy. According to the Bill, only married couples will be allowed to opt for surrogacy. Gay and live-in couples are not allowed to surrogate. The Bill is pending in Parliament⁵.
- Anti-Discrimination and Equality Bill, 2016 to protect LGBT people from discrimination. Shashi Tharoor, Member of Parliament, introduced the Bill in Lok Sabha in March 2017. It creates a comprehensive framework to address various forms of injustices meted out to Dalits, LGBT persons, people with disability, Muslims, north-eastern people, couples being discriminated against grounds of some spurious culture and tradition, and other marginalised groups⁶. The Bill is pending in Lok Sabha. In March 2017, Tharoor met Kerala Chief Minister Pinarayi Vijayan, urging him to set a precedent to the rest of India by decriminalising Section 377 in the state.

Recommendations

- The Transgender Bill does not address many issues transgender persons face on an everyday basis. The NALSA judgement was comprehensive. Instead of delaying the process of access to justice, the government should implement provisions mentioned in the NALSA judgement.
- The government should take positive measures to ensure that the rights of LGBTIQ persons are safeguarded in the country. This would mean taking positive and affirmative stand in any international forum. Back home, there is a need to safeguard the rights of people marginalised on the basis of their sexual orientation/sexuality.

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Rituparna Borah and Ritambhara Meht- Queer Feminist activist, and Part of Nazariya: A Queer Feminist Resource Group.

Status of housing, urban poverty

Implementation and Budget utilisation does not present a positive picture

UN-Habitat, a United Nations agency for human settlements and sustainable urban development, states that India is home to 63 per cent of all slum-dwellers in South Asia and 17 per cent of the world's total slum-dwellers. Census 2011 reveals there are 13.7 million slum households in India that live amidst inadequate basic amenities, poor health outcomes, insecurity and unstable incomes. According to the Socio-Economic Caste Census-2011 (SECC-2011), the urban population in India is 299.99 million, out of which 60.90 million, that is 20.30 per cent, live in slums. However, despite the burgeoning size of the urban poor, not much has been done by the NDA government to uplift them in 2016-17.

The Parliamentary Standing Committee on Urban Development (2016-2017) recommended the government to check huge reductions in funds allocation of the Ministry of Housing and Urban Poverty Alleviation (MoHUPA). Budget Estimates (BE) (2015-16) of Rs 5,625.30 crore has been reduced to Rs 1,952 crore at the Revised Estimates (RE) stage. This is a 65 per cent decline. The Standing Committee also observed that the actual expenditure of MoHUPA shows a continuous trend of underutilisation over the last three years. The Standing Committee took strong note of the time lag in the implementation of schemes right from the stage of conceptualisation to identifying the various components/beneficiaries and obtaining approval. In the backdrop of serious underspending and underachievement of MoHUPA, we review three specific programmes for 2015-16.

Housing schemes for the urban poor

The Central Government had launched the Pradhan Mantri Awas Yojana-Urban (PMAY-U) on June 25, 2015 to facilitate the efforts of the states and union territories in addressing housing shortage for the Economically Weaker Section (EWS) and the Lower Income Group (LIG). It aims to construct 20 million houses for them by 2022. If one calculates the number of houses to be built each year to meet the target, the figure is a whopping 27 lakh houses per year.

Under the mission, out of the sanctioned 12.7 lakh houses for EWS, 2.2 lakh houses have been grounded for construction and 48,236 houses have been completed so far, as per data released during the Parliamentary Winter Session 2016. The number of EWS houses which have been completed till now is only 3.93 per cent of the total number of houses proposed to be built for EWS. If the slow pace of progress continues, how will the target be achieved? While 3,065 cities have been chosen to be included in the mission, project proposals have been considered for 1,893 cities. Furthermore, Rs 6,171.48 crore out of the sanctioned Rs 19,682 crore has been spent, as per data released during the parliamentary winter session 2016.

A positive initiative of the NDA-led Maharashtra government can be seen in Nagpur with regard to *patta* rights or land tenure rights for the urban slum-dwellers. The Maharashtra Government Resolution (GR) of January 3, 2017 declares that slums located on the land of government authorities such as Nagpur Municipal Corporation, Nagpur Improvement Trust, and the Collector's land will be given land tenure rights by the respective government authorities themselves. This is a good initiative of the state government to give land rights to slum-dwellers. Other states can also replicate Maharashtra's model.

