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September 16-30, 2016 | Vol. 07 Issue 16 | ₹ 30

RNI No. UPENG/2010/33798 | PRN: UP/GBD-150/2015-17

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SWACHH BALANCESHEET ABHIYAN

If all black money is brought back into economy, each one of us would be seven times richer. The Income Declaration Scheme is probably the last chance for tax evaders to come clean and make the unaccounted income productive

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SC verdict on Singur paves way for fight against land acquisition

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“Banning commercial surrogacy is the only way forward”

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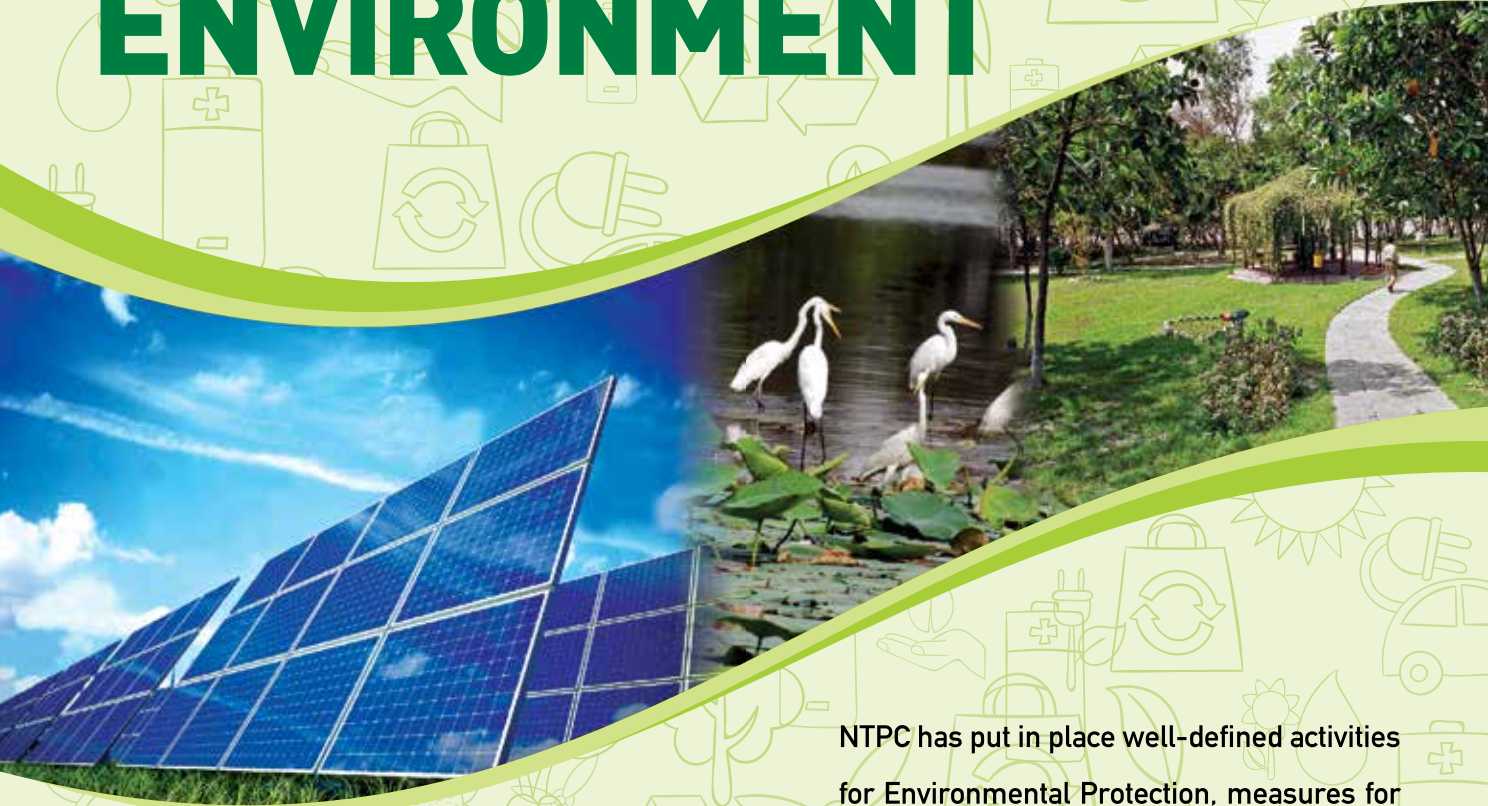
GOV **NEXT**



Reliance Jio: The consumer is the king in coming data revolution

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CONSERVING ENVIRONMENT



NTPC has put in place well-defined activities for Environmental Protection, measures for Green Power Generation, initiatives to generate Renewable Energy such as Solar and Wind energy. The idea is to preserve the flora and fauna for the well-being of society.

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Printed & Published by Markand Adhikari on behalf of the Owner, SAB Events & Governance Now Media Limited. Printed at Amar Ujala Publications Ltd, C21,22 Sector 59, Noida, Distt Gautam Buddha Nagar, 201301 (UP), and published at 24A Mindmill Corporate Tower, Sector 16A, Film City, Noida 201301 (UP). Ph. 0120 4577999, Managing Editor: Ashish Upendra Mehta (responsible for selection of news under the PRB Act.)

Volume 07 Issue 16
RNI No. UPENG/2010/33798

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Cover illustration: Ashish Asthana

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In conversation with author Ashwin Sanghi

Unique recipe

The ministry of women and child development has become prompt on social media to the extent that it has been sharing recipes of nutritious food on Twitter. The social media executives of the ministry have shared recipes of Chidwa Laddu, Wheat Besan Burfee and Suji Khichri among others. These tweets are shared under #MissionNutrition. It is a welcome step encouraging balanced nutrition among children. However, how many Aanganwadi workers, midday meal cooks and those living away from the world of Twitter are actually able to access the information (which should be shared at the grassroots) is a thought worth pondering over.



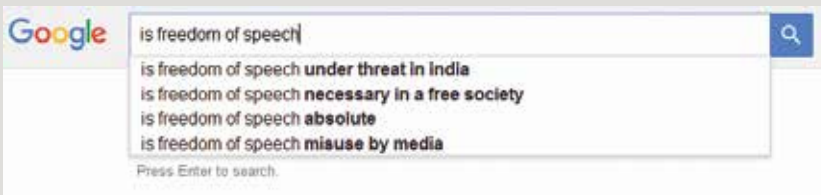
It is Modi-ji's who told us...when Manmohan Singh was PM, he used it, and now it is stuck to us so much that everyone shouts - when will there be Acche Din"

Nitin Gadkari on Acche Din

758 million adults remain illiterate across the globe, 2/3 of whom are women

(Source: UNESCO)

Top Google search for freedom of speech



Shivraj's subsidised platter for poor in MP

On the lines of Amma Canteens in Tamil Nadu, Madhya Pradesh chief minister Shivraj Singh Chauhan is planning to introduce a subsidised meal scheme for poor. The platter of a complete healthy meal will be available for ₹10 through various eating outlets. The scheme might get launched by September-end.



Culture ministry to get its own Chanakya

The ministry of culture, which often keeps stumbling upon controversies, might get its own Chanakya to wade through the problems it faces. According to a report in the Economic Times, filmmaker-actor Chandraprakash Dwivedi, popularly known for the television series *Chanakya*, will soon be appointed as an advisor to the culture ministry. His appointment as an advisor to Mahesh Sharma may save the minister from one controversy after the other. Advisory for international tourists against wearing short skirts is one example.

In about 140 characters



Sorabh Pant @hankypanty

Apple really hates wires. By 2018 - the iPhone 10 will just be a thought. A concept. You'll pay 20,000\$ just to imagine it. #AppleEvents.



Gappistan Radio @GappistanRadio

Can't do anything about Dengue and Chikungunya because Delhi Police not under AAP Govt. Else every mosquito would have been arrested

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“We have plan for revival of MTNL”

*Minister of state for railways Manoj Sinha, who doesn't hesitate to call a spade a spade, has also taken charge of the telecom ministry, which is conducting the largest-ever spectrum auction in the country. Sinha spoke candidly with **Pankaj Kumar** on the steps being taken to tackle call drops, an issue that has riled people for long, as well as on reviving of state-owned telecom service provider MTNL.*

What is the status of the spectrum auction?

By September-end, the spectrum auction will be over. In comparison to the previous government, the work is being done more efficiently by our government. Keeping in mind the telecom service providers' complaints about the lack of spectrum, we will provide [it to] them at the earliest possible.

People have been complaining about call drops for long. What steps have you taken to handle this issue?

This will be solved only with constant monitoring. After taking charge of this [telecom] ministry, I called a meeting of all telecom service providers and told them that I won't be satisfied with statistics or data; consumer satisfaction is must. They have submitted a working plan under the guidance of the ministry. I have formed a committee of senior officers to monitor the situation.

The service providers have promised to make an investment of ₹20,000 crore. They have also promised to install more than one

lakh base transceiver stations (BTS). As of now, 48,000 BTS have already been installed. In the last one month, an improvement of 16 percent has been made. In the next four months, there will be substantial improvement.

MTNL seems to be dead and people trust private players more than BSNL. Are you going to revive MTNL and BSNL?

This is a competitive sector. Those who will provide better services will survive. This is an issue of introspection. If there has been a decline in the number of consumers, there must have been some problem. One of the reasons behind this is that 50 percent of BSNL's revenue goes in the payment of salaries and pensions. It is 70 percent for MTNL, while it is just 5 percent at other places. Because they are government companies, some decisions forced them to buy spectrum which they didn't require. MTNL further burdened itself by taking a huge loan. The interest payments are proving costly. While BSNL was in profit till 2008-09, it didn't see much investment after that. But since our government took charge, our prime minister and the [previous] minister in charge took a serious view of the situation. Heavy investments have been made, the effects of which are visible now. The services of BSNL have improved a lot in the last two years. We have worked out a plan for the revival of MTNL and it will be implemented soon. We have also drafted a plan to recruit young, fresh talent who are well-versed in new technologies. The existence of MTNL and BSNL in this sector is important for healthy competition.

Net neutrality is another important issue in this sector that has been hotly debated. What is your stand?

Our government is in favour of net neutrality. As of now, this issue is [before] the [parliamentary] standing committee.

After a CAG report, the Congress has alleged a scam of ₹45,000 crore. They have said the government is trying to protect the interests of six leading telcos which owe money to the public exchequer. Please comment.

The allegations that have been made are based on a CAG report. The timeline for the same is 2006-07 to 2009-10 during which the Congress-led UPA was at the centre. It has been alleged that the revenue collected was less. Our government has nothing to hide. Since we formed the government at the centre, nothing like this [corruption] has happened. The previous government's scams are surfacing now. However, I won't count this as corruption. I can promise that the government will recover each penny. We have issued notices in few cases and in other cases, we will issue [notices] soon. After the CAG report came out in February 2016, we had asked them for few details. According to those details, there is no truth in the ₹45,000 crore figure. The licence fee is approximately ₹5,700 crore, and after adding penalty and interest, the total figure is between ₹12,000 crore and ₹12,500 crore.

You have got many railway projects sanctioned for eastern Uttar Pradesh. What else is in the pipeline for UP?

A major part of Uttar Pradesh didn't get rail services because of political reasons. There has been a wrong practice of favouring the states to which the then railway minister belongs. The Modi government has changed this. Uttar Pradesh is a big state. Over the last 20-25 years, railways has ignored this region. Many projects have been sanctioned and work has begun on the rail tracks which were not doubled or

“The service providers have promised to make an investment of ₹20,000 crore. They have also promised to install more than one lakh base transceiver stations (BTS). As of now, 48,000 BTS have already been installed.”

electrified. Delhi-Howrah is the busiest rail route in the country. We are going to build three flyovers near Allahabad to decongest the Allahabad-Mughalsarai section on the Delhi-Howrah route. There are many such projects which have been approved for eastern UP, western UP, central UP, and Bundelkhand.

Indian Railways is running trials of Talgo trains. When will we see it run on tracks?

The high speed rail, which is going to be built in the Mumbai-Ahmedabad sector, will be completed by 2023-24. The Talgo trials have been successful. The railway ministry has taken all necessary steps to make sure that the Talgo trains start running on our tracks as soon as possible.

Lack of cleanliness in trains and on platforms remains a major concern. Is there a problem in the implementation of initiatives like Swachh Bharat?

We have audited 407 stations and these reports are true. So we have asked our officers concerned to monitor these railway stations. Cleaning and maintaining cleanliness are like parallel railway tracks. While it is important to clean the stations, it is equally important that we don't pollute them.

When will the day come when passengers won't have to fight for berths?

Since independence, the number of passengers has grown 18 times, while the railway network has grown only 2.25 times. The new projects of doubling, tripling and electrification, which we have started, will be completed by 2020. Then people won't face these problems.

Will the BJP announce its chief ministerial candidate ahead of the UP assembly elections?

In Maharashtra, Jharkhand or Haryana, without announcing a CM candidate, we won the elections because of our party's strength. In Delhi, we projected a candidate but we lost the election. So in this regard the party decides according to the politics of a particular state. ■

pankaj@governancenow.com

For better healthcare

A poor man in Odisha carried his wife's body on his shoulders for 12 km. A boy died on the shoulders of his father outside a Kanpur hospital because there was no vehicle to carry the child. And then there are plenty of other cases we don't hear about. Here's a quick fact sheet on benefits, services, dos and don'ts of government healthcare services.

Services



- All patients admitted in general wards are treated free of cost.
- Free diet three times a day is offered as per requirement of the patient.
- Investigations like x-ray, ultrasound, etc. are charged for as per government approved rates and are free for BPL patients.
- Round-the-clock ambulance services with basic life support in emergency.
- 24x7 doctor availability.

