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ECONOMIC DEVELOPMENT

INDIAN EXPRESS 1.4.10 ECONOMIC DEVELOPMENT

The living debt

Ila Patnaik

The size of public debt is one of the biggest challenges facing the Indian government today. There is a danger that we draw comparisons with the US, UK and some European countries, and get lulled into complacency about the large fiscal deficits we are running. We can also get into endless arguments about how much the deficit matters for inflation, interest rates or crowding out of private investment. This is a risk we must avoid. Implementation of the FRBM-II and an independent fiscal council must be given top priority.

India has had a record of not defaulting on its public debt. Also, most government debt in India is rupee denominated and held by residents, primarily with banks acting as intermediaries. Banking regulations require banks to hold government bonds, thus creating a captive market for them. As a consequence, in the past, an increase in the size of the government borrowing programme has not created much concern. It appears to have been absorbed somewhat silently by the system.

The increase in the fiscal deficit since Budget 2009 has, however, not been absorbed that quietly. There has been a sharp and steady increase in the yields on government bonds. Bond-holders, including now even the captive public sector banks, demand a larger premium for holding more government bonds. There can be a long debate about the extent to which this could hurt private investment, and this debate is unlikely to be conclusive. But what there can be little disagreement about is that larger interest rates today mean larger interest payments tomorrow. This is not

to say that no growth enhancing infrastructural investments can be made by the government. But that the level of borrowing today has to take into account future growth rates and interest rates to arrive at sustainable debt/ deficit numbers. Today, with rising interest rates on government bonds, the need for the government's commitment to fiscal consolidation is more urgent than ever.

The inadequacies in the Fiscal Responsibility and Budgetary Management Act (FRBM) became apparent with the rise in oil prices that created a large off-budget deficit. Following that, the Sixth Pay Commission, farmer debt waiver and social sector spending like the NREGA, ended all semblance of fiscal consolidation. The cut in taxes following the global crisis added to the deficit. Despite the high growth rate witnessed over the last decade, the ratios of fiscal deficit to GDP and debt to GDP rose sharply.

The Thirteenth Finance Commission was given the task of recommending a revised roadmap for fiscal consolidation, or an FRBM-II. Among its recommendations the commission suggested a target for the debt-GDP ratio: a combined level of 68 per cent for Centre and states. This level was 82 per cent in 2008-09. This means that today's level of debt is not sustainable. Reaching the sustainable target will require a reduction in borrowing by both Centre and states. An essential element of the roadmap for consolidation includes a golden rule, under which no one should borrow for current expenditure. This translates into a zero revenue deficit and a 3 per cent fiscal deficit by 2013-14.

The process by which these would be achieved is envisaged to be a significant improvement over how the first FRBM was done. The commission recommends, first, that there needs to be much greater transparency and detail to make the FRBM effective. A medium-term fiscal plan should be put in place containing three-year ahead detailed estimates of revenues and expenditures with explanations of how these estimates were arrived at. Recommendations on how to make the fiscal

consolidation process transparent include spelling out contingent liabilities of public-private partnerships, revenue consequences of capital expenditures, separate statements of Central transfers to states, reporting of compliance costs of major tax proposals, moving all disinvestment receipts to the consolidated fund of India to enable the use of these funds as part of the medium-term fiscal planning exercise and the maintenance of inventories (at market prices) of land and building held by government departments.

The second significant change in the FRBM is recommended to be sensitivity to business cycles. In the present downturn, the path of fiscal correction was reversed when the government undertook measures to provide a fiscal stimulus. While this was done in an ad hoc manner, the commission has recommended that the medium-term fiscal policy should lay down rules for relaxation of fiscal targets. It should specify the bands within which fiscal targets can be changed. Counter-cyclical fiscal policy is needed sometimes, but it should not put an end to the path of fiscal correction.

Finally, the commission has recommended independent review and monitoring of the implementation of the FRBM. Committees for such review have been set up in the past by some state governments and should now be set up by the Centre. There should be a Fiscal Council that acts as an autonomous body reporting to the finance ministry, which should report to Parliament. The role of such an institution will become more important as the size and complexity of the Indian economy evolves. It should help the government in a transparent and professional manner. Countries such as Brazil, Japan, Korea, Mexico and Sweden have such institutions. In today's environment of high public debt and rising deficits, such an institution can play an important role not only in assisting the government in the task of fiscal consolidation, but it can also add integrity to the government's medium-term plans for fiscal consolidation.

Moving away from the one-size-fits-all path of fiscal consolidation recommended for states earlier, the recommendations differ according to the growth and fiscal condition of each state. This would work towards preventing contractionary fiscal consolidation in states. A suitable path to consolidation, combined with state-level fiscal councils, would help in achieving the goal of reducing the state debt to 25 per cent of GDP over five years.

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EDUCATION

HINDU 3.4.10 EDUCATION

Making RTE work

Free and compulsory education for all children until they complete the age of 14 years was one of the Directive Principles of State Policy intended to be implemented within 10 years of the commencement of the Indian Constitution. Not being justiciable, this directive failed to prod the Indian state into any kind of concrete action. Large sections of two generations grew up, in independent India, with little or no formal education. After 60 years, with the Right of Children to Free and Compulsory Education Act, the entitlement to education has become enforceable. Although it took a long time coming, the Act is noteworthy on several counts. It offers a framework for ensuring quality education, for creating infrastructure, for making available a sufficient number of trained teachers, and for extending government funding to private schools. The central and State governments are to share the financial burden for implementing the Act in the ratio of 55:45, and the Finance Commission has given Rs.25,000 crore to the States. An outlay of Rs.15,000 crore was approved for 2010-11 by the central government, but if the Act is to achieve its stated objectives of ensuring a fixed student-teacher ratio, neighbourhood schools of specified quality for every child, and training for teachers to a national norm, the funding seems grossly inadequate. The National University for Educational Planning and Administration calculates that implementation of the Act will cost Rs. 171,000 crore for five years. It will be a great shame if the governments of rising India fail to come up with what it takes to educate all children decently at the foundational level.