Deendayal Antyodaya Yojana-National Urban Livelihoods Mission(-DAY-NULM)

MoHUPA has implemented DAY-NULM to reduce poverty among the urban poor by providing them skilled training, help in setting up Self-Help Groups (SHGs), constructing shelters for the urban homeless and so on. If we look at the financial progress of DAY-NULM, it shows that in 2016-17, out of Rs 1,02,962.56 lakhs allocated, Rs 18,926.56 lakhs was released, as compared to Rs 1,48,863.41 lakhs which was allocated in 2015-16 and Rs 23,972.33 lakhs released, as per data of the parliamentary winter session 2016. The release is of only 18.3 per cent of the allocated funds.

The status of implementation of DAY-NULM in 2016-17 highlights that 22,981 beneficiaries were given assistance for setting up individual/group micro enterprises, out of which maximum beneficiaries (6,268) were from Madhya Pradesh, reveals data of winter session of Parliament, 2016. The government should not only promote skill development, but also provide appropriate jobs to the urban poor so that they can make use of the skills acquired through these schemes to improve their living conditions.

Shelter for Urban Homeless (SUH), a component of DAY-NULM, envisages to provide permanent shelters with basic facilities to the urban homeless. While 2,141 shelters have been planned to be sanctioned under SUH, only 1,146 have been sanctioned and only 575 are operational across 24 states and union territories. However, 1.77 million people are still homeless in India, according to Census 2011. The NDA government needs to introduce adequate number of shelters to sufficiently house the homeless.

It should be pointed out that in 2015, the Bombay High Court directed the municipal corporation to earmark certain plots of land for setting up night shelters in Mumbai while finalising the city's development plan. The court also called for land reservation for setting up shelters for urban homeless under DAY-NULM (*The Indian Express*, September 2, 2015). Implementation is the key to the success of the mission. The positive high court order can be replicated in other states as well.

Smart Cities Mission

Union Cabinet has allocated Rs 480 billion for the Smart Cities Mission, which aims to develop 100 smart cities in India by 2020. The Centre has asked states to generate half the funding for smart cities from public-private partnership (PPP), with focus on attracting private investment. Local municipalities and Urban Local Bodies, however, may not have the capacity to generate such large funds (*The Hindu*, March 28, 2016). Moreover, the guidelines for the Mission fail to mention where the urban poor will live in these smart cities. This, despite the fact that many of them would be needed to construct the smart cities, and to provide various services after the smart cities are constructed. Further, the government has not given much thought on how the Smart City Mission will converge with other flagship national programmes such as PMAY, DAY-NULM, Swachh Bharat Mission, and multiple infrastructure projects like expansion of city roads and highways, water reservoir and so on, which are mostly undertaken by development authorities or the state governments (*The Hindu*, September 18, 2016).

Conclusion

The status of implementation and underutilisation of budgets of various housing policies and schemes for the urban poor in 2016-17 does not present a very positive picture. Human right to adequate housing is guaranteed in the international law and in the directive principles of the Constitution. Further, the deep urban inequalities in cities are rooted around issues such as class, caste, poverty, gender, lack of access to economic and social amenities. These issues cannot be addressed properly through some targeted schemes for the urban poor. It needs a systemic change in the societal mindset as well as strong participatory and democratic urban governance.

Recommendations

- Provision of rental housing for the urban poor should be introduced as a component of housing schemes such as PMAY, since it can help the urban poor to find an alternate solution to the problem of lack of land ownership documents and cut-off dates which hinder their access to housing.
- Basic Service Facilitation Centres should be introduced in every city to provide help in creating legal identity documents such as voters' identity cards and ration cards, as well as support services to the urban poor.
- Insitu upgradation, rather than insitu slum redevelopment under PMAY, should be promoted since there are many informal settlements which are properly built, but need upgradation of basic services such as water and sanitation.
- Strict implementation of government schemes and policies introduced for the benefit of the urban poor, along with space for independent committees and social accountability mechanisms.
- Capacity-building to facilitate community participation and democratic urban governance.

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Roshni K. Nuggehalli is Executive Director at Youth for Unity and Voluntary Action (YUVA). Roshni works on issues of youth and child rights, migration, informal economy, gender justice and governance. She has facilitated children's research and advocacy, and published on themes of urbanisation, children's participation and governance.

Ms. Manshi Singh is the National Desk Research Associate at Youth for Unity and Voluntary Action (YUVA). She has completed her M.Phil in Sociology from Delhi School of Economics. She can be reached at manshi.singh@gmail.com

A government not for the ordinary

People of India are left way behind in BJP's pro-foreign policies

Achievements and failures

The NDA government has not created any jobs for the unemployed. Instead, it announced slogans and catch phrases such as Digital India, Stand Up India, and so on, which did not mean anything to anyone anywhere in India. Demonetisation was a disastrous exercise and fetched almost no black money to the exchequer, but it inconvenienced the general public to a great extent. Many "development" projects it announced and allocated money favoured the rich and famous at the cost of the poor, powerless and excluded people. It sent a chilling anxiety of losing their lives and livelihood down the spine of lakhs of people all across the country. The acute anxiety and worry that these projects caused is a kind of state terrorism unleashed on helpless people. The beef issue, cow protection schemes, common civil code rhetoric, one nation one election plan, wanton killings and other such efforts of the government are not only ludicrous but also divisive and dangerous. The overall performance of the government is dismal.