Dos and don'ts

- Hospitals should be in a pollution-free area.
- It should be free from dangers of flooding. It must not, therefore, be sited at the lowest point of the district.
- There shall be at least 2.5 metres of gap between centres of two beds to prevent cross infection and allow bedside nursing care.
- Stretcher, wheelchair and trolley shall be available at the entrance of the emergency and each OPD.
- Examination of rape/sexual assault victim should be done in the emergency ward as per the SC guidelines.
- Call bells with switches should be provided in all wards with indicator lights and location indicator situated in the nurses duty room of the wards.
- Clothes and linen should be washed regularly.
- A separate room for body storage should be provided with at least two deep freezers for preserving the body.
- There shall be a waiting area for relatives and a space for religious rites.
- Water requirement per bed per day = 450 to 500 litres.

Ambulances

- One can dial 108 or 102 to call an ambulance across the country.
- 108 is predominantly an emergency response system, designed to attend to patients of critical care, trauma, accident victims, etc.
- 102 services essentially consist of basic patient transport, catering the needs of pregnant women and children, though other categories are also benefitted and not excluded. Janani Shishu Suraksha Karyakram entitlements – free transfer from home to facility, inter-facility transfer in case of referral and drop back for

- mother and children are the key focus.
- 7,661 ambulances are being supported under 108 emergency transport systems including new ones.
- 7,704 ambulances are operating as 102 patient transport including new ambulances.
- 6,199 empanelled vehicles are also being used in some states to provide transport to pregnant women and children, e.g. Janani express in MP, Odisha, Mamta Vahan in Jharkhand, Nishchay Yan Pralalpa in West Bengal and Khushi ki Sawari in Uttarakhand.

Sub-centres (SCs): 1,53,655
Primary health centres (PHCs): 25,308
Community health centres (CHCs): 5,396
Sub-divisional hospitals (SDHs): 1,022
Districts hospitals (DHs): 763

There is a shortfall of 33,145 SCs (20%), 6,556 PHCs (22%) and 2,316 CHCs (32%) across the country as per Rural Health Statistics 2015



The sad picture

- Public spending on health is just 1 percent of the GDP, one of the lowest among all countries.
- Number of hospital beds per 1,000 population of 0.9, lowest among BRIC nations.
- Eighty percent of doctors are in the urban areas serving only 28 percent of the population.
- Lowest number of physicians per 10,000 population among BRIC.
- In rural areas, only 37 percent of people have access to in-patient department (IPD) facilities within a 5 km distance; and only 68 percent have access to an out-patient department (OPD).
- Nearly a third of population is driven below the poverty line due to health expenses.
- The government funds only a third of health expenditure.



Benefits for the poor

Rashtriya Swasthya Bima Yojana: A cashless insurance scheme providing hospitalisation benefit of up to ₹30,000 in any government or empanelled private hospital.

Janani Shishu Suraksha Karyakram: Gives ₹1,400 to a woman

who has given birth, apart from entitling pregnant women delivering in public health institutions a no-cost delivery, free drugs and food.

National Health Mission (earlier, National Rural Health Mission): Provides affordable institutional healthcare to people in rural areas.



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No longer bone dry

An ambitious attempt to harness flood water is all set to pay dividends as canals in Gujarat's parched Saurashtra region have finally been filled with gushing water, bringing joy to farmers

Archana Mishra

Gopalbhai Patel, a 51-year-old farmer of Bagthala village in Rajkot district of Gujarat, has always looked at the skies in monsoon, wishing it to rain copiously so that he can grow his crop. Unlike farmers in states like Uttar Pradesh, Haryana and Punjab, his dependence on monsoon rain is more due to the poor availability of groundwater and irrigation facilities.

"We have one harvest season. If water is available till March or April, we can go for a second crop," says Gopalbhai whose eyes light up at the mention of the Saurashtra Narmada Avtaran Irrigation Yojana (SAUNI), a pet project of prime minister Narendra Modi, which he inaugurated on August 30.

In Saurashtra, dams have insufficient water and the natural reservoirs are practically dry as the region receives scanty rain. Though the region has 471 major, medium and minor irrigation dams, 63,000 check dams, 73,000 farm ponds, the water scarcity persists. Saurashtra is the south-western part of Gujarat, and includes Rajkot, Jamnagar, Junagadh, Bhavnagar, Porbandar, Amreli, Surendranagar, Dwarka, Morbi, Gir Somnath and some portions of Ahmedabad and Botad districts. Spread over 60.95 lakh hectares, the region receives 500 to 800 mm rainfall annually and has dry and humid climate.

SAUNI ('for all' in Gujarati) is a ₹12,166 crore project. Modi opened the gates of Aji III dam at Khajuradi village

in Rajkot giving hope to farmers of 105 villages of perennial flowing water. The project would eventually harness excess rain water that was going waste, and make it flow through the Narmada main canal, changing the face of at least 900 villages.

The Narmada main canal is the biggest lined irrigation canal in the world. The 458 km canal that starts at Kevadia Colony in central Gujarat and runs along the Gujarat-Rajasthan border would eventually be filled to the brim at the completion of the SAUNI project. An engineering marvel, the canal is lined with plain cement concrete to

minimise seepage losses to attain higher velocity and to control water logging in future. Such a large-scale paving of concrete lining has been done for the first time in India.

The plan

SAUNI was the idea of Modi, when he was the chief minister of Gujarat. He had envisioned to utilise the excess flood water of the 1,300 km Narmada river that originates in neighbouring Madhya Pradesh for parched Saurashtra.

At the inauguration ceremony, Modi recalled the day when he had first met lawmakers from Saurashtra and discussed the project with them. "On September 25, 2012, I made a presentation about the SAUNI project in Rajkot during a programme organised to celebrate the birth anniversary of Pandit Deen Dayal Upadhyay. All the representatives of Saurashtra region present in the hall were surprised to know about this scheme and felt that it can never be accomplished," said Modi.

Gujarat has been receiving Narmada river water via the Saurashtra branch canal of the dam. The canal then breaks into six smaller canals: Maliya, Vallabhipur, Dhrangadhra, Morbi, Limbadi and Botad. The main canal receives almost one million acre feet of water, which, at the end of the project, will get doubled and replenish the natural and man-made water bodies.

The execution

The project has been divided into four links covering 1,126 km of Saurashtra through 115 dams. So far, 16 dams have been constructed. Executing the

SAUNI YOJANA: FINANCES	
First phase	(₹ in cr) 6,761
Second phase	4,122
Third phase	1,283
Total	12,166



project has not been easy. Narmada water is being brought from the Machhu dam to the 76.73 feet high Aji III dam. The Machhu dam is connected to the Morbi sub-canal of the Saurashtra main canal.

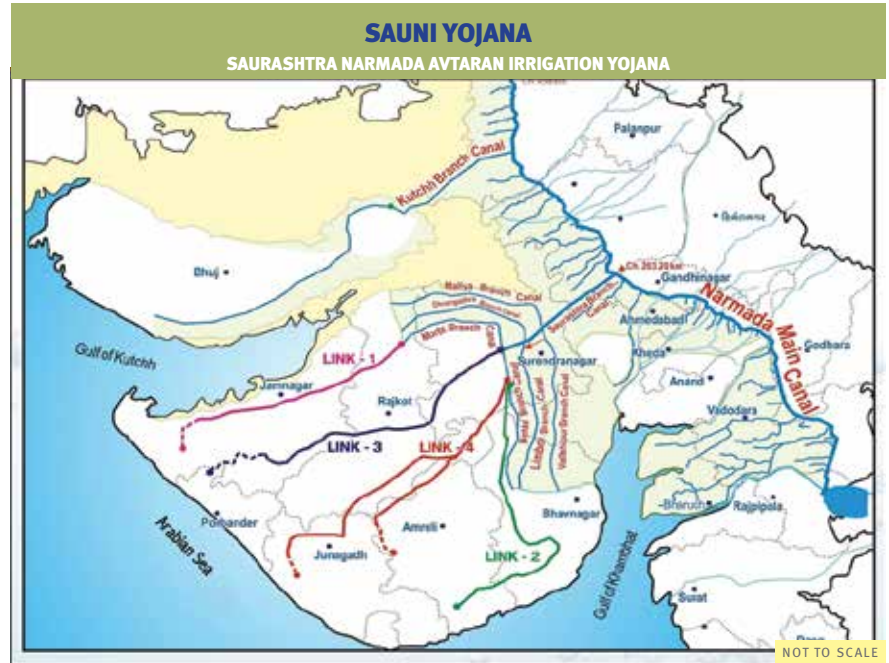
From Machhu, newly set-up high capacity turbine pumps lift water to Aji III, a 38-km twin pipeline, for the dam. “From Machhu, using eight turbine pumps, which can pump more than 20,000 litres of water per second, the water is pushed through twin pipelines to Aji III dam,” said Ashok Kumar Sharma, associate vice president of Megha Engineering and Infrastructures Limited, which is constructing the project with the Gujarat government. This has rejuvenated the Aji river, which, over the years, had turned into a dry patch due to low rainfall.

Currently, from Aji III, water is again being pumped to Und dam through a 21-km pipeline. This together with the proposed 120-km pipeline to be laid from Und to Sani dam will cater to the needs of 175 villages. In the next three years, the SAUNI project will bring water to 972 villages.

Currently, work is on on Machhu-Sani dam, Limbdi Bhogavo-Raydi dam, Dholidhaja dam-Venu dam and Limbdi Bhogavo dam-Hiran dam links. “As many as 163 villages will be benefitted after the phase 1 of all the four links is completed,” said AD Kanani, superintending engineer of the state irrigation department.

As per a study done by the Gujarat government, Saurashtra requires 4 to 5 million acre feet for irrigation. Harnessing extra water from the Narmada river will therefore help in bridging the existing gap in requirement and availability. At completion, SAUNI will turn additional 11 lakh hectares of saline, black alluvial soil of Saurashtra into rich and cultivable land. At present only 42 lakh hectares is cultivable. Hopefully, in future, farmers here can grow cash crops like cotton, groundnut and sesame in July and harvest the crops by October-November.

Rupesh Patel of Thoriyali village, who harvests six quintals of cotton in his 40 bigha land, says, “Cotton production is very less. With SAUNI, we expect



that not only the production will increase but we will be able to utilise the water for the next season too.”

At present, a large population of Saurashtra is employed in diamond polishing, automobiles and ceramic factories of Surat and Rajkot. Rupesh’s neighbour Shivlal Patel, whose 32 bigha land is close to Aji dam, rues, “Kids from our family work in these (diamond polishing) factories and live in a very bad condition. They won’t have to go now.” Ramesh Kakariya, 42, of the same village, says, “In the last two years, the market rate of our produce has gone down. So, we are working in diamond companies or ceramic factories. Now we have some hope that we will work on our fields again.”

“We have one harvest season. If water is available till March or April, we can go for a second crop,” says Gopalbhai Patel, a 51-year-old farmer of Bagarthala village.

The SAUNI project is ambitious but a few questions are also being raised about its efficacy. The power consuming turbine pumps at Machhu dam alone will add an extra burden of ₹8 crore per month as electricity charge to the state exchequer. This works out to the tune of ₹96 crore per annum. At the end of the project, many more pumps will be installed to lift water from 115 dams on the network. The cost involved in power usage is going to be mind-boggling.

How will the state fund such an expensive project? Will it pass the burden to the taxpayers or the users? Apparently, the state is yet to work this out.

HU Kalyani, superintending engineer, Rajkot Irrigation Project Circle, says, “Currently, the state government charges ₹350 per hectare per harvest cycle when farmers use water from the canal. As part of the state policy, almost 50 percent of the amount is returned after sometime. Also, each year water rates are increased by 7.5 percent. But due to poor production in the last two years, the water charges have not been increased. So far, nothing has been discussed about the additional water charges.” ■

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“If RSS had no connection to the Gandhi assassination, why was it banned then?”



Pankaj Srivastava

Congress vice-president Rahul Gandhi has been questioned by both the opposition and the judiciary for his alleged comments which accuse the Rashtriya Swayamsevak Sangh for Mahatma Gandhi's assassination. Mridula Mukherjee, author of RSS, School Texts and the Murder of Mahatma Gandhi: The Hindu Communal Project, provides a nuanced view on the subject. Mukherjee, also a former director of Nehru Memorial Museum and Library, explains at length to Pankaj Srivastava the context of the Mahatma's murder and the RSS role in creating that context.

What was the role of the RSS in the assassination of Mahatma Gandhi?

First and foremost, the RSS created the atmosphere of hate and violence in which the assassination became possible. There is no doubt that the communalised atmosphere created by the riots, migrations and massacres that accompanied partition was extremely conducive for the growth of Hindu communalism. Strident anti-Muslim propaganda, instigation and organisation of riots, demand for a Hindu state and a call to overthrow the government and hang the national leaders reached a climax in January 1948, just before the assassination of Gandhi. Hostility towards the Congress, towards Gandhiji, had been promoted over the years but now there was a significant qualitative and noticeable escalation in the language of

vituperation. The Hindu Mahasabha did not celebrate the attainment of independence and declared August 15, 1947 as a day of mourning. It refused to accept the national flag, upholding the bhagwa jhanda as the only flag worthy of veneration. The Congress, as the ruling party, was repeatedly pressurised to declare the state a Hindu rashtra.

Many members of the RSS actively participated in the post-independence riots. By January 1948, a 'mass of information' was available to the government about its 'close association with riots and disorder'.

If RSS had no connection to the Gandhi assassination, why was it banned immediately after the event? The ban order clearly lays out why it was being banned. Sweets were distributed by RSS and Hindu Mahasabha workers after the murder.

Sardar Patel had held the Hindu

Mahasabha responsible for Gandhiji's murder. Then why was Vinayak Damodar Savarkar let off?

In January 1948, when Gandhi was assassinated, Savarkar was arrested as he was suspected of being the mastermind behind the conspiracy. He was eventually exonerated in the trial for lack of evidence to corroborate the testimony of the approver, a technical point of criminal law. Sardar Patel, being a fine criminal lawyer, was personally convinced of Savarkar's guilt; otherwise he would not have agreed to put him up for trial. He told Jawaharlal Nehru in unambiguous terms, "It was a fanatical wing of the Hindu Mahasabha directly under Savarkar that [hatched] the conspiracy and saw it through."

When the Commission of Inquiry set up in 1965 under justice Jeevan Lal Kapur, a former judge of the supreme court, gave its report, it came to the



following conclusion, “All these facts taken together were destructive of any theory other than the conspiracy to murder by Savarkar and his group.”