But it won't be enough to approach free and compulsory education up to the age of 14 as an entitlement, especially for the millions of children who are left out in the cold. Accessing this right meaningfully and in full measure will require, aside from the investment of huge resources,

financial and human, a lot of work to be done on the ground. Key to this is seeing free and compulsory education for children not just as a right — but as a duty. It is the duty of the state, parents and guardians, and the community to ensure that all children of school-going age are in school. A substantial proportion of India's poor children are engaged in agricultural labour or petty trades, housework, and sibling care. Ending the morally and socially abhorrent practice of child labour, not 'regulating' it, must be taken up as a non-negotiable objective. But history teaches us that child labour will not go away, and free and compulsory education will remain a half-empty and formal right, if we do not hold governments to strict account for failing to perform their duty by the children of India.

HINDU 3.4.10 EDUCATION

The Bill on prohibition of unfair practices and inclusive higher education

M.A. Baby

Transparency is an essential, but not adequate condition for equity and excellence. The Bill would ensure transparency, but not social and academic accountability in the functioning of educational institutions.

There are no provisions in the bill to regulate the three vital concerns of students — admission, fees and content of courses

An understanding of the objectives and outcomes of the bill can be made only by situating it in the overall context of the new policy pronouncements of the HRD Minister

The clearance for “Prohibition of Unfair Practices in Technical and Medical Educational Institutions and Universities Bill, 2010” by the Union Cabinet appears to have created an impression that the Central government has positively responded to the long standing public demand for stringent regulations to rein in private professional educational institutions. The provisions in the bill for awarding a maximum of three years imprisonment and fine of Rs.50 lakhs for charging capitation fee and issuing misleading advertisements or wilfully giving wrong information in the prospectus has been highlighted with approbation by the media across the country. While the steps contemplated in the bill for enforcing transparency in the functioning of private professional

educational institutions are laudable, any presumption that the bill would ensure social and academic accountability of private professional educational institutions would be totally unwarranted.

As a matter of fact, the overall impact of the legislation is to frustrate rather than augment efforts being made by the State governments to ensure social control on private professional educational institutions. This is because the bill has two objectives, one stated and the other unstated, and the two objectives do not converge on a platform of social and academic accountability. The apparent objective of the bill, which is to ensure transparency in the functioning of educational institutions, is orchestrated through the title of the bill. Amidst the din and noise of the shrill proclamations and stringent punitive provisions, the unstated objective goes largely unnoticed. One has to take note of the strategic omissions in the bill to properly understand what the bill seeks to achieve through its negotiations.

Provisions don't go far enough

While the provisions in the bill are commendable as far as they go, they do not go far enough. There are no provisions to regulate the three vital concerns of students, namely admission, fees and content of courses. Through its studied silence on these aspects, the bill seeks to limit social and academic accountability of educational institutions to merely ensuring transparency in the process of admission and levy of fees. The larger issues of social justice and excellence in education are totally ignored.

There is no provision in the bill for an admission procedure based on a common entrance test (CET) and centralised counselling conducted by the agency of the State or allotment of seats among various categories of students including SC/ST/OBC/Minorities. There is also no provision for a differential fee structure on the basis of merit/income of students. What is more, the operation of admission and fee regulatory committees set up by various State governments, including Kerala, in accordance

with the judgment of the Supreme Court could possibly be challenged, once the Central law comes to occupy the field.

The only good practice that the bill recognises is that of transparency in the functioning of educational institutions. The bill makes it mandatory for educational institutions to publish details of fee structure, admission procedure, faculty, infrastructure, syllabi, etc, on the website/prospectus of the institution. There are provisions to prohibit collection of admission fee and other fees without receipts. There are also provisions for the imposition of monetary penalties which include penalty for non performance according to prospectus, for accepting capitation fee, for withholding documents, for misleading advertisement, etc. There is an appropriate mechanism in the form of tribunals which have sufficient powers to adjudicate on issues arising from enforcement of the law.

By identifying transparency as the only mandatory good practice, the bill seeks to equate educational practices with business practices. Profiteering is justified, provided the account books are open. The bill overcomes the restrictions on commercialisation of education, which law courts have been consistently upholding. Even TMA Pai judgment, despite its reformist sympathies, had ruled that profiteering in education was unconstitutional. The new bill only recognizes corporate responsibilities and corporate ethics. Imparting education would cease to be charitable activity, even in name, and become a business activity, sanctioned by law, with the enactment of the bill. The restrictive interpretation of unfair practices would keep the vast majority of academic and social offences out of the ambit of the present bill.

Not inadvertent

It is not as if the omissions in the bill are inadvertent. This would become quite evident if one looks at the history of the bill. The bill has been in the making for quiet a long time. A Central umbrella legislation empowering States to regulate admission, fees and content of education in private professional educational institutions had become necessary to

offset the judgment of the Supreme Court in TMA Pai Foundation case in 2002, which had unsettled the arrangements made for common entrance test and differential fees through the Unnikrishnan judgment in 1993.