Challenges and concerns

The issues and concerns of the citizens could be marked under four broad categories—survival, well-being, identity and freedom. People find it difficult to deal with the price-rise of essential commodities, transportation costs, health costs, quality education for their children and so forth. The expenses are sky-rocketing whereas the incomes are declining and even disappearing because of lay-offs, plant closures and so on. The quality of education, health services, transportation and energy services have been declining steadily. There has been no significant achievement in any of these sectors. The youth are unemployed or under-employed because of the poor quality of education that they get. Most of them do not even get minimum wage, and cannot make a living or set up a family. Those who have money buy sophisticated cars and get treatment in luxury hotel-like hospitals and uninterrupted power supply whereas the poor do not get even the bare minimum in any of the above sectors. Farmers, fishers, retail traders, labourers, weavers, nobody is either happy or contented in this country. Instead, they are all barely scraping along with severe anxiety and stress because of the pro-foreigner and pro-MNC globalisation policies and programmes of the government. People of India are not bothered much about the politics of identity today but are concerned about their freedom from fear and from hunger. Both these fundamental freedoms are at peril today.

But the government worries about the plight of Muslim women in triple talaq system, the rights of the **cow rakshaks**, casteist and communal agendas and so forth. They engage in speech-making, victim-blaming, day-dreaming and uttering empty words. They tend to believe that identity politics can carry them through. When compared to the inactive corrupt Manmohan Singh government, Modi's is a pretending partisan government. The government is more preoccupied with making people more patriotic and nationalistic by screening National Anthem in movie theaters, warning people against criticising the prime minister and his government and so on.

Peoples' aspirations, and against government promises

People want to earn a living and yearn to live a decent and secure life. The government promised a whole lot of things ranging from Clean India to Digital India without enhancing the basic infrastructure for all these to happen. People are not provided even the basic services such as safe drinking water, two square meals, decent housing, quality education and job opportunities. The "nationalistic" government, people thought, would be a lot more thoughtful, responsive and responsible about the needs and wants of the Indian citizens. If only they were!

Focus on marginalised, its duties in upholding Constitutional values

This government is working for foreigners, foreign interests and the rich and powerful Indian business houses. Its policies and programmes are all in tune with WB, WTO, IFCs and powerful foreign governments. Its every action is geared toward attracting FDIs, handing over concessions and freebies to the strong and powerful, colluding with the MNCs and their governments. It simply forgets that it has been chosen by the poor and ordinary people of India. Instead of the civil society, the economic society becomes the foundation of the national society and the Indian state tends to think that they are the flagship of the economic society and hence have to be loyal to the rich and powerful. The people of India are left way behind in this scheme. In fact, they are seen as complaining and interfering in this golden-road paving project leading to the capitalistic heaven. This government is not working for the ordinary people of India.

Recommendations

The government should, first of all, acknowledge that there are serious issues with its economic policies and programmes, political grandstanding, social programmes and its very principle and style of governance. It should put civil society's interests before that of economic and political societies. They should empathise with the needs and aspirations of the ordinary citizens of India. They should engage in truth-seeking and truth-speaking with the people instead of justifying their liberalisation, privatisation, globalisation policies, programmes and projects. And finally, the government should engage in a sustained dialogue with the people of India in order to listen to their needs and aspirations and take them where they want to go rather than dragging them to where the government wants to go. They should drop the Fascistic approach and attitude in words, actions, thought process, character and value system. "Indians first and everything next" should be their approach. "Basic necessities to all Indians" should be the immediate goal. Nuclear-powered, hi-tech, militarised, macho super power "brave new" India is not what Indians want. They want something totally different. If only these know-it-all *netas* listened to the people of India!

S. P. Udayakumar is a writer and activist from Tamil Nadu, India. He is the convener of the People's Movement Against Nuclear Energy (PMANE),

India's progress likely to be slow

Political will to change is absent

Politicians are programmed to promise drastic changes in the status of their country during their term in the government. This is true for economic advisors, industrial lobbies and other reform advocates. Recommendations of magic pills enhance their acceptance in politics and the media. However, I will outline a not-so-optimistic scenario of India's future in the next two decades. This is done with a specific purpose. People, including policy-makers, should not waste their energy on magic pills and quick-fix solutions. Instead, there should be much more realism in the discussions on the future of the country, and a greater focus on the fundamental barriers which are against its economic and social progress.