The Kapur Commission had access to a lot of evidence which was not available to the trial judge. Two of Savarkar’s close associates, AP Kasar and GV Damle, who had not testified at the trial, spoke up before the Kapur Commission, now that Savarkar was dead, and corroborated the approver’s statements. If they had testified at the trial, Savarkar would have been proven guilty.

What was the relationship between the Hindu Mahasabha and the RSS?

RSS and Hindu Mahasabha were at pains to show that they had nothing to do with each other. The RSS also asserted repeatedly that they had nothing to do with the conspirators behind Gandhiji’s murder, indeed with politics altogether. This calls for suspension of belief. It is well known that the separate existence of the two organisations meant only a division of labour towards the same end. RSS and Hindu Mahasabha members worked together, the former building the ideological bases, the latter being the formal political party. This overlap between the RSS and Hindu Mahasabha is clear from the report of the Kapur Commission. The Kapur Commission notes that “there is evidence to show that many RSS members were members of the Hindu Mahasabha”. Morarji Desai deposed before the Jeevan Lal Kapur Commission that “at that time Hindu Mahasabha and the RSS were working together”.

A report on the activities of the RSS, dated September 17, 1947 stated, “Most of its prominent organisers and workers are either members of the Hindu Mahasabha or sponsors of the Hindu Mahasabha ideology.... Because it was associated with Hindu Mahasabha its policy was considerably influenced by the Sabha ideology.”

Intelligence reports also testify to the nexus between the RSS and the Mahasabha. For example, the Intelligence Bureau’s note on the RSS dated May 18, 1942 said: “The policy of the Sangh is influenced to a considerable extent by

its association with the Hindu Mahasabha. Exactly how closely the Sangh is connected with the Hindu Mahasabha is not known, as no public reference to its association is ever made by the leaders of either organisation. That it is close, however, is clear from the respect with which Hindu Mahasabha leaders such as VD Savarkar and Dr BS Moonje are treated by the Sangh and the authority with which they make public pronouncements regarding the Sangh.”

The links between the Hindu Mahasabha and the RSS were as close as those between the RSS and the BJP today, or between the Jan Sangh and the RSS from the 1950s to the 1970s. Jan Sangh and BJP are the successors of Hindu Mahasabha. When the Hindu Mahasabha became tainted by virtue of its links with the murder of the Mahatma, it was sidelined and Syama Prasad Mookerjee, who himself was a major leader of the Hindu Mahasabha, formed a new party, the Jan Sangh. Otherwise, why would a well-known organisation virtually obliterate its own existence and its leaders set up a new political party?

RSS people always claim Nathuram Godse had left the organisation in the early 1940s. Is it true?

Nathuram Godse was and remained in the RSS. His brother, Gopal Godse, after his release from jail on having

“RSS and Hindu Mahasabha were at pains to show that they had nothing to do with each other. The RSS also asserted repeatedly that they had nothing to do with the conspirators behind Gandhiji’s murder, indeed with politics altogether.”

served his sentence for his role in the Gandhi assassination, gave an interview to Frontline. In this, he criticised LK Advani for distancing himself from Godse and saying he had nothing to do with the RSS. He categorically stated that Nathuram Godse was in the RSS and never left the RSS. We know that the RSS deposes people into the BJP, like Ram Madhav today. Now if Ram Madhav does something and the RSS says we have nothing to do with him, it would be a travesty of truth. In fact, many ministers in the BJP government today are from the RSS. They have not left the RSS after joining the BJP. You would recall that it was the issue of refusal to give up dual membership which had led to the former Jan Sangh members of the Janata Party to split and form the BJP.

Gandhi was a very religious person. Then why were ‘Hindutvawadis’ against him? Is Hindutva a political project?

Why was Gandhiji the target of Hindu communalists? Why did fear, anger, hatred, awe centre on him above all? One answer is that he was seen as pro-Muslim. At another level, there was the fear that Gandhiji’s swaraj, conceived as Ram rajya, would be the main obstacle in the achievement of Hindu raj. The cry of Muslim raj could be countered by Hindu raj, Pakistan with Akhand Hindustan. But what could be the answering cry to Ram rajya? Why would Hindus rally behind Hindu raj when promised the ideal society par excellence, Ram rajya? Gandhiji could reach those with a religious bent of mind with his own interpretation of Hinduism as a humane, compassionate, peaceful religion, in harmony with other faiths. He was also a reformer of Hinduism, and worked incessantly to rid it of oppressive practices such as untouchability and unequal status of women. He could not be dismissed as somebody who was alienated from Indian culture, and therefore he was perceived as the biggest obstacle to the Hindutva project. Hence, the supreme irony, that the votaries of Hindutva targeted the greatest living Hindu. ■

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Back to homeland

The landmark SC verdict not only gives Singur farmers their land back but also sets precedent for others fighting against land acquisition in other states



Sreelatha Menon

It was a major victory for the country's farmers when the supreme court (SC) quashed the acquisition of land in Singur for Tata Motor Limited's Nano car project. The judgment took a strong stand in favour of the farmers' agricultural land besides calling into question the definition of 'public purpose'. What is unique is that for the first time the court ordered returning of land to

farmers while asking them not to return the compensation they received. The SC judgment exposed how indifferent the acquisition process was to the wishes and rights of the land owners in terms of consent and compensation.

In May 2006, the then West Bengal government had acquired nearly 1,000 acres of land in Singur under the Land Acquisition Act of 1894. The Right to Fair Compensation and Transparency in Land Acquisition Act, 2013, which replaced it, has included clauses to ensure proper consent from land owners and payment of market rates in compensation.

The judgment is a culmination of a fight started by chief minister Mamata Banerjee. When her government

brought in legislation to enable returning of land to Singur farmers, it was rejected by the Calcutta high court. An appeal in the SC supported by the state led to this judgment.

The judgment could set a precedent in many ways for disputes about all the land acquired under the earlier law, say experts. However, they are not so confident if there is any guarantee of a replication of the judgment in every case. One of the reasons for this is that while the two judges – justice V Gopala Gowda and justice Arun Mishra – agreed that the land should be returned, they disagreed on whether it was in 'public purpose' or not.

While justice Gowda rejected the argument that the acquisition served a

INTERVIEW

MEDHA PATKAR, SOCIAL ACTIVIST AND LEADER, NATIONAL ALLIANCE OF PEOPLE'S MOVEMENTS

“All benches should appreciate SC ruling on Singur”

Now that the SC has given the judgment for returning the land of the farmers in Singur, does this guarantee similar rulings for farmers protesting against acquisition of land in other parts of the country?

There are no such guarantees. Different benches are giving different judgments. In fact, since the Land Acquisition Act, 2013 came into being, 25 judgments have come on 'public purpose' and all are different. Everything has to be fought and fought and fought. Look at the Sardar Sarovar Project. It is the 31st year of our fight and we are still

fighting. As for this judgment, it is by one bench. All benches should appreciate it. All benches of the apex court and other courts should speak in one voice on land acquisition.

So what is the significance of the judgment?

It is as historic as the Singur farmers' movement was. It is significant for mainly two reasons: First, it takes a stand on protecting fertile agricultural land, and does not discriminate between those farmers who received compensation and those who refused to take it. When we went to Singur in

the beginning of the protests, we were arguing that the land being taken from farmers was not barren but fertile. I, Mahasweta Devi and all activists of the Singur movement were present. We took pictures in the fields to prove that fertile land was being taken when barren land was available. Secondly, the movement succeeded as most farmers remained firm on their stand. While nearly 1,000 acres of land was taken, owners of about 400 acres refused to accept compensation. The others were under pressure to take it. The judgment will now help all the owners get back their land.

What was the role of the West Bengal government?

One should first salute the farmers who bravely fought, even without taking compensation. But this ruling would not have been possible if the Mamata Banerjee government had not supported the petition in court. The best part is that the Left parties are also now on



A file photo of Singur

public purpose as it was done for the private company, justice Mishra stated that manufacturing units would help the people of West Bengal by creating more jobs and indeed serve public purpose.

Lakshmi Premkumar, activist with Programme for Social Action (PSA), says, “Despite the difference of views of the two judges, the judgment does bring into question all land acquisition done under the Land Acquisition Act, 1894. Though the judgment is open to appeal, it can reinterpret land acquired prior to the new law of 2013.”

Medha Patkar has been fighting for farmers in Madhya Pradesh for compensation for land acquired from them for the dams under the Sardar Sarovar Project (SSP). While she calls the

judgment historic, she feels that it does not guarantee return of land to farmers who had to give up their land in several other states. “A different bench may have given a different ruling,” she says, speaking from 31 years of experience of fighting a legal battle for the land evictees of the SSP (see interview).

Premkumar agrees, “If it comes to any other bench then you will be faced with a regressive judgment again.”

While the judgment is indeed historic, its timing is even more significant. It has come when many state governments have drafted their own land acquisition legislation to sideline the 2013 land acquisition law. “The state legislations brought by BJP-ruled states are almost a replica of the ordinances which the Narendra Modi government

brought,” says Ashok Shrimali, secretary general of mines minerals and PEOPLE (mm&P). “The judgment has given an edge to land movements in these states. We were all united and won against the government in getting the anti-farmer ordinances cancelled. Now this judgment gives us more ammunition,” he adds.

While the 2013 law ensures social impact assessment and consent from 80 percent of the people whose land is to be taken, it is ironical that hardly any land is being acquired under this new Act. The states are acquiring lands under the laws they have made, says Madhuresh Kumar, an associate of Patkar from the National Alliance of People’s Movements. “It is yet to be seen if the judgment sets any precedent in fighting the battles against acquisition done under other laws,” says Kumar.

Since the judgment scathingly attacked the procedure of acquisition and the measly compensation which had no relation to market rates, it will help all petitioners in the fight against unfair acquisition of land. ■

Menon is a freelance journalist.

our side.

But wasn't the Singur situation created by the Left?

The Left has however been part of the fight against the retrograde land ordinance of the Modi government and it opposed all the three ordinances along with movements and other parties.

So what should we expect now?

What we must have now is political unity, at least in Bengal, on land issues. The reason is that in Madhya Pradesh, Rajasthan and other BJP-ruled states, land legislations have been made which are exact replicas of the anti-farmer Modi ordinance. Hence, political unity is very essential.

The judgment is being seen



as anti-industry and anti-industrialisation. Is that true?

It won't come in the way of industry. Industry and agriculture should complement each other. Aren't they both meant for the good of society?

Can't Tata Motors appeal against the judgment?

I feel that the Tatas should also welcome the judgment. They should show that they are different from the stereotypes that we see in the industrial sector.

Even according to the 2013 Act, land not used should be returned to the original owners. Is that helping anyone?

About 40,000 hectares were acquired from various people for the Sardar Sarovar Project. According to the 2013 Act, they are all owners again as the government never took possession of the acquired land. The

Indore high court has even stayed the acquisition. Now if the government of Madhya Pradesh wishes to get that land, it has to acquire it again, take consent, and so on. ■

All you wanted to know about Income Declaration Scheme*



ASHISH ASTHANA

*But were afraid to ask. It is government's last valiant attempt to bring black money out, and make it productive for economy

Pratap Vikram Singh,
Pankaj Kumar and Jasleen Kaur

Black money, since the colonial times, has been the elephant in the room: it is everywhere and yet rarely talked about. In recent years, however, the middle class has become more strident in demanding action and it has led to a couple of large-scale public agitations. In Narendra Modi's election campaign

too, recovering black money was a much-talked about promise. Closer to the mid-point of its term, the government has attempted to combat the underground economy with the Income Declaration Scheme (IDS), first announced in the budget 2016.

The IDS, closing on September 30, is different from the previous schemes targeting black money in one crucial aspect: it is not an amnesty scheme but the central board of direct taxes (CBDT) is going to levy a total tax of 45 percent including 30 percent tax, 7.5 percent penalty fee and 7.5 percent surcharge. This means that if someone discloses

unaccounted income or assets worth ₹1 crore, ₹45 lakh – close to half of it – would directly go to the government's kitty, while the rest would turn into 'white'. In the past, the maximum tax that the government charged on black income disclosure did not exceed 15 percent.

Among the incentives under the IDS, no prosecution will be launched under the Benami Transactions (Prohibition) Act, 1988, the Income Tax Act or the Wealth Tax Act in respect of the assets declared. Declaration made under the scheme will not be admissible as evidence against the declarant under



any other legal proceedings. However, no immunity is provided under the Foreign Exchange Management Act, Money Laundering Act, Indian Penal Code, Central Excise Act, Customs Act, service tax provisions, VAT provisions or other Acts.

In his *Mann Ki Baat* address on June 26, prime minister Narendra Modi said that no one will believe that in a country with population of over 125 crore, only 1.5 lakh people have taxable income of over ₹50 lakh. “People having annual income over ₹50 lakh are seen in several lakhs in metro cities... Before the government takes up stringent steps to recover unaccounted money, it should give a chance to the residents and that’s why, my dear brothers and sisters, it [the IDS 2016] is a golden opportunity,” Modi said.

The scheme was launched on June 1. Since then the CBDT has been putting explanatory notes, audio-visual messages and FAQs on its portal. Officers, led by finance minister Arun Jaitley, are addressing meetings, clarifying confusions. The income tax department is trying to bridge the trust gap with potential taxpayers. All principal commissioners are going in the field, meeting chartered accountants and lawyers, and asking them to convince their clients to disclose their income. After the scheme, CBDT will issue letters to evaders using its database of information on nine lakh high-value transactions.

However, the response so far has been predictably tepid – while a number of officials Governance Now spoke with refused to give the figure of collections so far since it is classified information, a senior official, on condition of anonymity, said, “We have recovered approximately ₹4,500 crore so far and the total recovery at the end of the scheme may not be more than ₹10,000 crore.” The official cited three reasons for the lukewarm response:

(a) The tax rate of 45 percent is too high: Through the long-term capital gain tax, people can easily get their black money turned into white by paying just 6-7 percent.

(b) The scheme is not all-inclusive: Those who have already been sent

notices by the income tax department are not covered under it.