In response to the large public demand for a comprehensive legislation to restore the dimensions of equity and excellence in private professional education, attempts were made twice during the first UPA regime to enact a central legislation for regulating private educational institutions. The first draft legislation was prepared by the Ministry of Human Resource Development (MHRD) in 2005 and posted on its website for consultation. The second draft was prepared by a committee appointed by UGC in 2007. The Private Professional Educational Institutions (Regulation of Admission and Fixation of Fee) Bill, 2005 had certainly not fully addressed the demand for a law ensuring admission according to merit and reservation and fee structure according to the paying capacity of the parent. However, the principles of Common Entrance Test (CET), centralised counselling, allotment of seats among various categories including weaker sections and differential fees were accommodated.

The UGC brought out its draft legislation two years later in the form of “Admission and Fee Structure in Private Aided and Unaided Professional Educational institutions, 2007.” This had provisions which empowered the State/Union Territory governments to regulate universities set up within the State/UT. These provided for allotment of seats under Government General Quota, Government Reserved Quota, and Institutional Quota and Management Quota. Such quotas would be variable for minority and non-minority institutions. There were also provisions for regulating admission through CET and centralised counselling conducted by agencies appointed by the State. There could be variable fee structure determined by fee regulatory committees appointed by the State, taking into account the socio economic realities in each State. In addition to the above, there were also adequate

provisions for ensuring transparency in the functioning of educational institutions and for imposing exemplary penalties on those institutions which fail to comply with the regulations.

Both drafts had actually addressed the concerns of equity and excellence in professional education to a large extent. Unfortunately they were allowed to lapse. Kapil Sibal has now abandoned both drafts and has come out with an entirely new bill. The new bill is the child of a new policy on education, authored by the second UPA government. An understanding of the objectives and outcomes of the present bill can be made only by situating it in the overall context of the new policy pronouncements of the Human Resource Development Minister and the steps being taken by him to enact a slew of legislative and administrative reforms. Kapil Sibal is on record as having stated that he would do to the education sector what had been done to the financial sector in 1991. With this objective, he is feverishly pushing ahead with a number of reforms, all of which share a common objective, which is to expedite neo-liberal reforms in higher and technical education.

(The writer is Minister for Education& Culture, Government of Kerala.)

HINDU 1.4.10 EDUCATION

Joining hands in the interest of children

Kapil Sibal

The 86th Amendment to the Constitution and the RTE Act have given us the tools to provide quality education to all our children.

Today, we have reached a historic milestone in our country's struggle for children's right to education. The Constitution (86th Amendment) Act, 2002, making elementary education a Fundamental Right, and its consequential legislation, the Right of Children to Free and Compulsory Education (RTE) Act, 2009, comes into force today. The enforcement of this right represents a momentous step forward in our 100-year struggle for universalising elementary education.

Over the years, the demand for children's education has grown by leaps and bounds — everybody, from the poorest of the poor to the well off, acknowledges the value of education in the overall development of children. For many years now, the discourse on elementary education has been conducted at many levels. Administrators focus on enrolment, availability of schools within walking distance, provisioning for infrastructure, and deployment of teachers. Educationists are concerned about whether and how children learn, and the burden of the syllabi, which is passed on to tuition centres or parents. Development professionals discuss the impact of the number of years of schooling, for example, on the age of marriage and family size. Economists talk about the economic returns on investment in education. Parents too have expectations from the education system — that it should equip their children for gainful employment and economic well-being. The enforcement of the Fundamental Right to Education provides us a unique opportunity to mount a mission encompassing all the above discourses, to fulfil our goal of universal elementary education.

The RTE Act is clear: it provides for children's right to free and compulsory admission, attendance and completion of elementary education. Undoubtedly, much progress has occurred over the last six decades since our Independence, and many more children from very diverse backgrounds are accessing school. Our gross enrolment data reveal that over 100 per cent children are in school; 98 per cent of our habitations have a primary school within one kilometre, and 92 per cent have an upper primary school within three kilometres. Transition rates from primary to upper primary levels have improved substantially. Yet there are “invisible” children — children bonded to work with an employer, young boys grazing cattle or working in dhabas, girls working in the fields or as domestic help, or caring for younger siblings, and children being subjected to early marriage. Many of these children are formally enrolled in a school, but have either dropped out or have never been there. Many others, such as migrant and street children, live in extremely vulnerable conditions; denying them education is against the universal nature of human rights.

It is no longer enough for us to talk about providing for universal access. Making available schooling facilities is an essential pre-requisite, but is insufficient to ensure that all children attend school and participate in the learning process. The school may be there, but children may not attend or they may drop out after a few months. Through school and social mapping, we must address the entire gamut of social, economic, cultural, and indeed linguistic and pedagogic issues, factors that prevent children from weaker sections and disadvantaged groups, as also girls, from regularly attending and completing elementary education. The focus must be on the poorest and most vulnerable since these groups are the most disempowered and at the greatest risk of violation or denial of their right to education.

The right to education goes beyond free and compulsory education to include quality education for all. Quality is an integral part of the right to education. If the education process lacks quality, children are being

denied their right. The Act lays down that the curriculum should provide for learning through activities, exploration and discovery. This places an obligation on us to change our perception of children as passive receivers of knowledge, and to move beyond the convention of using textbooks as the basis of examinations. The teaching-learning process must become stress-free, and a massive programme for curricular reform be initiated to provide for a child friendly learning system, that is at once relevant and empowering. Teacher accountability systems and processes must ensure that children are learning, and that their right to learn in a child friendly environment is not violated. Testing and assessment systems must be re-examined and redesigned to ensure that these do not force children to struggle between school and tuition centres, and bypass childhood.