The current situation of the country makes certain reforms difficult despite a pro-reform government, in which one party can take decisions on its own without depending on coalition partners. When the BJP came to power, it decided not to go ahead with foreign-direct-investment (FDI) in retail. In a situation where not many new jobs are created for economic growth, no government in a democratic society can go ahead with reforms which are harmful to the livelihood of people at large. There could be similar reluctance by state governments to reform labour markets, that is, to "hire and fire" workers easily. This is the strategy which economic advisors advocate to accelerate the pace of industrial development in the country. So, there could be political reluctance to implement reforms, if these are needed to achieve faster economic development.

Governments are compelled to meet short-term needs. So these may not use funds for projects meant for the healthy development of the economy. The distress in Indian agriculture is well known. One way to address this problem, albeit partially, is to increase public investments in agriculture. This, apart from reducing the share of population depending on agriculture through education and encouraging people to move towards industrial and service activities. Farmers usually do not get remunerative prices for their products even though consumers pay a much higher price. The market for farm products in the country is highly fragmented due to lack of adequate investments in cold storage, transport and so on. However, governments are compelled to spend a greater part of the public resources allocated to agriculture to waiver farm loans and to provide different subsidies. So, there are not enough funds for investment in public infrastructure useful for farmers. All governments, including the present one, find it difficult to come out of this compulsion.

There is deepening of democracy within the country. Even the historically marginalised groups have started to mobilise themselves to assert their rights. However, it is doubtful whether these are adequately oriented to address the fundamental problems facing the country. Though Dalit activism has taken root within the country, and has taken up issues of marginalisation in higher education, under-achievements in schooling and restrictions on women are not widely discussed. It is obvious that opportunities for higher education and benefits of reservation (in jobs and education) are not available to those who do not complete schooling. Though the current government has taken up a few programmes for behavioural change, say to avoid open defecation or to encourage the schooling of girls, there is not enough willingness in the political domain to bring about changes in social norms to encourage women to participate in paid employment. For all these reasons, India may continue with its current ills of underdevelopment in 2030 or afterwards.

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Details of the argument can be seen in Santhakumar, V. Gupta, N. and Sripada, R. (2016) *Schooling for All in India: Can We Neglect the Demand?* Delhi: Oxford University Press

Santhakumar V was a civil engineer on a non-governmental initiative to plan watershed management in a village in Kerala in the late eighties. He has been on the faculty of the Centre for Development Studies (Trivandrum) from 1996. However, his current interest is on the inter-linkages between development and education, and the ways of shortening the 'distance' between population groups so as to mitigate the 'development differences' between them. He has received the research medal and the outstanding research award of the Global Development Network during the early phase of his career.

Life of girls in Indian context

Education and jobs for girls need attention

Dowry practice has not discouraged education amongst girls in India. Even among the uppercaste and “better-off” sections of society, which also practice dowry system, girls are getting education. However, there are people who prefer to marry off girls as early as possible without providing them higher education. They fear that higher education may delay a girl’s marriage and/or increase the dowry to be paid. One can see two trends in India. The middleclass prefer their daughters-in-law to be educated since they can be “proficient” wives and mothers. But such a preference is not seen among the poor. They may prefer to marry girls without providing them much education.

Even if the residence of the girl in husband’s house after the marriage does not work against her education among certain sections, it may work against her employment. Fear of potential harm, including possible love affair, seems to be working against the mobility of unmarried girls. Most girls have to move within and outside India along with the husband or family.

Even when girls migrate to other parts of the world, as in the case of nurses from Kerala, the family continues have control over their “moral subjectivity” as noted in Walton-Roberts (2015).¹² The pressure of social norms on these girls may create tension and conflict. When married women continue with paid employment, they have to maintain, what Radhakrishnan (2011)¹³ calls, emotional and material dedication to their spouses and domestic responsibilities. In developing countries, there is a social fear of female sexuality. In India, the fear of inter-caste sexual/marital relationships is an aggravating factor. Girls are kept under control for the honour of the family¹⁴ by not allowing possible relationships with boys belonging to other castes and social groups.

There are parts of India where girls work after school, such as in garment factories. Tiruppur in Tamil Nadu is an example where industrial employment is available to girls. Marriage impacts employment in two ways here. Sections of unmarried girls work in factories (and stay in high-walled hostels and move out with escorts) to mobilise the money for dowry. Majority of them stop working after the marriage. In our interviews with girls who dropped out of employment, they mention the “suspicion” of the husband and the burden of household duties as reasons for discontinuing work. Presence of male workers discourage husbands from sending their wives to industrial work. When these families face financial difficulties, the girls become farmworkers. This is visible in Kerala to some extent. Many girls complete their schooling or college education, and wait for marriage and depend on their husband’s income. When nuclear families face financial difficulties, the girls take up jobs. But these can be the least remunerative ones. In essence, lack of practice to encourage girls to be employed throughout their working life impacts negatively in their, and society’s, overall welfare.