(c) The lack of any fear of law: When cases go to the tribunal, most of the evaders go scot-free. Also, the prosecution process is very slow.

At the same time, as another officer pointed out, people have a tendency to wait and watch how others are going about it and then make the move; so bulk of declarations are expected only in the final hours on September 30. Meanwhile, the officers said, the department has been receiving a lot of queries.

There has been no extension as far as declaring income is concerned – and the deadline won’t be extended. The department, however, has announced the extension of the last date for paying taxes from November 30 this year to September 30 next year, and the amount can be paid in installments. A minimum of 25 percent of the tax, surcharge and penalty is to be paid by

“We have recovered approximately ₹4,500 crore so far and the total recovery at the end of the scheme may not be more than ₹10,000 crore,” a senior official said, on condition of anonymity.

November 30, another 25 percent by March 31, and the remaining amount by September 30.

After the closure of the scheme, the department will take up a major drive to prosecute the evaders. There will be two aspects of it: penalty and prosecution. There is no separate provision under the scheme to punish the evaders, but the Income Tax Act was amended to change the penalty provisions. In case of not reporting the undisclosed income, in addition to the tax, a penalty of 200 percent will be levied.

Some experts have argued, echoing a CAG report of 1997 on the voluntary income disclosure scheme, that such measures to unearth black money are counterproductive, and even discouraging the regular, honest taxpayers. Responding to a public interest litigation (PIL) filed soon after the

voluntary disclosure scheme of 1997, the supreme court had asked the government to refrain from introducing amnesty schemes, as it discourages honest taxpayers and let go defaulters, charging a part of black money.

The officials said such schemes encourage “at least the fence-sitters, who are in the dilemma over paying the tax”. “We are trying to push as many people as possible in the mainline economy,” a finance ministry official said. According to finance minister Arun Jaitley, this is the last chance for the tax evaders. “People who have undeclared income and have stayed outside the income tax net, this is the last chance to declare them and sleep peacefully,” he told media after meeting industry and tax professionals on June 28.

Underground economy

Notwithstanding the response so far, experts and officials are in agreement about the need to find innovative ways

to unearth the unaccounted money.

A study done by Ambit Capital Research pegs the size of black economy in India at ₹30 lakh crore or 20 percent of the country’s gross domestic product. Arun Kumar, former economics professor at the Jawaharlal Nehru University (JNU) who has authored *The Black Economy in India* (Penguin, 1999), believes each of us would have been seven times richer if all the black money were to come out (see interview on page 24).

The officials, meanwhile, refused to give a precise estimate about the size of black economy in the country. “We do not even know if it has grown or reduced over the years,” one of them quipped.

This huge black hole in the economy is harming the nation in two ways. The government is not getting taxes which

INTERVIEW

DS SAKSENA, PRINCIPAL CHIEF COMMISSIONER, INCOME TAX, MUMBAI

“We cannot afford to do business with black money”

Geetanjali Minhas

How is the response to the IDS?

The response has been good. A number of declarations have come and there have been a large number of inquiries too.

How many declarations have been received so far?

Since the IDS data is classified we cannot reveal details.

How much undisclosed income do you expect to come out from the financial capital of the country?

I feel that a large sum of income would be disclosed and it would be more than the rest of the country.

How easy have you made for people to declare income?

We have released five series of FAQs so far. In Mumbai alone we have addressed 2,000 meetings. All officers and finance minister Arun Jaitley too have addressed these meetings. We have tried to find out concerns of taxpayers and address them. Besides, the government has also launched campaigns in the press and electronic media.

The main purpose of this scheme is to clean up balance sheets of businesses so that people have enough white capital to expand their businesses. Because India is now almost a developed country, and at this point we cannot afford to do business with black money. We have to come to a stage where we do

a lot of trade abroad. For this, our own part of the trade should be transparent and clear.

What are the measures being planned by the income tax department against those who do not disclose their hidden income in this scheme?

We would like more and more people to disclose their income. So far, the response too has been good. This momentum has to pick up. At present the mentality is to watch others and disclose income only if others have done it. We are expecting disclosures to pick up around the close of the scheme. Even during the 1997 VDIS [Voluntary Disclosure of Income Scheme], we were receiving declarations till midnight on the last date. The same was the case during the black money scheme. Since this is a voluntary scheme people would weigh their alternatives and come forward only after getting convinced.

The finance minister has said that stringent action will be taken against those who do not disclose income under IDS. What type of action is being contemplated?

Under the Income Tax Act the department has powers to unearth undisclosed income. They have powers of search, survey, assessment and scrutiny etc. I think those powers will be used after the IDS window is over.

Similar schemes in the past did not meet with much success, except the

1985 amnesty circular and VDIS 1997, and to an extent the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act 2015. How hopeful are you this time?

This is the right time for this type of scheme because the nation is poised to take off. More and more people want to be transparent and do not want problems with the tax authorities.

Besides the fear of law why will people choose to disclose income?

Because, this is the correct thing to do. If you want people to invest in your business all your assets should be reflected in the balance sheet. If the balance sheet is not clean people will not invest. If you want to grow your business it's necessary that you have money in balance sheet. That will happen only if you declare your income and make it official.

Why do people generally conceal their incomes, even after knowing that it's a crime?

It is basic [human] instinct. People don't want to part with cash and pay the taxes; they opt for shortcuts. If they want to pay less tax they would rather opt for the shortcut and not pay full tax



and sleep peacefully.

Despite an online grievance redressal system a large number of complaints are pending before the IT department. Even the PM had to say that senior officers must take personal interest in addressing complaints. Can you throw light on this?

The centralised public grievance redress and monitoring system [CPGRAMS] is an initiative of the PMO where registered grievances are very carefully monitored. In Mumbai, at present, no grievance is pending for more than six months. Our aim is to reduce the backlog of complaints to two months. Today, the number of grievances generated is much less. You have to see it in the perspective of the fact that we have 5.5 crore taxpayers whose assessments are being made every year. Even in the most perfect system there still can be 0.01 percent grievances and people may not be satisfied with the way department has dealt with their case. So, it's an ongoing process. There are bound to be grievances but our aim would be to dispose them of at the earliest.

Complaints about tax refunds are

“We would like more and more people to disclose their income. So far, the response too has been good. This momentum has to pick up. At present the mentality is to watch others and disclose income only if others have done it.”

increasing. How is your department addressing this?

Yes, there is an increasing number of grievances about refunds. However, people who file their tax returns with CPC [centralised processing centre], Bengaluru, would notice that their refunds reach their bank accounts without any delay. This is the type of service we want to give to taxpayers. However, as I said, with 5.5 crore taxpayers there are bound to be a few glitches. But I can assure you that 99 percent of those

who file their returns with CPC get refunds within three-four months.

Why is the income tax department not fully electronic?

The department was the first to computerise and now most processes are electronic. Sitting at home you can file your returns online. Previously, we faced long queues on the last date of filing; it would continue till 10 pm. Similarly claims for refunds were a source of constant worry for taxpayers, but, like I said, 99 percent refunds are given within three-four months.

The IT department is not fully computerised because you have a differentiation. The IT department is not fully executive, but has a quasi-judicial function – like the courts in some ways. Because you file your returns of income and we try to determine your income and if you are dissatisfied with your assessment then you file an appeal. So, it is not a fully executive mechanism and cannot be fully computerised.

There are many complaints of assessing officers harassing taxpayers for allegedly underreporting income. How do you address this?

The job of a tax officer is to try and discover your correct income and in the Indian society many people do under-report. So, it's a tussle between the taxpayer and the tax officer.

Why do people fear harassment from the income tax department?

If you are aware of such examples please bring them to my notice. I will try to address them. If you file correct return of income, I don't think you should fear the income tax department.

Another common public grouse is that despite paying taxes to the government, the quality of services is very poor.

This is a very subjective question. You cannot make any correlation. Though things are getting better, we are still not a fully developed nation.

Do you suggest any changes in the IT Act?

Due to the large number of taxpayers and diverse businesses no single act can cover all; there may be loopholes. Some people may find it harsh and others may find it otherwise.

Is there a particular type of business that is more prone to hiding income?

It is the real estate business. ■



For prime minister Narendra Modi, IDS is a key to fulfilling the promise of fighting black money

are due and those who are generating black money remain immune from regulations. So both from the point of view of governance and of revenue generation, we are suffering because that part of the economy is not reflecting anywhere, said an official, who spoke on condition of anonymity.

A history of failures

Various tax amnesty or income disclosure schemes in the past have not been a huge success. For experts, these schemes symbolise the failure of the government to bring the black economy under regulation. The schemes unveiled in 1985 and 1997 are considered somewhat of an exception. The 1985 scheme yielded a disclosure of ₹10,778 crore, and the latter brought ₹33,000 crore worth of black money under the taxation regime. Last year the government had introduced the Black Money (Undisclosed Foreign Income and Assets) and Imposition of Tax Act, 2015, where it charged a hefty 60 percent tax on unaccounted income earned abroad. However, only 644 declarations were received and ₹2,428 crore was collected in taxes, since there was hardly any pressure – or incentive or threat of action.

So why has the government not been able to tackle the parallel economy even after close to seven decades of independence? At the core of the government's failure in dealing with black economy are a few structural and regulatory challenges, which continue to dog the economy.

First is the quality of governance: the functionality of public delivery systems. In the Scandinavian countries of Denmark, Sweden and Norway, residents pay more than 60 percent of their income in taxes to the government. Healthy tax compliance there is thanks to the fact that citizens also depend heavily on their government

At the core of the government's failure in dealing with black economy are a few structural and regulatory challenges, which continue to dog the economy.

for the basic necessities like health and education. "Access to reliable and quality public services creates a natural obligation for people to pay taxes," said a former CBDT commissioner. Thus, even after paying high taxes, Scandinavians are the happiest people in the world, the official said. In India many do not feel the obligation of paying taxes since public service delivery systems are dysfunctional and people are forced to rely on market for most of their basic needs. "Tax collection is not a police activity. It is a function of governance," the official said, and there is a limit to how many people you can catch through raids and searches.

Compliance is also related to psychology. People are indifferent to paying higher indirect taxes, which in some cases go as high as 40 percent. However, when it comes to direct taxes, since it is taken directly from their pocket in one stroke, it is perceived differently. The government should work to change this mindset.

Rampant corruption is also an issue. It is the very source of income, which is hidden from the taxation system, and is kept in the form of movable and immovable assets. The money earned through corrupt deals is generally parked in real estate, bullion, or released in circulation at the time of elections. According to a Transparency International report, India is ranked 76th out of 168 countries in the global corruption index.

"If you sell or purchase a house or if you are in construction business, you would pay bribes for getting land sanctions, approvals, at various levels," a senior finance ministry official acceded. That amount has to be factored somewhere in the business.

For fighting elections parties need cash. "A businessman is certainly not going to pay to the parties from his taxable income," said the finance ministry official. Money, however, floated during elections is still better than money parked in bullion or real estate. In elections it gets in circulation, which is in a sense good for the economy.

The third factor is administration and governance. The income tax department itself is criticised for



rampant corruption. However, over the last decade, the use of information technology has reduced discretion and the number of people filing taxes and returns has increased significantly. Between 2000 and 2011, the income tax collection also increased manifold. It was ₹31,764 crore in 2000-01 and 11 years later it stood at ₹1,70,788 crore. “Much of it reflects on the use of computers in the administration,” said the former CBDT official.

Technology to the rescue

At present various organisations under the finance ministry are creating their own databases and are also working on information sharing between agencies. The greater the number of transactions recorded, the easier it will be for agencies to trace back a transaction. Accordingly, the CBDT official said, the agencies will be able to sketch out a profile of the taxpayer.

The income tax department has been building a database for the past five years. The records have been linked with PANs. “Now we have a data warehousing project, in which we are trying to get data from other departments where we can do a search, create linkages, do profiling of taxpayers,” the finance ministry official said. “CBDT is signing MoUs with other departments for sharing of information. The information sharing agreements are already in place between CBDT, custom and central excise,” the official added.

A major landmark would be the Goods and Services Tax Network, the agency in charge of the IT backbone for implementation of GST, which is integrating several departments and databases. It would make information exchange easier, the official said.

The PAN would then be the common identifier, as has been agreed upon by eight departments, through an inter-ministerial group. The PAN will become the basis of all business identification. “It will automatically get linked up with our database. The minute you have one identifier for all transactions, obviously all those transactions will get linked. But making this database is not going to take two or three months, it is



Finance minister Arun Jaitley has addressed several meetings to make IDS a success

going to take years,” the official said.

How about Aadhaar? Aadhaar is an individual identifier. Aadhaar can play an important role when someone is spending but not filing returns. “You can track households, vis-à-vis their source of income,” the finance ministry official said.

Meanwhile, the supreme court-appointed special investigation team on black money in its interim report has also made a bunch of recommendations, officials said. For example, cash transactions above ₹3 lakh and storing cash over ₹16 lakh should be banned. Setting a cut-off limit for cash, the official said, will not only impact sectors which are covered under the income tax law but also those which are not – agriculture, for example. “Agricultural produce are purchased and sold in cash. Here you can’t make it mandatory unless you have banking outreach

in the rural areas. A restriction is still at a discussion stage,” the finance ministry official said. A decision is unlikely before the next budget, and it would come only after consulting the enforcement directorate, customs and commerce ministry, among others.

Some argue for a radical overhaul of the Income Tax Act, 1961. The voluminous legislation provides for several exemptions and deductions – virtually indicating escape routes. “Wherever you are giving any kind of exemption, its calculation becomes so complex that at every stage there are ways and means to circumvent the law,” the CBDT official said. A more efficient way of dealing with it is to do away with all exemptions. Have a cut-off limit, argue experts. The law should clearly say that everyone earning ₹100 should pay ₹5 as tax. Don’t leave space for discretion, the official said. For many other experts, it is impractical and utopian.