We must view the Act from the perspective of children. It mandates children's right to an education that is free from fear, stress and anxiety. There are several provisions in the Act, including provisions prohibiting corporal punishment, detention and expulsion, which require us to revisit conventional notions of discipline and control, and explore alternative approaches to classroom management, including peer behaviour, teacher-child and teacher-parent relationships.

The direct responsibility to provide schools, infrastructure, trained teachers, curriculum and teaching-learning material, and mid-day meal undoubtedly lies with the Education Departments of the Central and State governments. But the factors that contribute to the achievement of the overall goal of universalising elementary education as a fundamental right requires action on the part of the whole government. A well coordinated mechanism is needed for inter-sectoral collaboration and convergence. The Finance Departments must provide adequate and appropriate financial allocations and timely releases of funds at all levels. The Public Works Departments need to re-conceptualise and re-design school spaces from the pedagogic perspective, and address issues of inclusion for children with disabilities through barrier free access. The

Departments of Science and Technology should provide geo-spatial technologies for school mapping and location to supplement social mapping exercises at the grassroots level. Programmes for water and sanitation must ensure access to adequate and safe drinking water, and accessible and adequate sanitation facilities especially for girls in schools. The RTE Act mandates that every child must be in school; this pre-supposes that child labour will be eliminated. The Labour Departments must align their policies with the RTE Act so that all children participate in the schooling process regularly.

The immense relevance of inclusive education, particularly of disadvantaged groups, demands vibrant partnerships with the departments and organisations concerned with children of the Scheduled Castes, the Scheduled Tribes and educationally backward minorities. We will need to set up systems for equal opportunity for children with special needs. The Rural Development and Panchayati Raj Departments would need to accelerate poverty reduction programmes, so that children are freed from domestic chores and wage-earning responsibilities. State governments must simultaneously ensure that the Panchayati Raj institutions get appropriately involved so that “local authorities” can discharge their functions under the RTE Act. There is need for close cooperation with the NCPCR/SCPCR and the Departments of Women and Child Development to ensure that children get their rights under the RTE Act.

Programmes under the National Rural Health Mission must take up school health programmes, including de-worming and micro-nutrient supplementation, with special attention to vulnerable groups, especially girls approaching adolescence. The Sports Departments would need to build in physical education for the overall physical, social, emotional and mental development of the child.

Above all, people's groups, civil society organisations and voluntary agencies will play a crucial role in the implementation of RTE. This will

help build a new perspective on inclusiveness, encompassing gender and social inclusion, and ensure that these become integral and cross-cutting concerns informing different aspects like training, curriculum and classroom transaction. A vibrant civil society movement can ensure that the rights of the child are not violated; it can amplify the voice of the disadvantaged and weaker sections of society. It can also improve programme outcomes by contributing local knowledge and technical expertise, and bringing innovative ideas and solutions to the challenges ahead.

The 86th Constitution Amendment and the RTE Act have provided us the tools to provide quality education to all our children. It is now imperative that we, the people of India, join hands to ensure the implementation of this law in its true spirit. The government is committed to this task though real change will happen only through collective action.

(The author is the Minister of Human Resource Development, Government of India.)

HUMAN RIGHTS

HINDU 2.4.10 HUMAN RIGHTS

ASEAN rights meet discusses roadmap of programmes

The ASEAN Intergovernmental Commission on Human Rights (AICHR) convened its first meeting from March 28 to April 1 at the ASEAN Secretariat in the Indonesian capital of Jakarta, a press statement said here on Thursday.

During the meeting, representatives had extensive discussions among themselves and with other relevant ASEAN bodies on how to ensure its effective operations as the overarching human rights institution in the Association of Southeast Asian Nations.

The meeting discussed, among others, the formulation of the rules of procedure which will lay down the operational guidelines for the conduct of AICHR's work in all aspects. It also discussed the development of the five-year work plan to provide a comprehensive roadmap of programmes and activities to be undertaken by AICHR in the next five years. It is expected that the rules of procedure and the 5-year plan will be completed in time to be submitted to the 43rd ASEAN Ministerial Meeting (AMM) in July 2010 for adoption.

The AICHR representatives also had fruitful consultations with the relevant ASEAN sectoral bodies, including the Committee of Permanent Representatives to ASEAN (CPR), the Senior Officials Meeting on Social Welfare and Development (SOMSWD) and the ASEAN Committee on Women (ACW). Of notable importance was the agreement reached among AICHR and SOMSWD and ACW on the necessary steps to ensure the proper alignment of the would-be ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) with AICHR.

The Second Meeting of AICHR will be held from June 28 to July 2 in Vietnam. The ASEAN groups Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.

INFORMATION TECHNOLOGY

Implications of registering, tracking, profiling

Usha Ramanathan

Data collection, including fingerprinting, for the National Population Register has been launched alongside the 2011 Census exercise and under different statutes. This is no innocent data collection in a vacuum. Set amidst NATGRID and UID, it conjures Orwellian images of Big Brother.

The relationship between the state and the people is set to change dramatically, and irretrievably, and it appears to be happening without even a discussion about what it means. The National Population Register has been launched countrywide, after an initial foray in the coastal belt. All persons in India aged over 15 years are to be loaded on to a database. This will hold not just their names and the names of their parents, sex, date of birth, place of birth, present and permanent address, marital status – and “if ever married, name of spouse” – but also their biometric identification, which would include a photograph and all eight fingers and two thumbs imprinted on it. This is being spoken of with awe, as the ‘biggest-ever’ census exercise in history. 1.2 billion people are to be brought on to this database before the exercise is done. This could well be a marvel without parallel. But what will this exercise really do?