India is yet to take effective steps for the education and employment of girls.

Santhakumar V was a civil engineer on a non-governmental initiative to plan watershed management in a village in Kerala in the late eighties, He has been on the faculty of the Centre for Development Studies (Trivandrum) from 1996, However, his current interest is on the inter-linkages between development and education, and the ways of shortening the ‘distance’ between population groups so as to mitigate the ‘development differences’ between them. He has received the research medal and the outstanding research award of the Global Development Network during the early phase of his career.

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Youth Population Dividend – Myth or Reality?

Does the Youth Population dividend include the marginalized, socially excluded youth?

On one hand, the NDA government is toiling day and night to “appropriate” Dr B R Ambedkar to woo Dalit and other socially excluded youth across India by naming and renaming several schemes, universities, lanes and locations in the name of Ambedkar. On the other hand, post Rohit Vemula the upsurge of Dalit youth against caste based discrimination in higher education, the large mobilisation of Dalit youth following the Una (Gujarat) incident of beating and lynching of Dalit youth by Hindu religious groups in name of cow protection, and recent violence against Dalit which forced Dalit youth to reorganize themselves as “Bheem Army” in Sahranpur (Uttar Pradesh) clearly indicates a fractured vision of this government towards youth of this country.

The media including social media discourse forces youth to align themselves “with Modi” or “against Modi”. It has not only become difficult to be critical to government policies/schemes, any voice which tries to place an alternate view is considered “anti-national.” Youth are also made to forget that both the UPA and the NDA which make claims of India being a young nation have failed to support the aspirations of the young generation in the country.

Dignity, discrimination free education, social security, multicultural discourse and the environment to become global citizen, and decent employment are some of the aspirations which young people of this country. The recent incidents since Rohit Vemula is making one wonder if the youth are being pushed into and side-tracked from pursuing their aspirations to consolidating and protecting their identity. The growing caste, communal and ethnic violence against the Dalits, Religious Minorities and Adivasis are pushing the youth to enter these violence spaces and forgo their aspirations for themselves and their communities.

The India Exclusion Report, 2016 reported that even as the Prime Minister Narendra Modi in the election promised to create 10 million jobs; job creation has fallen to lower levels half way through his tenure. Employment creation in 2015 plummeted to 135,000 jobs compared to 930,000 in 2011.

Skill development was projected as “dream project” of Prime Minister, but preliminary evidences from the fields are not very encouraging. Quality of training has been compromised. Skills trainings centres, particularly in the rural areas are run without adequate physical infrastructure, equipments, trained personnel, poor monitoring. It has become “certificate distributions” in the name of skills enhancement programme. One hopes that it will not turn out to be “Scam India Project” in the name of skilling of young population of India.

Many young people from the marginalised sections are not able to access quality higher education, unable to bear the high cost of privatisation of higher education. While presenting Budget for 2017-18 in parliament, Finance Minister described “energising youth through education, skills and jobs” as one of the government’s 10 focus areas and announced Rs 4,000-crore programme ‘SANKALP’, aimed at providing market relevant training to 3.5 crore youth across the country. It is important to provide skills along with higher education. Delinking education and employment will affect the aspirations and motivations

towards higher education, especially among socially excluded youth in rural areas. Many Dalit, Adivasi, Muslim minority and LGBT groups feel insecure and falling into conflict or consolidation of their identity rather than engaging into a critical discourse to continue demanding accountability to the promises made to create jobs, provide social security and conducive environment to become aware and concerned citizens of this country.

As India is going to be the youngest nations in 2030, it is important to recognise the youth needs/context in more comprehensive ways and recognise the concern over the growing threat to individual identity and views.

Satyendra Kumar is the convener of the National Youth Equity Forum (NYEF) and platform for socially excluded and marginalized youth towards equality and social inclusion

Education for Social Change

Contemporary education is not doing more than intensifying inequalities

Without much disagreement, education is considered one of the most important instruments of social change. For such a change to materialise and to provide meaningful participation, each person must have the right to get educated. It is the government's responsibility to provide quality education to its citizens. The Right of Children to Free and Compulsory Education Act, though highly inadequate and deficient, is the available framework for the purpose at present. Measures to provide schools all that the law mandates are being taken at snail's pace. Most government schools are not fully compliant with the Act. Inadequate number of teachers and poor infrastructural facilities are common.