The societal perception too needs to be changed. A citizen honestly paying the last penny of the taxes is considered a fool and tax evasion is called smart tax planning. “Until that changes, we can’t change the situation,” the finance ministry official said. ■

Colour of Money: Also read

Time to end the marriage of bad money and bad politics: *An essay by Kamal Kabra* » [page 22](#)

“But for black economy, each one of us would have been seven times richer”: *An interview with Arun Kumar, retired economics professor, JNU* » [page 24](#)

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Time to end the marriage of bad money and bad politics

Until a regime of social controls and accountability is instituted for parties and corporates, other steps, howsoever essential and even effective, would ultimately boomerang



Kamal Kabra

Black money is essentially a popular name for black economy. By now it has 'evolved' into a grey, that is an indistinguishable mixture of black (i.e., illegal-immoral) and white (i.e., legitimate-moral), political economy. Also, it continues to be among the major factors holding back inclusive development of India. Evidently, such a pattern of growth in the midst of a booming grey system would be highly volatile, non-sustainable and entail heavy and unjust socio-economic and environmental costs. Along with the above, growing integration of the Indian economy in global financialised markets foreclose the prospects of effectiveness of the recent fairly noisy anti-black money measures.

However, given the long-run disruptive and anti-social, mafia-infested role of the black component of the grey system, anti-black measures are a practical imperative, both for unearthing the old hordes as also for seriously limiting, if not

preventing, the genesis of this ubiquitous phenomenon except as a marginal deviant episodic phenomenon. After all, experience shows that the exponential, all-encompassing growth of the grey phenomenon has coincided both with the neoliberal, globalisation and state policies of further disequalising growth and bestowing discretionary state largess on the existing super corporate oligopolies which rule out fair and impersonal competition. Little surprise, global scale cronyism is flourishing and democracy has been turned into a virtual plutocracy. The most glaring negativity of it all is state protection against failure (by long-term legal system of limited liability, irrespective of corporate shenanigans

and anti-liberalists bailing out policies under the pretext that such units are too big to be allowed to go under. It means propping up of a system of private appropriation of profits with social or state absorption of losses. This is a 'normal' part of capitalist crisis management, as can be seen lately in the popularity of the policy of negative interest rates. Actually as the crises intensifies the logic of markets and private capital accumulation is often made to stand on its head. As we see below this is among the factors that make neoliberal growth a contribution to adverse inclusion of the general public. What follows therefore is that the root cause of the grey system has been left untouched, nay have been given additional elixir of discretionary favours conducive to growth fetishism and private super high speed amassing of massive fortunes by the corporates and the political bosses.

Hence the phenomenon that needs to be unravelled in order to see the possibilities and limits of curbing the grey political economy is why and how this scourge of our socio-economic existence got better of the hitherto applied economic, legal and administrative remedies (both during pre-1990 and post-1990 periods) and their implications for the current endeavours. Ignoring such social-scientific reasoning, one





sees how frequently publicised quantitative guesstimates of the growing size of the black economy as a proportion of the GDP (presumably in nominal terms which render overtime comparisons of its size meaningless) amount to sensation-mongering and obfuscation. What has to be understood is how and why the grey political economy as both a cause and consequence of the mixed economy statist growth model and its regulatory capture by the intensified power and reach of corporate oligopolies jointly with the political classes and the international mentors of both the hegemonic groups continue to fail the masses. It means those who sabotaged state-led growth as also state-facilitated corporates-led growth get rewarded by grabbing the privileged leadership of the economy.

What cements the crony anti-people distortion as reflected in the processes of “phishing for phools” (a colourful term for black transactions coined by two Nobel laureate economists) are the processes of volatile cyclical growth spawned by the animal spirits. The dominance in India of financialisation and organised speculative activities in the midst of declining farm sector surrounded by the vast sea of unorganised businesses led by penny capitalists under the rule and with the connivance of various political classes who have made politics a thriving lucrative business are the essential elements for understanding the sham and a shallow character of the recent anti-black economy policies. The short point is we need a detailed and no-nonsense control and social accountability of both the corporate form of organising business and practically unregulated political parties to run our democratic polity. Except mobilisation of the common people for a real democratic polity and economy there are hardly any routes for genuine people-centric development cleansed of the scourge of bad money-bad politics. We still do not seem to have learned the lesson from the aborted late 1940s Income Tax Investigation Commission which could have to an extent nipped in the bud the seeds of our perverted politics and

economic management. If it is not going to be understood as crying over spilled milk one may suggest how a lot of positive energisation of democratic polity and development could have emerged by means of enthronement of a genuine people’s agenda of post-independence rebuilding of India of our dreams. In the absence of such factors, our system of democratic planning for development was bound to meet its Waterloo at the hands of the black economy and the narrow-base increasingly top-heavy high command oriented even dynastic politics with close ties with the top corporate groups and blessings of the former colonial masters. As a result, the minimum basic needs of the people were made a distant dream by the grand illusion

We still do not seem to have learned the lesson from the aborted late 1940s Income Tax Investigation Commission which could have to an extent nipped in the bud the seeds of our perverted politics and economic management.

of trickle-down growth. Populism as grand democratic development deceit became the public face of the actual processes of gushing up of the gains of growth. Inevitably in course of time rampant corruption infested grey political economy threatened to become the undoing of even the corporate and statist agenda by undermining its own viability and sustainability. All these top level churnings were happening at the increasing cost of the left-outs of economic growth. It is by now well known how we failed to have faster and cleaner growth capable of providing the basic necessities of every Indian – a dream which keeps moving away as

we approach the promised date. This is well known recent history, narrated, among others, by so many official enquiries as well, including the stories of shenanigans and scams indulged in by the corporate and political classes. Hence until a regime of social controls and accountability is instituted for the political parties and the corporate sector, the other steps, howsoever essential and even effective in their narrow range, would ultimately boomerang.

This is inherent in the policy of falling back on private Indian and foreign corporates-led markets-guided intensely disequalising economic growth as a good in itself. The grey political economy flourished distorting both democracy and development by excessively narrow base control over the goodies flowing from such growth. What got sacrificed was the social imperative to get over long standing adverse outcomes regarding lack of fair and adequate livelihood for the labour force, social and environmental security, sustainability and public investments for capability building for joint attainment of their civic and other rights. From a macro-social national perspective for fair participation with dignity in the processes of globalisation to become a self-financing nation with an enduring viability in global markets adopting a people- and environment-friendly product-mix and technologies continued to remain elusive. On the contrary, the economy, BOP and public finance of India became increasingly exposed to the depredations of the illegal and underhand external outflows of the black wealth in numerous tax havens by means of shell companies by both the corporate giants and the crony-corrupt political classes along with page-three celebrities. Hence it is time we moved towards genuine efforts to dethrone the duopoly of bad money married to bad politics. ■

Kabra is Malcolm S Adiseshiah chair professor, economics of development and decentralized planning, Institute of Social Sciences, New Delhi, since 2010. Earlier he was professor of economics at the IIPA and taught at Ramjas College, Delhi.

INTERVIEW

ARUN KUMAR, RETIRED ECONOMICS PROFESSOR, JNU

“But for black economy, each one of us would have been seven times richer”

Jasleen Kaur

What do the income disclosure or amnesty schemes reflect on the government?

What it suggests is that the government under the normal schemes is not able to take care of tax evasion. It has tried various schemes like the voluntary disclosure scheme in the past but nothing much has been achieved. They cannot come up with voluntary disclosure schemes anymore because in 1997 the government gave an undertaking to the supreme court that henceforth there will be no further schemes for amnesty. It is unfair for an honest person. The current scheme [IDS] is counterproductive. If we will have such schemes again and again, people get the message that you generate black income today and you can convert it into white later.

The CAG report on the 1997 voluntary disclosure scheme said that honest people are eventually becoming dishonest and more and more people are becoming habitual tax offenders. Therefore the voluntary disclosure scheme was stopped. Once the government stopped the voluntary disclosure schemes, it opened the Mauritius route to bring the black money in the country. The current scheme is not voluntary and the government is also levying tax and penalty on the disclosure.

All this suggests the government's

inability to tackle the black income and that is why black economy is continuously growing. It has grown from 4-5 percent of GDP in 1956 to about 60 percent of GDP at present. It means 60 percent of the economic activity has illegality. How can illegality be so widespread? It can only be if those who are in charge of the implementation of the policy are party to it.

How strong is this parallel economy?

In India the black economy is not parallel to, but is intertwined with, the white economy, unlike in the West. Here we use black money for a lot of activities like buying a house. We can take profit in the stock market and can get our black money converted into white.

There are two kinds of income: one comes in production and the other is the transfer income which is only in circulation and is not generating any productivity, like buying or selling a

house. The real estate is not a generator of black money but a circulator of it. Similar is the stock market.

In my estimate, all the sectors are generating black income and the bulk of it is coming from the service sector, which is 62 percent of the GDP. It includes all kinds of services like transportation, hotels, restaurants, finance, entertainment business and other business services, and professionals like lawyers, doctors, CAs. People do not disclose their actual income; even teachers who take tuitions are not showing that as their income.

We do not talk about judicial corruption, but there is massive corruption there. At 60 percent of the GDP, the black economy is systematic and systemic. So therefore it is a political matter rather than a technical one.

Do we really need such schemes to uncover black income?

Nothing much is happening on ground. That is why the government is in panic. They have also extended the deadline to September 30, 2017 for paying taxes. The various statements by the ministers and the prime minister show that nothing much is happening. The government is desperate. The foreign money bill did not get them anything. Lakhs of Indians have money abroad and hardly ₹4,000 crore has been declared, which is peanuts.

The important point is not the scheme but its implementation. If I have my money abroad and I know

“The current scheme [IDS] is counterproductive. If we will have such schemes again and again, people get the message that you generate black income and you can convert it into white later.”

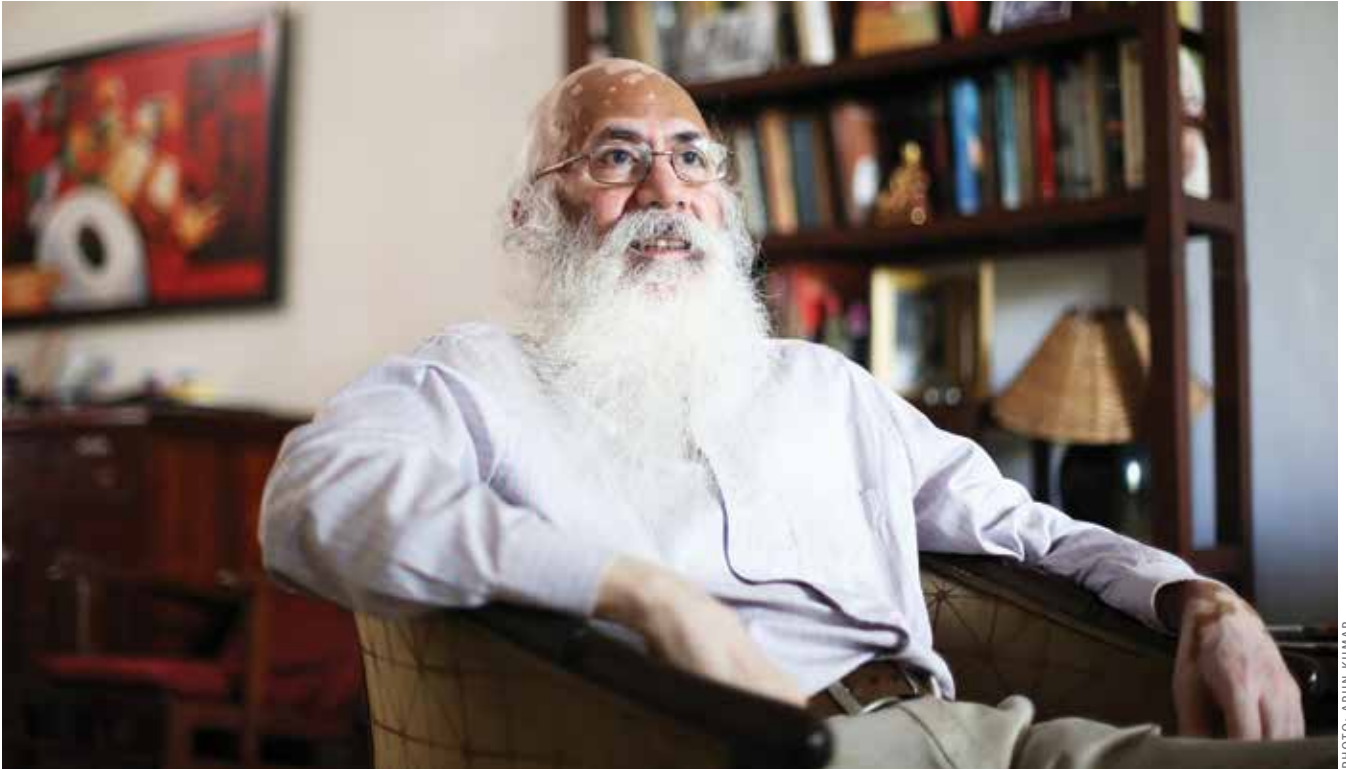


PHOTO: ARUN KUMAR

that the government cannot tackle me, then why would I bring it back? Unless you ensure people are caught hold of, it does not matter how many schemes you announce. Politicians are a party to the whole system and even their own money is involved. And to do this they involve the bureaucracy. That is why you have all types of illegalities flourishing. It is a well-defined system.

What do you expect from the current scheme?

I don't have much expectation because I do not see the bite – the political will. If the government had the political will it would have first cracked down on everybody. For instance, in the HSBC case, names have been revealed not because of the investigation by the government but because of the stolen data. And after that the government did not even do any prosecution. HSBC was working as a hawala operator, taking money out of India and bringing it back. No action has been taken against them. We know that all private banks are operating this way. Even some of the public sector banks are also operating on the same lines. The government

has not shown the will to act against them. I always argue that it is not a technical matter but a political matter. No point in bringing more laws and schemes unless there is political will to implement them on ground.

So what really needs to be done?