For a start, it is wise not to forget that this is not data collection in a vacuum. It is set amidst NATGRID (National Intelligence Grid), the UID (the Unique Identification project), and a still-hazy-but-waiting-in-the-wings DNA Bank. Each of these has been given spurs by the Union Home Ministry, with security as the logic for surveillance and tracking by the state and its agencies. The benign promise of targeted welfare services is held out to legitimise this exercise.

If the Home Ministry were to have its way, NATGRID will enable 11 security and intelligence agencies, including RAW, the IB, the Enforcement Directorate, the National Investigation Agency, the CBI, the Directorate of Revenue Intelligence and the Narcotics Control Bureau to access consolidated data from 21 categories of databases. These would include railway and air travel, income tax, phone calls, bank account details, credit card transactions, visa and immigration records, property records, and the driving licences of citizens. It is not insignificant that, when Vice-President Hamid Ansari quoted an intelligence expert and asked, “How shall a democracy ensure its secret intelligence apparatus becomes neither a vehicle for conspiracy nor a suppressor of the traditional liberties of democratic self-government?” and suggested that intelligence agencies be accountable and subject to parliamentary oversight, there was resistance among the agencies.

On February 14, 2010, The Hindu reported a discussion at a Cabinet Committee on Security meeting on the NATGRID proposal where “some Ministers raised queries about safeguards and said there was a need for further study.” There were concerns about privacy and potential misuse of information for political ends. “Highly placed sources,” it was reported, “said the main objections raised at the meeting, which was chaired by Prime Minister Manmohan Singh, revolved around the need to put in place a more elaborate safety mechanism for upholding the privacy of citizens. But discussions veered around to the political scenario in which a UPA regime might no longer be in power and in which the informational opportunities provided by NATGRID could possibly be misused by another ruling party.” That meeting ended inconclusively, asking that further consultations be held before deciding whether to go ahead with the proposal or not.

Sixty years should have been sufficient to get over being a ‘subject’ of the state, and to attain citizenship. The state is sovereign vis-à-vis other states, but within the country it is the people who are sovereign. All this, however, becomes empty talk when the people have to report to the state

about who they marry, when they move house and where, what jobs they do, how much they earn, where they travel, what their pattern of expenditure is, and who they live with. And to make tracking easier, there are the fingerprints and the photograph.

The NPR is not an exercise undertaken under the Census Act 1948. It is being carried out under the Citizenship Act of 1955 and the Citizenship (Registration of Citizens and Issue of National Identity Cards) Rules 2003. Why should that matter? Because there is an express provision regarding 'confidentiality' in the Census Act, which is not merely missing in the Citizenship Act and Rules but there is an express objective of making the information available to the UID Authority, for instance, which marks an important distinction between the two processes. Section 15 of the Census Act categorically makes the information that we give to the census agency "not open to inspection nor admissible in evidence." The Census Act enables the collection of information so that the state has a profile of the population; it is expressly not to profile the individual.

It is the admitted position that the information gathered in the house-to-house survey, and the biometrics collected during the exercise, will feed into the UID database. The UID document says the information that data base will hold will only serve to identify if the person is who the person says he, or she, is. It will not hold any personal details about anybody. What the document does not say is that it will provide the bridge between the 'silos' of data that are already in existence, and which the NPR will also bring into being. So with the UID as the key (forgive the oscillating metaphor), the profile of any person resident in India can be built up. Why is this a problem? Because privacy will be breached. Because it gives room for abuse of the power that the holder of this information acquires. Because the information never goes away, even when life moves on. So if a person is dyslexic some time in life, is a troubled adolescent, has taken psychiatric help at some stage in life, was married but is now divorced and wants to leave that behind in the past,

was insolvent till luck and hard work produced different results, donated to a cause that is to be kept private — all of this is an open book, forever, to the agency that has access to the data base. And, there are some like me who would consider it demeaning to have this relationship with the state. For the poor, who often live on the margins of life and legality, it could provide the badge of potential criminality in a polity where ostensible poverty has been considered a sign of dangerousness. (This is not hyperbole; read the beggary laws, and the attitude of some courts reflected in the comment that `giving land for resettlement to an encroacher is like rewarding a pickpocket.')

The Citizenship Rules cast every 'individual' and every 'head of family' in the role of an 'informant' who may be subjected to penalties if he does not ensure that every person gets on to the NPR, and keeps information about themselves and their 'dependents' updated. There isn't even an attempt at speaking in the language of democracy!

The arrangement that emerges is that the NPR will gather data and biometrics of the whole population. This does not guarantee an acknowledgement of citizenship; it is only about being `usually resident.' This information will not be confidential, and will feed directly into the UID data base, which, while pretending to be doing little other than verifying that a person is who they say they are, will act as a bridge between silos of information that will help profile the individual. This will assist the market and, through NATGRID, the intelligence agencies, who will continue to remain unaccountable.

To do this, the UID has been given Rs. 1,900 crore in the current year's budget and the NPR has been allocated Rs. 3,539.24 crore. This will bring Orwell's Big Brother back to life; and we are asked to accept that each of us be treated as potential terrorists and security threats, for that is the logic on which this tracking and profiling of the individual is based.

(Usha Ramanathan is an independent law researcher who works on the jurisprudence of law, poverty and rights.)

Taking stock of population, but for what?

Bibek Debroy

The idea of a national population register (NPR) isn't new. It has been floating around since the multipurpose national identity card (MNIC) idea was proposed in 2002 along with the subsequent amendment of the Citizenship Act (and rules), which provides mandatory registration and provision of identity cards. Subsequently, in 2009, MNIC was subsumed and overtaken by Nandan Nilekani's national unique identity (NUID). The advantages of NPR and NUID are obvious.