Education should facilitate society to move towards greater egalitarianism from the present highly stratified and unequal society. In contrast, contemporary educational structure seems to be intensifying inequalities among people. The government policy does not see education as a human right and social good, but as a commercial commodity to be marketed by private agencies. The quality of education that the private agencies provide depends on the amount the consumer is able to pay.

The plea for constitutional freedom to establish educational institutions is unacceptable. The existing legal and administrative framework does not allow profiteering in education. Every educational institution is obliged not to take profit. Yet, it is common knowledge that huge profits are being made by charging exorbitant fees. The government has failed to act on this account. There are clear signals that it would like the market of education to flourish. Enough has not been done to improve the public education system, making admission to private schools unnecessary and redundant.

The government has not heeded to the long pending demand of enlarging the scope of Right To Education to include pre-primary and secondary education. Instead, it has taken some regressive steps against the basic principles of education and child development.

The government believes in the transformative power of education. The way political considerations and sectarian interests are playing a role in every sphere of higher education suggests that the government is focused on using institutions of higher education as a potent tool for transformation that does not match the basic principles of the Constitution.

Not only colleges and universities, but also national organisations mandated to support universities in their endeavour for a better society, are being used as seats of gradual and unobtrusive ideological shift, away from the Constitutional mandate. Heads of all such organisations as also most of the universities seem to have been picked up, not because of their competence or commitment to improving higher education, but to serve the ideological agenda of the government. In this entire approach towards education—primary, secondary and higher—the interest of people at large and particularly of the marginalised and disempowered, do not figure even in the margin. They are completely out of the page of the government.

Sharad C Behar: With social transformation as his mission, education as his passion and the civil service (IAS, 1961-1997) as his source of livelihood and a platform for pursuing his mission and passion, Sharad C. Behar has been simultaneously engaged in administration, activism and academics. He held important positions in the educational hierarchy in the government before retiring as chief secretary of the state of Madhya Pradesh. Believing in the need for state-civil society collaboration, he facilitated the establishment of and became founder director of State Council of Educational Research and Training (SCERT), Madhya Pradesh and Eklavya, a voluntary organisation renowned for innovations in education. He is also the founder vice chancellor of Guru Ghasidas University, Bilaspur, now a Central University. He was also vice chancellor of Makhn Lal Chaturvedi National University of Journalism, Bhopal. The three converging domains of his life have enabled him to play the role of an activist and academic within government administration and to influence his civil society activism with a blend of intellectual perspective and the insider's insight about the State. He has been intimately involved with several social and people's movements in India.

Demonetisation poorly implemented

**Proper planning
would have made
it much more
fruitful**

The biggest leap of the Central government in 2016 was the bold and much-desired currency-demonetization. Of course, it was extremely difficult to even consider demonetising 87 percent of the currency in circulation among 130 crore people of the nation, which affected the daily life of all, even the poorest of the poor. But the step could have been much more advantageous without troubling the people had proper planning and implementation been done.

- Had the Prime Minister announced disclosure scheme with about 50 percent penalty on November 8, 2016, it would have been highly successful and would have given enormous revenue to the exchequer. People who converted huge currency by paying 30 to 40 percent commission, would have certainly preferred paying 50 percent to the government in a genuine manner, and become law-abiding and honest citizens.
- Had circulation of old currency notes been allowed till December 31, 2016 at retail outlets like petrol pumps, milk booths, central stores etc, it would not have created the currency crunch. Planners made a mockery of the government by first extending the date for acceptance of demonetized currency at petrol pumps to December 12, 2016, then suddenly announcing the date to be December 5, 2016. Also, there were long queues at bank counters and ATMs with people demanding new currency notes.
- Only one, most commonly used, ID proof for exchange of currency notes could prevent large scale misuse of exchange facility.
- If complete polling can be done in limited number of hours in a day, there is no reason to have long queues for currency exchange. Banks and post-offices are much more than polling booths.
- If the aim was to eliminate black money, introduction of the totally unpopular Rs 2,000 note was undesired. The step was, perhaps, taken because of less number of notes required to be printed for demonetisation.
- The Central government must not have backed out on its assurance of currency deposit or exchange at the Reserve Bank of India till March 31, 2017. The decision to give reasons to deposit demonetized currency, though later withdrawn, was also not correct. All such decisions made a mockery of the status of the Reserve Bank of India tending to dent its image at the global level.
- The Central government backed out from its promise, advertised in newspapers with the Prime Minister's photograph, that people who deposited old currency notes worth upto Rs 2,50,000 would not be asked to give details about such deposits. But income tax returns for assessment year 2017-18 require declaration of more than Rs 2,00,000.
- Instead of giving incentives on online payments, the Central government should direct banks to abolish not only processing and annual fees of credit cards, but even abolish transaction charge on payments made through credit or debit cards. At present, shopkeepers take two percent transaction charge in items with low profit margin if payment is made through credit cards.
- The root of parking black money in gold should be abolished by allowing only banks to import gold for sale. At present, private importers print multiple number of cash memos to sell gold in bulk through black money.
- To avoid parking of black money in real estate, a permanent voluntary disclosure column should be incorporated in income tax returns, attracting maximum slab of tax rate. Persons getting unaccounted cash by sale of property would be able to declare such unaccounted money giving huge revenue earning to the exchequer. On the other hand, those utilising unaccounted cash for purchase of property will be automatically caught, attracting not only tax but also penalty.