Political will also means that the public has to be conscious. If they do not put pressure, nothing will be done. During Anna Hazare's and Baba Ramdev's movements a lot of public pressure was generated. People had become aware, they were demonstrating. When Ramdev came to Delhi for the fast, four cabinet ministers went to receive him at the airport, because they were under pressure. Suddenly they brought the Lokpal bill. Without public pressure no party will act. Honesty is not personal but social and collective. The history shows that pressure generated through public movements has created huge impact on political will. But these movements have not sustained for long. Also, the government knows how to manipulate things and side-track them. The Anna Hazare and Ramdev movements fizzled out eventually.

The government needs to start nabbing wrongdoers at the very beginning. But they say they do not want to affect the business environment. The moment you do that businessmen know that no action will be taken. The government is confused by its own rhetoric. That philosophy has to be changed. The environment should be made easy for the honest but very difficult for the dishonest. In the income tax department there is very little prosecution. Most of the cases fall through. The message goes that one can get away with no matter whatever they do.

There is a gap between the actual income and the income that is disclosed, how can that gap be filled?

In 1984, we did a study for CBDT. We sent the questionnaire to all commissioners. The commissioners agreed that 95 percent of the department is corrupt. That number would be 99.5 percent now. There would still be people like [Ashok] Khemka. But then the government punish them for being honest.

Honest officers have to be strengthened. But then the system knows



everybody will be caught. Therefore, they do not allow them. There is crony capitalism which needs to be stopped. Scams like Coalgate and 2G are examples of that.

Is the government taking enough steps to fight corruption? Is there a need to strengthen the regulatory system?

There is no doubt that something is being done. But a law is a law on paper, in letter and spirit. If spirit is not willing then I will find a way to circumvent it. Black income generation has continued because people find ways to circumvent that. There is no perfect law. But the law has to be implemented in spirit. For instance, there was a rule that if you undervalue your property by more than 15 percent, the government could acquire your property. But that didn't work. We know that properties are undervalued for more than that. That continues. So just by introducing rules you do not change the situation on ground. Technology by itself will also not make much difference. People behind it have to be honest. In India, the elite class, the businessmen, bureaucracy – have always tried to circumvent the laws. It has become the mentality to break rules when you are in power. And that is what even public expects. Take, for instance, Arun Bhatia, the famous IAS officer who cracked down on the employment guarantee scheme in Maharashtra. His final posting was in Pune as commissioner. He caught the real estate mafia. And the government transferred him. The city rose up and because of the massive protest he had to be brought back. He then stood for election in 2004, and got only 50,000 votes. Public also expects corruption. They know that the honest person will not help them get a wrong work done. So unless people rise up against this political system, nothing will change. Over the years, tax rates and controls have come down but the black income generation has only increased.

What is the impact of the black money on the economy?

It is tremendous. There are two things. One is that black economy also

Fighting black money: a chronology of disclosure schemes

- 1961: The first voluntary disclosure programme launched
- More than 20,000 people declared income worth ₹70 crore and more than ₹10 crore was collected as tax
- 1965: Two such schemes were floated which helped in collection of ₹19.45 crore in taxes
- 1975: The Voluntary Disclosure of Income and Wealth Tax Act, 1975 was introduced, involving 2,45,570 cases and netted over ₹256 crore in taxes
- Similar schemes were launched in 1985 and 1991 and enabled the government mop up much-needed cash
- The government also launched the Remittances in Foreign Exchange (Immunities) Scheme, 1991 and the India Development Bond Scheme, 1997 and earned foreign exchange worth ₹6,400 crore, but they faced criticism
- 1997: The United Front government announced the blockbuster Voluntary Disclosure of Income Scheme which helped in generating ₹9,745 crore



produces something. But the problem is that it leads to massive waste of resources. There is activity without productivity. The investment productivity has declined in India because of this. We have been losing 5 percent rate of growth since the mid-1970s. Had the black economy not grown, each one of us would have been seven times richer; our per capita income would have been higher. We are missing out \$13 trillion of development every year. The negative effect of black economy is huge. We have shortage of resources for education. We have never been

able to spend more than 3 percent of GDP on education. On public health we spend less than 1 percent. Look at the state of health. All the social sectors and infrastructure are being affected. All of the economic and social problems we are facing today are because of black income. The effective number of taxpayers is only 1.5 million. Everyone is dissatisfied. There is a sense that social justice is not there. So it has alienated people.

Can things really be changed?

Yes. Take England of 1810, for instance. There was massive corruption. In London, in the 1950s because of smog, the visibility was very less during the daytime. The Thames river was dirty and stinking like the Yamuna. But things improved because of movements. There were movements for 100 years, which made people conscious that eventually led to change. All the countries have gone through this. It is the question of how quickly the public consciousness comes. It has to do with the public consciousness and public accountability. That is why RTI is very crucial. It means you cannot do things secretly. Major scams in the last few years have been exposed because of the RTI. Public accountability of business, bureaucracy and judiciary has to be there. ■

“There is no doubt that something is being done. But a law is a law on paper, in letter and spirit. If spirit is not willing then I will find a way to circumvent it. Black income generation has continued because people find ways to circumvent that.”

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Justifying personal law discrimination

AIMPLB's justification for discrimination against women flies in the face of constitutional guarantee against discrimination on the ground of gender



Gyanant Singh

The All India Muslim Personal Law Board (AIMPLB) has defended triple talaq and polygamy before the supreme court (SC). The argument that personal law is immune from judicial scrutiny will be considered in the court but the board has evoked a debate, within the community and outside, by supporting polygamy as a social and moral necessity and justifying triple talaq, claiming it saved lives of women by allowing husbands get "rid" of wives following a discord.

With the board justifying the husband's unilateral right to divorce stressing women were "weaker sex" and backing polygamy for it helped preserve "chastity", it may have only added fuel to the ongoing demand for reform in the Muslim personal law.

The AIMPLB has filed two affidavits in response to petitions challenging the constitutional validity of triple talaq, polygamy and other practices, which allegedly propagate discrimination against women. The practices are set to be tested on the touchstone of fundamental rights guaranteed under the constitution.

While AIMPLB questioned the jurisdiction of the court to go into matters of religion, it has accepted prevalence

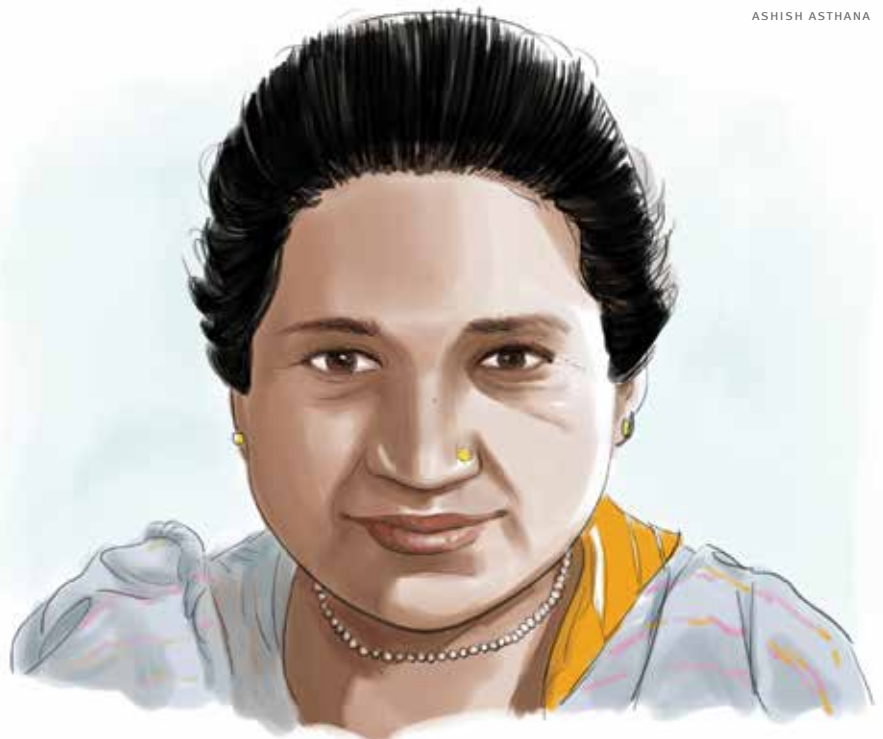
of discrimination and has sought to justify it. The board has tried to justify triple talaq and polygamy but, more often than not, the justification is based on the assumption that women are inferior or not equal to men. Ironically, this is the main basis – discrimination on the ground of sex – on which the provisions have been challenged.

In its affidavits before the SC, the AIMPLB, while defending triple talaq,

has justified discrimination against women on account of their alleged inferior decision-making abilities, likelihood of being swayed by emotions and to keep the rate of divorce low.

"Shariah grants the right to divorce to husband because men have greater power of decision making. They are more likely to control emotions and not to take a hasty decision," AIMPLB said in one of the affidavits.

ASHISH ASTHANA



Shayara Bano questioned the legality of triple talaq and polygamy in a writ petition to the SC in February 2016

The AIMPLB has virtually ignored the fact that women had as much stake in marriage as men and they too had a right to happiness in marriage. “The decision whether a man can live a happy life with his wife or not and whether divorce is necessary or not relates to the sentiments of the husband. The decision in this regard can, therefore, be taken by the husband himself,” one of the affidavits said.

The AIMPLB further argued that allowing the husband an easy divorce was in favour of women. A husband wanting to get “rid” of his wife would resort to murder if the process of separation was time consuming. “Marriage is a contract in which both the parties are not physically equal. Male is stronger and female weaker sex. Man is not dependent upon woman for his protection. On the contrary, she needs him for her defence. If there develops serious discord between the couple and husband does not at all want to live with her, legal compulsions of time consuming separation proceedings and expenses may deter him from taking the legal course. In such instances, he may resort to illegal, criminal ways of murdering or burning her alive,” it said.

The argument is not convincing as the board has not explained as to how the situation would change if the wife was also empowered to dissolve marriage by triple talaq.

On husbands alone enjoying the right to divorce, AIMPLB has argued that divorce rate was higher in societies which allowed both husband and wife equal right to seek divorce. “... as a result of gender parity and securing divorce through court alone, the divorce rate has shot up in the West,” AIMPLB said.

Coming to polygamy, the AIMPLB said it was undesirable but was a social need. The man-woman ratio generally falls as the death rate for men is higher, it said, adding it was men who generally died in accidents and wars. “Again usually men are victims of traffic and industrial accidents, and crimes. 90% of the long term prisoners are male. Men are awarded long term sentences for their heinous crimes which even

deviant women cannot commit owing to their natural frailty,” the AIMPLB said.

On women and women rights groups opposing polygamy, the AIMPLB said: “Women should appreciate this point that if the ratio of women is higher, would they prefer wedlock for fellow women, or let them be illicit mistresses of men, without any of the rights which a wife gets.”

The AIMPLB claimed that Muslims had the lowest rate of polygamy in India. The board, however, supported the practice as it helped preserve purity and chastity.

“The moral aspect of polygamy is indeed important. Chastity and modesty is the essence of humanity. Man’s social life stands out for the marital tie between man and woman. They act with

The AIMPLB further argued that allowing the husband an easy divorce was in favour of women. A husband wanting to get “rid” of his wife would resort to murder if the process of separation was time consuming.

utmost sincerity towards each other. Other creatures do not possess this sexual and emotional fidelity. Chastity is innate in the human nature, and is appreciated by every sane sensible person,” AIMPLB said in its affidavits.

“Polygamy ensures sexual purity and chastity,” AIMPLB said. Purity and chastity were clearly with reference to women as the AIMPLB emphasised that “one does not tolerate any profanity directed against his mother, wife, sister, and daughter”.

“Whenever polygamy has been banned, it emerges from history that illicit sex has raised its head,” AIMPLB said.

The AIMPLB, which is a non-government body constituted for protecting Muslim personal law and for striving for annulment of laws or judgments interfering with it, clearly noted that triple talaq was a sin and polygamy an undesirable act but went on to defend the practices. “It is submitted that though pronouncement of Triple Talaq

is considered to be a sin, it is still a valid and effective form of divorce,” it said.

While the board has tried to justify the application of the provisions in the social milieu, it failed to note that the court is not considering introduction of uniform civil code or reform in the Muslim personal law. The court is considering validity of the practices on the touchstone of the right to equality and other fundamental rights.

Shayara Bano, who has filed one of the petitions, has argued that the practices violated her fundamental rights which the court was bound to protect and enforce. She has specifically challenged the constitutional validity of a pre-independence law – Muslim Personal Law (Shariat) Application Act, 1937 – which made triple talaq and other practices applicable to Muslims

in India. The court will intervene if a case of infringement of fundamental right is made out.

The AIMPLB may have made her task easy by attempting to justify discrimination against women rather than defending the practices on the touchstone of fundamental rights.

The constituent assembly had specifically rejected after a debate an amendment to make freedom to follow personal law a fundamental right.

Dr BR Ambedkar was against any protection to practices in conflict with the fundamental rights. “After all, what are we having this liberty for? We are having this liberty in order to reform our social system, which is so full of inequities, so full of inequalities, discriminations and other things, which conflict with our fundamental rights,” he said, while rejecting the demand for a fundamental right status to personal laws. ■

Singh is a Delhi-based lawyer.

Cluster munitions are very much here

Many nations are pledging to stop the use, production and support of cluster bombs. But change can come only when key players including Russia carry the same intent



Shreerupa Mitra-Jha

LETTER FROM EUROPE

Cluster munitions cause widespread civilian casualties. They can be fired through artilleries, rockets or dropped from a plane after which thousands of bomblets spread over a large area, sometimes the size of several football fields to kill and maim. Given the wide area of impact, it is virtually impossible to limit civilian casualties – something that is strictly prescribed by international humanitarian law. Moreover, unexploded submunitions remain for decades and act as landmines, killing and maiming civilians, especially children, who get drawn to the sometimes attractive colours of these bomblets. It is estimated that children accounted for over half of the 417 victims claimed

by cluster munitions worldwide last year. Many such cases have tragically been registered in Laos and Iraq and it is estimated that de-contaminating the countries will require work till 2030. Currently, cluster bombs are being rampantly used in Syria and Yemen and civilians of both countries will unfortunately bear the brunt of such use for decades to come.