First, e-governance can improve, subsidies targeted better and leakage reduced in the public delivery of goods and services. Second, eliminating the need for multiple identity proofs can slash transaction costs, which are often not distributionally neutral since they hurt the poor more. Therefore, reduced transaction costs also help in curbing exclusion. Third, security concerns become easier to address, including concerns connected with illegal migration. As Nandan Nilekani has often said, these objectives require laying a complete pipeline where NUID is only the first length of pipe. For instance, NUID will provide a 16-digit identity numbers to all residents, not all Indians. It will not issue cards. It will not identify below poverty line (BPL) households for us. How it takes off is contingent on how much demand there is, and this is also relevant for inclusiveness. On NUID, there are some immediate concerns, like the right to privacy and individual security, or supply-side systemic problems on biometry delivery and reading.

The Cabinet has now approved the creation of NPR to complement NUID. Now we are talking about several different lengths of pipe. First, there is NUID for residents, and this includes citizens and non-citizens. At some stage, someone (home ministry?) has to take a call on who the citizens are. That's a political hot potato, but it isn't an issue that can be ducked. Once that is done, we can have a national register for Indian citizens and another national register for non-citizens, both issued with multi-purpose national identity cards. Once that is done, citizens can be divided into BPL and APL. That's a political hot potato, too, and someone (rural development ministry?) will have to take a call on identifying the poor. It cannot be the Planning Commission because the National Sample Survey (NSS) will not be acceptable. Apart from other reservations, it is a sample, not a census. In July 2009, in the President's address to Parliament, which is like the new National Common Minimum Programme (NCMP) for UPA-2, the government effectively opted for the decentralised identification of BPL. While these principles are clear, there doesn't seem to be great deal of clarity on what is going on. At one point, the home minister gave us the impression that NPR would be spliced with Census 2011. That is, the Registrar General of India will develop NPR with more fields than those in NUID, and NPR would then be sent to the Unique Identification Authority of India (UIAI) to eliminate multiplicity. Therefore, by 2011-12, we should be in a position to resolve the citizen/non-citizen issue, though not the BPL/APL one.

The new Cabinet approval suggests a different route. We won't wait for Census 2011. Instead, NPR will effectively be independent of the census and this seems to be a take-off on the pilot projects undertaken for MNIC by the home ministry. For instance, data has been collected on some coastal states and union territories. There will also be a House Listing and Housing Census from April to September 2010, followed by Census 2011, canvassing information on NPR. To make things fuzzier, NPR will list 'usual residents', not residents. That information, with biometric information, will be placed in the public domain for raising

objections, including by third parties. There is a decentralised vetting idea there, too, through gram sabhas and local bodies. While it is clear how this will work for rural India (assuming gram sabhas meet), it is not quite obvious how one makes it workable in urban areas, with large chunks of casual and unskilled migration.

Interestingly, no one seems to trust the electoral database. Looked at differently, the MNIC/UID/NPR idea originally emanated from two different sources—security/illegal migration and targeting (subsidies) and delivery of public goods and services. The former is the home ministry's turf (less so MEA) and the latter, the Planning Commission/rural development ministry's turf. Though UIAI is located in the Planning Commission, the latter idea of targeting subsidies seems to be stuck, with four different sets (Planning Commission, Arjun Sengupta, Suresh Tendulkar and NC Saxena) of poverty numbers floating around. But with the new home minister, the ministry seems to have woken from its somnolence and that's one way to interpret what is going on. There is no monolithic, homogenous and cohesive government. Instead, there are several different government ministries and departments, often wishing to pass the hot potato around. With some ministries more interested than others, little bits of the jigsaw are falling into place.

POLITICS AND GOVERNMENT

Resurrection Of The State

Shaibal Gupta

In the last four years, no chief minister in post-independence India has got as much adulation as Bihar's incumbent. In this backdrop, it would be legitimate to ask how Bihar could turn the corner and reinvent itself, when the state was a non-functioning institution and the economy at the bottom. Even if Nitish Kumar is making well-intentioned efforts, a fact conceded by most people, he cannot possibly create a provincial benchmark in the absence of either a sound financial base or the institutional memory in the state of even a modicum of governance which could trigger change.

Thus, some analysts may feel Nitish's government is a one-election wonder because, like its financial base, the social support of his coalition is narrow and there is an absence of a well-oiled party structure which could tangibly convert political capital, if at all earned, into electoral support.

When Nitish took over the reins of Bihar in November 2005 with numerous disadvantages staring him in the face, he went about his job with clinical precision. On one hand, he had a techno-managerial strategy of working out the nuts and bolts of how to resurrect the state structure, then non-existent. On the other, he took forward the 'social justice' constituency by incorporating it even more substantively in governance.

The resurrection of the state essentially entailed better coordination between the judiciary and the executive with the full support of the legislature. Soon the state reassumed its role as a social mediator in

Bihar. Its effects were immediate. The authority of the state was established with a spate of convictions of criminals across the board. In the absence of a functioning state earlier, that space had been taken over by musclemen or radical organisations.

But once the state reacquired legitimacy, its role was not limited to establishing law and order alone; it also choreographed massive public investment. Even private sector investment, as per the report of the CII, increased manifold in Bihar. Thus gross state domestic product (GSDP) growth of 11.3 per cent is not a flash in the pan for the state. Being construction-centric growth, Bihar's GSDP reflects mainly economic activity related to the building of roads, bridges and houses.

However, Nitish is not a leader who fetishises growth. Inclusion in the lower-tier of governance - through positive discrimination - of women (50 per cent) extremely backward castes (20 per cent) and Dalits (10 per cent) in panchayati raj institutions was built into his priorities. The most backward section among the Dalits and Muslims, christened "Mahadalits" and "Pasmanda", were given attention and proactively promoted.