- All cash-funding to political parties should be taxed. Income tax exemptions for contributions made to and received by political parties should be abolished. At present, out of more than 2,000 political parties, most are registered only to make black money white since there is total tax exemption on contributions made to and received by political parties.
- Cash transaction limit can and should be further reduced. Instead, commission-free traveler's cheques and gift cheques made only from bank accounts can serve like currency of higher denomination.

Subhash Agrawal is an Indian businessman and right to information activist. He holds the Guinness World Record for the "most published letters written to newspaper editors over an individual's lifetime". As an RTI activist, he has filed almost 6000 RTI petition in all, in the public interest and about 600 to Central Information Commission (CIC). He was also honoured with 'Swachh Bharat Ratna Award 2015 and recognized as one of the Giraffe Heroes India.

Country's socio-cultural fabric under attack

Hyper nationalism, intolerance, disdain towards the marginalized are heightened now

This summer the National Democratic Alliance (NDA) government led by Prime Minister, completes three years. With thumping electoral victories in state and local elections and the populist euphoria for “bold” action against the scourge of black money, it is worthwhile to take a close look at how the government has fared as it crosses over the proverbial ‘hump’ of its tenure.

Amidst the jingoism for surgical strikes and talking tough with China at regional fora, one tends to overlook the malaise that is creeping across the socio-cultural landscape of the country. Hyper nationalism, intolerance for dissent and disdainful apathy towards the marginalised and the minority, although by no means the exclusive prerogative of the current dispensation, nonetheless seem heightened under the NDA government.

Crackdown on civil society groups, of a particular hue, has gained momentum. While those working in education, health and sanitation are seen in line with the administration's priorities, others advocating for environmental and human rights face the wrath. The Foreign Contribution Regulation Act (FCRA) has become a weapon to handicap those who seek justice, accountability and transparency. FCRA licences have been revoked of several groups such as the Lawyer's Collective, Teesta Setalvad's Centre for Justice and Peace, and Act Now for Harmony and Democracy (ANHAD). Many have challenged the government.

Add to this, the infamous “foreign hand” of the Seventies has found a new avatar in the constructed narrative of anti-nationalism. While earlier the destabilizing forces were seen to be originating outside India, now the enemy resides within. From intellectuals to university students, those expressing dissent towards the government are termed anti-national. Through draconian laws—the sedition provisions of the penal code, criminal defamation and hate speech, which are at times archaic and often vaguely worded—the government has acted to stifle political dissent and target marginalised communities.

However, when BJP president Amit Shah employed hate speech towards communal polarisation prior to the Uttar Pradesh elections, the government turned a blind eye. In fact, the government's inaction against hate-mongers has emboldened the masses with the sense of impunity. From “gau-raksha” to “love jihad”, aggressive campaigns by those whom the government has conveniently referred to as “fringe elements” have wreaked violence across the country. Interestingly, some of those fringe elements are now the mainstream in the current government. Yogi Adityanath is a case in point who is now the Chief Minister of India's most populous state.

There appears to be a pattern that makes it difficult not to assume in the face of so many cases, whether there is, in fact, the promotion of a certain kind of ideology antithetical to modernism and secularism as envisaged in the country's constitution. If we are going back to a traditionalist view of how society should be ordered, it places serious questions and, indeed, a rollback on the freedom hard fought for over the past seven decades since Independence.

For Prime Minister mantra of Sabka Saath, Sabka Vikas to ring true, words need to translate to action. Populism may yield short-term electoral victories, but its malignancy will erode the universal values that are the hallmark of this nation.