Status of CCM

In December 2008, 94 states signed the CCM in Oslo – which took effect from August 2010 as a legally binding treaty that bans all use, production, transfer and stockpiling of these dangerous weapons.

To date, 119 states have joined the Convention – 100 state parties and 19 signatories. The September 5-7, 2016

US President Barack Obama’s announcement of an additional \$90 million for clearing unexploded bombs in Laos, almost half a century after they were dropped during the Vietnam War, has brought the spotlight back on cluster munitions. At the time Obama made the announcement, the UN was holding its sixth meeting of the state parties (6MSP) to the Convention on Cluster Munitions (CCM) in Geneva.



UN meeting was the first diplomatic meeting of all the state parties and signatories after the Dubrovnik Action Plan – that guides the treaty's implementation till 2020 – was adopted. The Dubrovnik Action Plan also encourages states to enact legislative measures to prohibit investments in cluster munitions producers and ensure that no money flows to companies that produce these prohibited weapons.

As of last month, 24 countries and three other areas, including Afghanistan, Bosnia and Herzegovina, Chad, Chile, Croatia, Germany, Iraq, Lao People's Democratic Republic, Lebanon, Montenegro and Mozambique, remained contaminated by cluster munitions, with Iraq and Laos particularly affected.

Since its entry into force, 39 state parties had stockpiles of these bombs of which 29 parties have fulfilled their destruction commitments. Italy and Germany fulfilled their commitments years before their deadline while France met its obligation as recently as June 30, 2016.

The 6MSP concluded with 100 countries pledging to clean up unexploded cluster munitions used in conflict zones globally by 2030. After a three-day meeting in Geneva, Convention president Henk Cor van der Kwast said that the 2030 target year will help “the international community to strive to make the world free of cluster munitions” that have killed or maimed at least 50,000 people world over in the past 50 years. “No state should use these indiscriminate weapons. We call upon states not party using this banned weapon, to cease further use and abide by the provisions set by this Convention,” said Dutch ambassador van der Kwast.

It was also declared that by the end of 2020 the Convention should have at least 130 state parties – an ambitious target of 74 more countries pledging to end the use of cluster munitions.

Binding legal treaty – a distant dream?

Notwithstanding these positive developments, there are major challenges



before the use of cluster bombs could be effectively ended in war zones. For one, many of the countries that have used cluster bombs or are host to companies that produce them are not signatories to the CCM, including the US, Russia and China. There are yet other countries, like India, that have state-run institutions that have financial dealings with cluster bomb-making companies or have defence dealings with such outfits which produce cluster bombs.

Additionally, there are no legislations in most countries to prohibit the use and transfer of these bombs. At present, only ten states in total have adopted legislation that prohibits (various forms of) investments in cluster munitions: Belgium, Ireland, Italy, Liechtenstein, Luxembourg, the Netherlands, New Zealand, Samoa, Spain and Switzerland.

PAX, a Dutch civil society organisation monitoring the progress on international ban on cluster munitions, produces an annual report called ‘Worldwide Investments in Cluster Munitions’ where it tracks all financial institutions that still invest in clus-

ter institutions that are still such financiers and include big names like Bank of America, Bank of China, Bank of Beijing, the Barclays, Carlyle group, Citigroup, Credit Suisse, Deutsche Bank and Goldman Sachs. Though 34 companies have been removed from the 2014 list, 44 new ones have made their way into the so-called Hall of Shame.

These 158 financial institutions (of the 2016 list) invested more than \$28 billion in the seven cluster munitions producers included in the report, i.e., China Aerospace Science and Industry (China), China Aerospace Science and Technology (China), Hanwha (South Korea), Norinco (China), Orbital ATK (US), Poongsan (South Korea) and Textron (US). These institutions provided for loans of at least \$6.3 billion, banking services of at least \$9.1 billion and owned or managed shares and bonds of at least \$13 billion. Of the 158 financial institutions, a whopping 74 were American, 29 Chinese, 26 South Korean, one each of India, Israel and Switzerland, among others. State Bank of India is listed here as the only Indian financial institution that has dealings with cluster munitions producers by

Many of the countries that have used cluster bombs or are host to companies that produce them are not signatories to the Convention on Cluster Munitions.

ter munitions producers. Under CCM guidelines, it is prohibited to “assist, encourage or induce anyone to engage in any activity prohibited to a state party under this Convention” including financing of cluster bomb-making companies. However, PAX in its 2016 ‘Hall of Shame’ lists 112 financial

extending loan facilities to them.

Also, the government of India (GoI) has had long business relations with the American cluster bomb-producing company Textron. In February 2011, Textron officially announced that it had received \$126 million in initial funding from GoI to produce

INTERVIEW OLA SULEIMAN, COMMUNICATIONS OFFICER, MAYDAY RESCUE

Ola Suleiman is a Syrian from Homs who currently works as communications officer at a non-profit called Mayday Rescue, a disaster-relief NGO in Turkey with offices in Jordan and Netherlands. Suleiman's participation in the Syrian revolution began in April 2011 when she took part in peaceful demonstrations. She escaped the country in November 2013 since she feared arrest by the Bashar al-Assad regime. Suleiman works closely with the Syrian White Helmets and reports many of the attacks, including cluster strikes which the White Helmets respond to. She was in Geneva to participate in the 6MSP.

Given your experience of working with the Syrian White Helmets and other people who are escaping the country, is there conclusive evidence that cluster munitions are being used in the Syrian war?

I can answer that question through the reporting I do through White Helmets. So we get daily reports. We have 120 teams on the ground, including 36 reporting officers who are located in Aleppo, Idlib, Hama, Homs, Latakia, Damascus, and Damascus countryside. From their reporting, we can see an increasing use of cluster munitions, and of incendiary cluster munitions – so these are munitions that are filled with

sensor-fuzed weapons (SFWs). Textron was awarded a \$9 million contract modification in September 2013 for the development of a remote terminal interface control document for the munitions control unit to integrate the SFWs on the Indian Jaguar aircraft. In May 2014, another modification contract was signed with Textron for a sum of \$17 million providing for the final phase of integration of the weapon into the aircraft.

Textron announced in August that since there is no more market for cluster munitions, they will cease to produce them by March next year.

Megan Burke, director of the Cluster



incendiary substances. Both the Syrian regime and the Russians use cluster munitions. In fact, last night we lost two colleagues because of double-tap cluster munition attack in Idlib. There was a cluster munition attack and our team responded to the air strike and they were bombed while responding with another air strike, killing two of our volunteers and injuring another two.

What about the countries that are supporting the armed rebels? Are they using cluster munitions?

Munition Coalition, speaking to reporters after the 6MSP, called this a very important outcome and added that this shows the growing stigma of the use of all cluster munitions. She said that the impact of this will be huge because this means that the US will no longer be a producer of these bombs and this will strengthen the norm against such use.

Even though there is some optimism from the Textron announcement, rights groups have documented continued and unapologetic use of these controversial weapons. Human Rights Watch (HRW) has accused a Saudi Arabia-led international coalition of using American- and British-made cluster

Judging by international reports, only the Russians and the Syrian regime use cluster munitions and also ISIS uses cluster munitions. Cluster munitions can be delivered in many ways. 95 per cent of the cluster munitions used in Syria is used through air strikes and the only parties doing air strikes in rebel-held areas in Syria are the Russians and the Syrian regime. I don't know if the international coalition is using cluster munitions – we don't have teams to respond in [government] areas. We haven't received reports from the [international] coalition as such. Because majority of the cluster munitions are used through air strikes, it is really hard for anyone else to use them. However, since cluster munitions can also be delivered through rockets, artillery and artillery bombardment – but in a very small percentage in Syria, we have seen that. But we don't have teams in regime areas so we can't report about it. But I haven't seen in any international report that implicates that the battalions that fight against the regime used them. However, we are not connected to those battalions so if they are using them, it is not the civilians' fault.

What have you seen regarding the destruction caused by cluster munitions?

The most problematic aspect of cluster

bombs in civilian areas in Yemen. This is despite the fact that the UK is already a state party to the CCM. The rights group has said that the Saudi Arabia-led coalition is responsible for all or nearly all of the cluster munitions attacks in Yemen. "Saudi Arabia and its coalition partners, as well as their US suppliers, are blatantly disregarding the global standard that says that cluster munitions should never be used under any circumstances," Steve Goose, arms director at HRW and chairman of the International Cluster Munition Coalition, had said earlier this year.

Despite such calls from civil society and rights groups, some world leaders

munitions is when they are used in urban areas like in cities, especially cities that have 1,00,000 or more civilian residents – those areas are really hard because cluster munitions are all around and people don't see it or they have to live there and they can't evacuate to other areas because there are no safer areas. So our civil defence teams are now being trained for urban detection of cluster munitions and urban removal of cluster munitions. This is the most dangerous thing because you can't control children. The second main use of cluster munition is targeting health facilities like make-shift hospitals and areas where civilians have to go like fuel markets, schools and that's dangerous because hospitals go out of service. You cannot treat patients in a contaminated area. The third problem is using cluster munitions in crop areas and fields which give civilians food. This is very, very dangerous especially for besieged areas where food can't get in from outside so you have to grow everything inside but cluster munitions prevent you from doing that. Also, cluster munitions are very dangerous because they cause fires that require high-technology to put off because it is incendiary – so if you put them off through regular substances, it does not go off and it burns everything. And again this is very dangerous especially in besieged areas because we cannot get them those specialised substances that put off fire.

Do you get a lot of children as victims?

Yes, we have seen many cases where children [are maimed or killed]. A child on the way to school in Hama saw a cluster munition. He thought it was a [toy] car so he picked it up and then it exploded, killing him. Other kids were playing in a different area and they saw a red wrapping on the ground and they pulled it up and it exploded and one of them lost his hand. Because kids are less aware and they are attracted to shiny stuff and colourful stuff. Cluster munitions are actually made in a way that they are attractive to children. This is the main point that the whole world needs to think about – why would you make a bomb with a red wrapping because the first reaction of the child would be to try to get it! We have statistics for July and August and 82 people have been killed by airstrikes that carried cluster munitions or by cluster munition explosion. Also, 499 civilians were injured, including kids with four civil defenders, when they were responding to cluster munition air strikes and while responding a cluster munition exploded. That is another problem: when they are clearing cluster munitions they are not safe from other kind of attacks.

What were your expectations from the 6MSP? Did it serve any purpose?

We are actually judging by the fact that we lost two colleagues yesterday from the cluster munition attack. It didn't cause any impact on the ground and

we do think it is really hard because the people using cluster munition in Syria refuse to join such a treaty. And also, the problem is that the state that is using cluster munitions in Syria, which is Russia, is part of the UN Security Council. So we don't see anything – even if this treaty became a resolution and everybody agreed to it, Russia can stop it. So the problem is that we are happy that such efforts are happening but we don't see it having any effect on short-term. What I can comment on from the war in Syria is we can find small solutions to small problems here like banning the use of cluster munitions, chemical weapons, but we don't see it having any results in Syria. Because just yesterday, the regime used chlorine again in Aleppo injuring 80 people. There was news that the Syrian regime was acting out of the principle that, “what will stop me?” So, nothing. What will happen if the regime is using cluster munitions? Nothing. What if the regime uses chemical weapons? Nothing? As long as we are doing resolutions and as long as Russia is part of the UN Security Council blocking any kind of action against the regime, then nothing will have an effect on Syria. So I am not very proud of being in the UN. Actually, it's the least place I am proud to be in.

Did the Russians or the Americans speak at the Convention meeting?

I don't think they are here and I am not interested to find out. ■

remain adamant on defending arms sales to countries that are blatantly violating international humanitarian law. British prime minister Theresa May on September 8 defended British arms sales to Saudi Arabia arguing that relationship with the kingdom is to “keep people on the streets of Britain safe”. Current British arms sales to Saudi Arabia are worth £3.3 billion in drones, helicopters, bombs, missiles and grenades and an additional half a billion euros in contract for armoured vehicles and tanks.

Similarly, HRW has documented at least 47 cluster munitions attacks carried out by the Syrian-Russian coalition

in their recent offensives against three governorates in Syria. Although Russia has denied using cluster munitions in Syria, HRW says there is growing evidence that it has stockpiled cluster munitions, and has used or directly participated in attacks with the weapon.

The US along with China, Russia, Israel, Iran, North Korea and Saudi Arabia is among the 80 countries that have rejected a ban on the sale and use of cluster munitions. These countries remain bound by international humanitarian law that prohibits indiscriminate attacks even though they are not CCM signatories, human rights groups have argued.

“Even if this treaty became a resolution and everybody agreed to it, Russia can stop it [as a permanent member of the UN Security Council],” said Ola Suleiman, a Syrian who lives in Istanbul and works with the Syrian White Helmetts who rescue people after airstrikes (see interview).