In the process, the 'social justice' constituency was further consolidated. In south and western India, the anti-Brahmin movement had graduated from focusing on identity to economic entrepreneurship. But in Bihar, in the absence of societal incentives, taking up governance at the lowest level was a crucial component of the empowerment agenda for the subaltern. On top of that, positive discrimination for women has created a new constituency without precedent, where a section of the elite is also involved in a newly democratised social configuration.

Nitish's 'coalition of social extremes', crafted in the last assembly election, could survive for so long because Bihar's construction-fuelled growth is class-neutral. Building of roads and bridges facilitated

movement of goods, people and agents of the state, which in turn ensured social peace and tranquillity. Such development was a critical intervention in Bihar where road density is very low. Second, the revival of the state had unanimous public support, because it benefited all. One should also remember that the phenomenon of the 'coalition of social extremes' has a long history in India. It was first constructed by Mahatma Gandhi to serve the freedom movement, and later adopted by Nehru to build the massive edifice of the national state. Bihar coopted the strategy in its state-building exercise in recent years.

However, Bihar's state-building exercise would be incomplete without addressing the problem of land management, especially with relation to updating of records, consolidation of holdings etc. In anticipation of Nitish taking some steps related to land management, members of a section of the elite, mainly upper caste, turned belligerent. A relatively better-functioning state and positive discrimination in favour of the subaltern in panchayati raj institutions had already embargoed their criminal activities and marginalised them from the lower centres of power. Further, certain principles were sought to be adopted by Nitish's party, like discouraging nepotism in politics. So, any space further ceded to him through a programme of land management could permanently disempower the traditional elite, both economically and politically.

Consequently, there was an 'elite revolt', spearheaded by the most discredited and lumpen sections of their rank, which attempted to destabilise the government. Its resonance is felt even within the party structure of the JD(U). However, the tenant section within the same social composition has given full support to the state-building effort, particularly maintenance of law and order. The forthcoming assembly election in Bihar will thus script a new grammar of political coalition-building and consolidation.

(The writer is member secretary, Asian Development Research Institute, Patna.)

POVERTY

India's big chance

Samar Halarnkar

A visitor from Spain asked me, “How can a country with dreams of glory be so much at peace with itself in ignoring those who are falling off the edge?”

I didn't tell him the ratio of poor Indians, as currently measured, has fallen from 52 per cent to 28 per cent in 30 years. I didn't tell him that prosperity might, eventually, trickle to the base of our 1.1 billion-strong pyramid.

First, there are worrying indications that the pace of poverty reduction is slowing.

This is how it works: since 1973, every survey showed a greater and greater bunching of Indians near the official poverty line (today it's Rs 356 per month per person in rural areas; Rs 539 in urban areas). This means those below the poverty line were getting relatively richer — ‘less poor’ is more accurate — moving up and perhaps across.

The 30-year-trend had reversed when the data from 2004-05, the year it was last available, were analysed. (The latest results should be available from June.) The poorest were no longer moving up in life at the rate they were before.

It's hard for a dim hack like me to understand a squiggly graph. So I asked the gentleman who pointed this out to me why this was happening.

“It's difficult to give a firm answer to that,” said Pronab Sen, India's Chief Statistician. “A lot depends on analyses and ideology. My

personal bias is that, perhaps, the growth process is making demands it wasn't earlier.”

What Sen means: the poorest need higher skills to tap into India's growth.

It's a phenomenon you usually see at the top of the economic pyramid. A manager with a B.Com needs an MBA to become a manager. He then needs a doctorate to become, say, an economist.

India is now placing this demand for skills on the poorest as they struggle to make a living in a globalising economy. It isn't working very well.

When I visited underground construction sites on the Delhi Metro's rapidly expanding network, I was surprised to see workers — I am not referring to engineers — from China and Thailand in the tunnels. An able body is no longer enough in the new India.

So, the prime minister will make a rare address to the nation today, not on terrorism, but on education. It's no coincidence that India with its 62 per cent literacy rate struggles with endemic poverty while China does far better at 92 per cent.

Second, all through the years of economic growth, the number of people below the official poverty line has obstinately remained at around 300 million.

Yet, the general consensus is that there are many more than 300 million at the bottom of the pyramid. That climbs to 420 million (World Bank); 500 million (N.C. Saxena Committee); 600 million (Economic Survey, 2009), even 770 million (Arjun Sengupta Committee). It depends on the measures of poverty: from calories consumed per day to income, to money spent on education, to a combination of as many as 13 indices.

Unsurprisingly, the official count of the poor is the lowest, because that is what the government uses to calculate food subsidies and four other national social-security programmes (there are a total of 17) on which India will spend more than Rs 1.18 lakh crore in 2010-11.

These statistics are revealing and important. But they do not disclose the horror and scale of destitution in emerging India.

On Monday, my colleague Priya Ranjan Sahu wrote of his travels through Orissa's tribal Balangir district: already malnourished babies being fed tea without milk, and old people left to fend for themselves because their children had either died in their 30s and 40s or migrated south to survive because the government's well-meaning schemes were passing them by.

This when Punjab's mountains of grain go to rot and rodents because the government cannot store it properly or get it to poorest. You will read more such stories as this paper chronicles the national effort against hunger.

India is not short of money, food or plans for the poor.

It is short on empathy.

Without empathy change is difficult. One of India's least empathetic states is its richest, Delhi. We live comfortably with growing ranks of homeless children and destitute women, waving them away from car windows. This is a city with a government that doesn't particularly care it has collected, but not spent, Rs 300 crore to look after thousands of migrant construction workers. Why care about crèches, dormitories and hostels?