Trinajan Radhakrishnan is Programme Officer (International Human Rights Advocacy) at Commonwealth Human Rights Initiative (CHRI), New Delhi. Prior to this, he was pursuing an M.Phil. in Politics and Philosophy from JNU, Delhi. He holds Master's degree in International Relations and Development Studies from the University of East Anglia (UK) and Bachelor's degree in History (Hons) from St Stephen's College, Delhi University. His areas of interests are human rights, Sustainable Development Goals, democracy and transitional justice in Sri Lanka, Maldives and South Asia. He tweets at @trinajan

Kashmir: Three years of policy paralysis

What Kashmiris want is an AFSPA-free life, democratic society, employment, and civil right to discuss political matters

Policy paralysis on Kashmir is definitely among the big failures of the Central government. It appears the government and its advisors lack cogent thinking when it comes to Kashmir. Militancy in the Valley is around three decades old. The situation in the Valley had, however, improved in the past few years. Despite violence, oppression and clashes in the border state, the Vajpayee and Manmohan Singh governments had embarked upon a process of political dialogue among various stakeholders. These efforts yielded some positive results. During the last three years of the UPA-2 regime, there was a substantial decline in the incidents of deaths, violent clashes and terror attacks. But the NDA government literally turned the ongoing Kashmir policy upside down. All discussions with Pakistan came to a standstill. The present government felt that all elements of the vexed Kashmir issue can be resolved only through the security forces and strong administrative decisions. The ill-effects of this policy soon became evident. The government allowed the security forces to indiscriminately fire pellet guns on the stone-pelting youth in the aftermath of the public outrage that emerged in the Valley since July 2016. These Israel-made pellet guns created havoc and panic. Several youths, between nine and 29 years, became disabled for life. The number of civilian and military deaths went up substantially in 2015-16 as compared to the three years (2011 to 2013) of Manmohan Singh's tenure. But no big leader cared to apply balm on the wounds of the Kashmiri people.

The biggest irony of NDA government's Kashmir policy is that most of its strategists are either retired intelligence officers or RSS workers. They feel that a complicated issue like Kashmir can be resolved merely by strict military means or the thought line of creating a Hindu *rashtra*. They are not ready to think beyond the rubrics of "surgical strikes" and "hot pursuit". On the basis of their feedback, the government famously postulated that youth of Kashmir have only two options—terrorism or tourism. While this may sound good, the youth of Kashmir needs much more—the most important being an AFSPA-free life, a democratic society, employment, and the civil right to discuss and deliberate upon political matters. Whether it were the five working groups constituted during UPA-1, or the later three-member Padgaonkar committee, they all agreed that the resolution of the Kashmir issue requires a prolonged political process. Even during Vajpayee's days, the same advice was tendered by all main advisors, including A S Dulat, and negotiators like R K Mishra who were associated with the Track-2 course. Even recently, the then chief of Northern Command, Lt Gen D S Hooda, said the Kashmir issue is basically political, it is not merely a law and order problem, and all sides would have to initiate measures to resolve it. What more can a high-ranking army official say!

The government's policy paralysis has led to the emergence of a new picture of public outrage in the Valley. Unlike earlier times, armed extremists, who return to Kashmir after receiving training across the border, do not constitute the main force of public outrage in the Valley. Rather, the new force of dissenters comprises school and college students, including girls. This widespread public dissatisfaction came to the fore for the first time during the by-election to the Srinagar Lok Sabha seat on April 9 this year. It was seen as a failure of the Centre's Kashmir policy. Even the media began talking about this. Mere seven per cent polling amidst seven deaths, 200 civilian injuries and injuries to 100 security personnel! Only two per cent people came out to vote during the re-poll held in 38 booths. In the 2014 parliamentary elections, the poll percentage was 50 while an impressive 65 per cent polling was recorded during the assembly elections. Consequently, the parliamentary by-election for the Anantnag seat, which was to be held on April 12, had to be postponed.

It is surprising that those in power and their advisors solely hold Pakistan responsible for the situation. Earlier too, we have seen how capable the bogey of "foreign hand" is, when it comes to shoving the government's failures under the carpet. No one can deny Pakistan's active involvement in Kashmir, particularly in escalating militancy, but the practice of hiding the

government's policy failures in the name of Pakistan has great dangers. The moot question is: Is it possible to resolve this serious issue without talking to the Kashmiri people and leaders? Isn't Pakistan party to this too? Why do we forget that a substantial geographical area of Kashmir is in Pakistan occupation, and a very large section of the population that lives in the part of Kashmir that is in India is extremely unhappy with the Indian state due to the shrinking of the constitutional autonomy provided to Jammu and Kashmir? The presence of draconian laws like AFSPA do not help matters. How can such a complicated political issue be resolved by a military-driven, Hindu nationalist means or through the so-called "progressive" vision?

Urmilesh is Senior Journalist and Former Executive Editor of Rajya Sabha TV (RSTV)