India's growth is vital to pay for a poverty-busting splurge on roads, drinking water, sewage, education, health and communication. We don't spend enough on these, and what's spent isn't wisely spent.

Only bold intervention from the top can reorder the mess of plans and stop the horrible waste — it costs

Rs 7 to transfer every rupee worth of food subsidy to the poor. Many ask (the latest being Kaushik Basu, the government's chief economic adviser): why not just give the money to the poor?

These are issues that Congress President Sonia Gandhi will address in her re-born avatar as head of the influential National Advisory Council. It went into limbo when she had to step down four years ago, but not before it piloted the national jobs programme and the Right to Information Act, part of the Congress vow to create a kinder nation. How well she does her job now will determine her government's fate — and India's future.

SOCIAL JUSTICE

HINDU 3.4.10 SOCIAL JUSTICE

Mayawati sets up special force for guarding monuments of Dalit icons

Atiq Khan

Bill for U.P. Special Zone Protection Force, comprising ex-servicemen, is yet to get Governor's nod

LUCKNOW: Not waiting for Governor B.L. Joshi's approval for the Special Zone Protection Force (SZPF) Bill and an ordinance by the same name meant for constituting a force for guarding monuments of Dalit icons, Uttar Pradesh Chief Minister Mayawati on Friday decided to constitute a special force of ex-servicemen with immediate effect.

The SZPF Bill passed by both Houses of the Legislature on February 18, 2010, was sent to the Governor for his approval. But with Mr. Joshi sitting over it, the government sent an ordinance to the Raj Bhavan on March 26, 2010, with some amendments. Still there was no response from the Governor.

The proposal submitted before the Cabinet on Friday was granted prompt approval. The recruitment of ex-servicemen would begin from Saturday with the Principal Secretary (Home) given the authority of completing the formalities. The Cabinet meeting was presided over by Ms. Mayawati.

The SZPF proposal envisages the constitution of a battalion comprising about 1,200 security personnel, and would be headed by an ex-Army officer of colonel rank. The recruitment process and the

service rules would be the same as applicable elsewhere in the country. About Rs.8 to 9 crore would be spent on constituting the force in the first year and it is likely to be set up by April-end.

Executive decision

Describing the move as an executive decision of the government, which implied that there was no confrontation with the Raj Bhavan on this issue, Cabinet Secretary Shashank Shekhar Singh told journalists here that the Bill and the SZPF were two separate issues.

He clarified that there was no discussion with the Governor on this issue. As head of the State, it was the Governor's prerogative to take any decision on the pending Bill and ordinance, he said.

To begin with, the security force would be responsible for the security of nine sites, including memorials, museums, parks, statues and galleries built to Dalit icons in Lucknow and Noida (Gautam Buddha Nagar).

In fact, the urgency and reasons given for constituting the SZPF were interesting. Stating that the monuments built in memory of Baba Saheb Bhim Rao Ambedkar, Kanshi Ram and other eminent persons were the BSP government's tribute to their contribution, Mr. Singh said the security of these sites was a matter of concern for the government. There was a fear that these might be vandalised by casteist and anti-Dalit elements. That was why there was a pressing need for constituting a special security force, Mr. Singh said.

Any damage to the monuments would create a furore in the country and cause law and order problem. "These things were kept in mind before taking the decision to form a separate force." Moreover, recruitment from the police would have caused a heavy strain on them and there would have been a shortfall in their numbers.

URBAN DEVELOPMENT

HINDU 6.4.10 URBAN DEVELOPMENT

Equitable urban future?

The news on the conditions of people in the world's slums is mixed: there has been tangible improvement but it is not enough, and the mass of the slum population is growing. Since 2000, the lives of about 227 million living in slum conditions have improved and the Millennium Development target for shelter has been surpassed by 2.2 times. The State of World Cities 2010/2011 published by UN-HABITAT highlights this. The report also reminds us that the issue of adequate housing has not been solved. Rapid urbanisation has helped reduce urban poverty levels and improved access to services, but it has also made it difficult for the poor to find affordable housing. Every year, the global slum population swells by six million. The progress on slum improvement has been inadequate and the report exhorts governments to take urgent steps to ensure an equitable urban future. A 'dignified and secure existence', which is a part of the right to an adequate standard of living, is a core value enshrined in the Universal Declaration of Human Rights (1948). It will not be an exaggeration to say that, in the case of the poor in cities, this is inextricably linked with the peaceful future of city life.

What does this report hold for India? The country has been commended for the improvements made to the slums. Since 2000, about 59.7 million people have been lifted out of their slum conditions. However, the optimism generated by these figures fades before the worsening shortage in the supply of affordable housing. The 11th Five Year Plan estimates that the housing shortage for the poor, which was 24 million at the beginning of 2007, will increase to 26 million by 2012. Unless this huge gap is addressed, the report cautions, polarities within Indian cities will exacerbate. Investment and provision of land for affordable housing need to be scaled up. For example, if all the public money earmarked for this sector, including the allocations made in the current budget, is put

together, the total amount would still fall short of the annual investment of about Rs.71,000 crore required for bridging the housing deficit. The state alone cannot be expected to bear the burden. Through a combination of regulations and incentives, the private sector must be persuaded to commit itself to social housing. Existing policies must be radically revised and imaginative financial incentives, such as the Low Income Housing Tax Credit successfully implemented in the United States, need to be put in place. A lot can be achieved if individual cities take the lead without waiting for central or State government directives and devise their own progressive housing plans.