Pledging money to clear unexploded cluster munitions is just the first step. Getting countries to ban the use, transfer or production of these lethal explosives will be the real challenge, especially in countries whose economy benefits much from arms sales. ■

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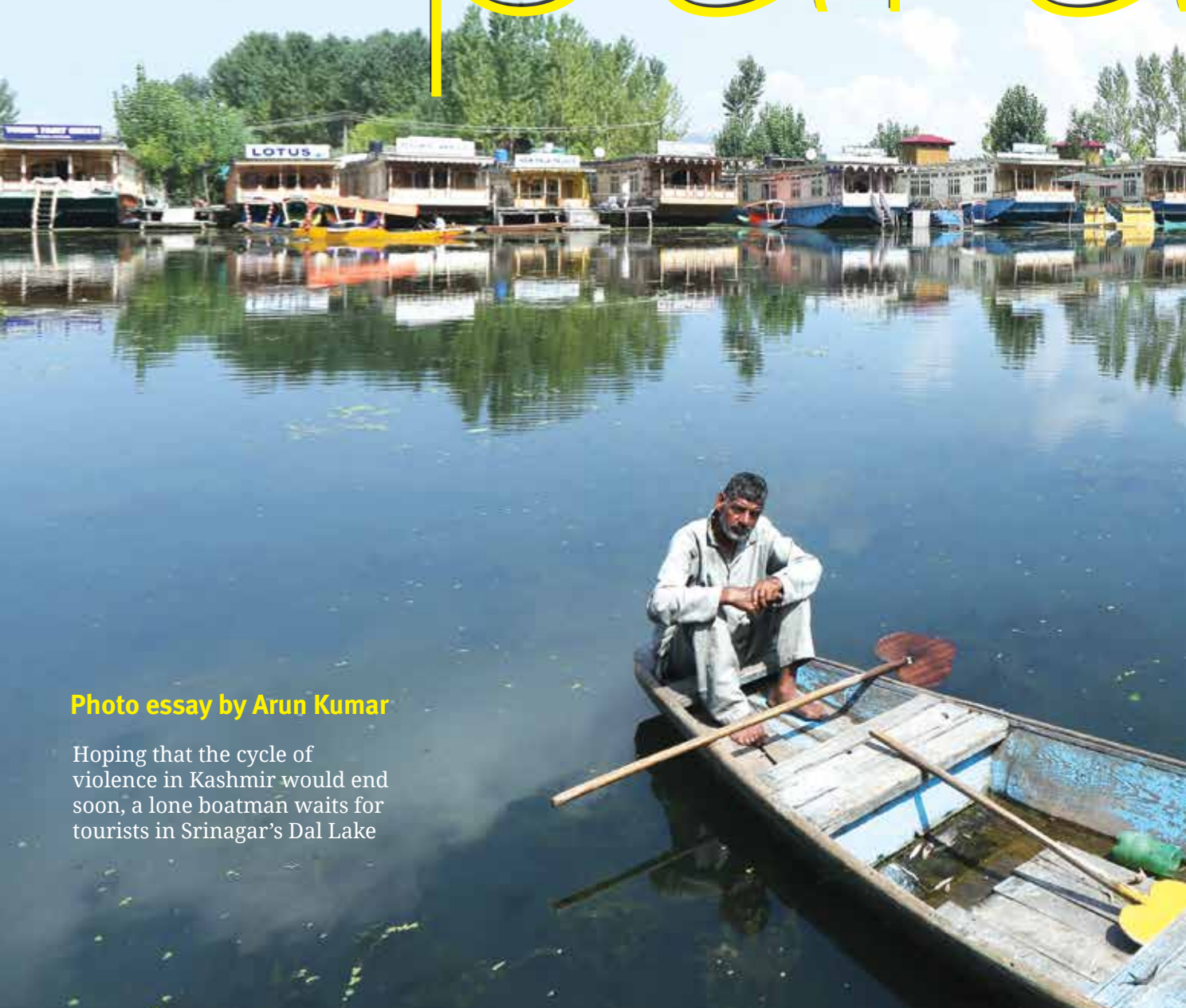


Photo essay by Arun Kumar

Hoping that the cycle of violence in Kashmir would end soon, a lone boatman waits for tourists in Srinagar's Dal Lake

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1. It's business as usual for vegetable sellers and buyers in the wholesale market on boats in the Dal Lake every morning
2. Haggling is on in the wholesale vegetable market
3. Locals clicking pictures in the lawns of Cheshmashahi garden after tourists have deserted the Valley
4. Kashmiri dresses on display for tourists to wear and click pictures with at the Pari Mahal
5. A farmer proudly shows his lotus field in the Dal lake. Lotus stem, a favourite food of Kashmiris, is considered a delicacy. Lotus boom in Dal lake is being seen after four years as the crop was destroyed in a devastating flood
6. A child is making most of the deserted road at Nowhatta in downtown Srinagar



“Banning commercial surrogacy is the only way forward”

The Surrogacy (Regulation) Bill, 2016, which aims to stop commercial surrogacy, was approved by the cabinet last month. However, the bill has come up with its own set of restrictions. Single parents, gays and live-in partners cannot have a surrogate child. Only couples who have been married for at least five years and are medically unfit are eligible.

The bill has raised a debate over the limited options for childless couples and for women who carry other people's babies as a way out of poverty. Sakshi Kuchroo talks pros and cons of the bill with Mohan Rao of Jawaharlal Nehru University, who has co-edited with Sarah Hodges, 'Public Health and Private Wealth: Stem Cells, Surrogacy and Other Strategic Bodies' (Oxford University Press).

What are your views regarding the proposed surrogacy bill?

I would like to place it in a certain kind of historical context, and that is neoliberalism and how it has affected the health sector. Neoliberalism has given a policy impetus to the growth of the corporate sector in medical care that has catered to both medical tourism and reproductive health tourism. Private equity funds, loans from banks and venture capital together created this sector. Neoliberalism has also led to the commercialisation of medical care along with the commodification of human body. It is only in this context that we can understand what exactly is going on in the world of commercial surrogacy. Over a period of time, several third-world countries have encouraged the growth of the corporate sector

in healthcare, which had excess capacities. With time, this sector has, with state support, built capacities to attend to the global demand for reproductive tourism. The most important countries catering to reproductive tourism are India, Thailand, Ukraine and Russia. Now, this tells us something about the architecture of global power. There are some states in the United States, which permit commercial surrogacy, but otherwise most states in the US or in western Europe do not permit any kind of trade of body parts. Thailand of course has recently banned commercial surrogacy.

Is this bill about morality, ethics or medical science?

This bill is based on the HFEA [Human Fertilisation and Embryology Authority] guidelines of the UK and 129th Law Commission Report of 2009. So, it hasn't come out of nowhere. Obviously, a lot of thinking has gone into this. But it says only altruistic surrogacy, where a woman is ready to be a surrogate without any financial gain, is possible and that too to a select few. The bill in its motive to ban commercial surrogacy is right but there is a need to open up altruistic surrogacy to everybody, and not restrict it to couples married for five years and who are infertile. The option of altruistic surrogacy should be available to single women and men – whether they are lesbians or gays is irrelevant – and to live-in couples. There should be no discrimination. Here is where the so-called morality comes in, with Sushma Swaraj talking about “our ethos”. Our ethos actually accepted alternative sexualities; it was Victorian England that imposed the ridiculous section 377. We need to get rid of this law.

Please elaborate your views on the discrimination built in the bill.

There are some absurd points that need to be rectified, but the bill has banned commercial exploitation of women. It has reduced what I call reproductive servitude. With this bill, the rampant practice of commercial exploitation of poor women can be reduced, and to that extent the government must be congratulated. They have done the right thing for the wrong reasons.

The bill says that only women who are legally married for five years can opt to be surrogates. It also says that only close relatives can volunteer for surrogacy. Does it restrict a woman's right to choose?

There was a case sometime back where a young tribal woman from Salem district, Tamil Nadu, was married at the age of 16. At 17, her husband and mother-in-law forced her to sell a kidney. She was forced to sell eggs 13 times. She was forced to go through one cycle of surrogacy. She had two children of her own, but her husband was forcing her to go in for a second cycle of surrogacy when she was 28. At this point she ran away from home and took refuge at a woman's shelter. Her husband came and stabbed her. This story came out in the dying declaration she made. Now in a scenario like this, to talk of woman's choice is absurd.

But I certainly don't agree with the right-to-choose argument at all. A woman's right to choose comes from the idea of making reproductive choices and this idea is extensively critiqued, especially by feminists of colour who have rejected this concept as hollow, market-driven. They make an argument for what is called reproductive justice. We can have reproductive justice only when we have socio-economic equality. In the face of rampant inequalities, what poor women have is reproductive unfreedoms, as they take recourse to commercial surrogacy.

What about poor women for whom commercial surrogacy is a source of income?

Let us be very clear that it is not the women who benefit but the commercial surrogacy industry. The commercial surrogates obtain only 20 to 25 percent of the transaction cost. The rest goes to doctors, middlemen, lawyers and so on. This industry is very opaque and we do not know what proportion goes to the doctor and what to the middlemen. So, it's a major source of money for the industry and not the surrogate mother.

How does commercial surrogacy industry work in India?

There are a number of actors and institutions which constitute the

reproductive tourism industry. It comprises high-end doctors, lawyers, medical establishments, and also TPAs [third party administrators], which is a sophisticated way of saying middlemen who recruit the surrogates, often through NGOs. So we have NGOs which are sometimes run by former surrogates, some by TPAs. Some TPAs and some doctors also run surrogate hostels, a sort of baby farm.

A minister had recently said that commercial surrogacy has become a fashion for celebrities. Do you agree?

I don't know if two celebrity couples opting for surrogacy make it a fashion. I could understand the problem of a Bollywood couple where the wife was medically unfit to conceive but for the other celebrity couple?

Do you think surrogacy in anyway is discouraging adoption?

It's not just discouraging adoption, it is encouraging the worst kinds of patriarchal ideas, like the child is my blood, my line, etc. and as a feminist I am opposed to such ideas. I think now we should be saying it is fine not to have children if they don't want to. All women who go in for IVF talk of enormous social pressures to have a baby, from the family, and from society at large. Another aspect to ponder upon is that what is the government doing to prevent infertility? Surrogacy is only one curative option that lies at the end of the road. What must be done much earlier is to prevent infertility and

“Surrogacy is only one curative option that lies at the end of the road. What must be done much earlier is to prevent infertility and promote adoption. There is a need to encourage adoption by making the process easier.”

promote adoption. There is a need to encourage adoption by making the process easier.

Do you think instead of a ban, India's surrogacy industry needs regulation?

It does not work. This is not the medical industry that can be regulated. India has the largest and least regulated medical care industry in the world. We are not able to regulate the industry to correct the appalling sex ratio at birth; we are unable to prevent sex selective abortion. Basically, we are unable to do anything with the medical industry we have. So, banning commercial surrogacy is the only way forward.

What do you think is missing in this bill? How would you have framed it?

I would have opened up altruistic surrogacy for others without any discrimination, and I would also work on the agencies which bring about implementation and give some indication on how to fund the implementation.

What should be done to rectify this bill?

Singles, whether gay or not, should have the freedom to go in for altruistic surrogacy. It should be an option open to anybody who wants to go for it. The government should simultaneously make adoption less difficult. They should also strengthen the public health systems to cut down on the load of primary infertility we have.

How is the scenario going to be, if the bill is passed?

It is going to be difficult for the government to pass the bill, because there are very powerful forces opposed to it. These include the medical industry, the reproductive tourism industry, organisations like the FICCI and the CII, and I know an association of reproductive tourism which has already started fundraising in order to challenge the bill in the supreme court.

If this bill passes, it will be historic. There has been so much irregularity in all this. The number of embryos that have been harvested from women, the number of embryos inserted into women and so on has been very scandalous. Banning commercial surrogacy is the only way out. ■

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Surrogacy and gender justice

Further focus on gender development is needed so that women can lead more productive life goals and not sell their bodies for ‘sex’ or ‘reproduction’



Sheela Saravanan

The union cabinet has approved the Surrogacy (Regulation) Bill, 2016, according to which, commercial surrogacy is completely prohibited and foreigners cannot access surrogacy in India, but altruistic surrogacy is permitted only for needy married couples with the help of close relatives as surrogate mothers. Surrogate mothers will have more rights over the child and will be offered legal support. Similar policies exist in Thailand, Israel and Denmark. In support of the bill, external affairs minister Sushma Swaraj said it will protect women from exploitation, especially by the rampant medical tourism industry.

During my research on surrogacy in western India (2009-10), I observed that surrogacy was becoming a money-making business for the medical sector

and the agents involved in the industry were exploiting not only surrogate mothers but also intended parents. Surrogate mothers in India are especially vulnerable to unjust contracts due to their comparatively disadvantageous socio-economic position. They are detained in dormitories, subjected to violation of good medical practices, imposed with extreme ways of separation from the babies born, without a fair share of benefits or protection from insurance or law, many of which are a violation of basic human rights. There is a commodification of children too as the bulk payment is made only after the handing over of the baby, without additional payment in case of a miscarriage; some payment is made on the basis of the weight of the child and disabled children are treated like defective products and left in orphanages or even on the street.

The government took years to respond effectively but has finally taken a commendable stand with an understanding that this entire industry is based on structural inequalities, exploitation and commodification of women and children. Recently a journalist in Sweden wrote, “India and Thailand do not want their female



citizens to become the baby factories of the world. Now it is time for Europe to take responsibility. We need to show solidarity and stop this industry while we can.” (Ekis Ekman K 2016). Later, this year, Sweden completely banned surrogacy. Most countries in Europe prohibit all surrogacy agreements, including Austria, Bulgaria, France, Germany, Italy, Norway, Portugal, Switzerland, Spain, and Sweden. Germany, for example, has banned this practice as the surrogate mother is considered the birth mother. However, the partial ban on surrogacy in India and also in Thailand has some grey areas; the glorification of altruistic surrogacy paves way for exploitation and the present selective ban discriminates against certain groups of people in the society.

Altruistic surrogacy glorifies family and reinforces inequalities

Altruistic surrogacy also involves money transfers and previous experience from other countries, like the UK, reveals that considerable amounts are transferred in the name of medical bills in this process which can be exploitative to intended parents and surrogate mothers. Altruistic surrogacy can exploit women who may be

dependent on other family members. Surrogacy within family members does not make the practice less exploitative than commercial surrogacy. Altruistic surrogacy within families, “romanticizes the family as the foremost place for protection” (Raymond 1993: 54). It is well known worldwide that most forms of abuse take place within close families and friend circle. It has been known that women in India tend to put other’s need and priorities before their own, which was evident among surrogate mothers in India who wanted to sacrifice their lives for the sake of the family (Saravanan 2013). With altruistic surrogacy, women within the extended family can be exploited to fulfil the reproductive needs of their affluent relatives, while women who refuse may face ostracism. Feminists criticise altruistic surrogacy as a ‘compassion

for unmarried and homosexual couples. There are further problems that need to be taken into consideration. In case of a ban, it has also been observed that affluent citizens tend to move to other countries for accessing surrogacy. Extra-territoriality laws have been implemented in some countries imposing strict rules on citizens who travel for fertility treatments not permitted in the source countries. The law in the source country decides about the citizenship to children born through surrogacy outside their jurisdictions and the parentage of the individuals who have travelled abroad to have these children. The countries which do not have clear extra-territoriality laws have been criticised for protecting their own citizens while allowing vulnerable citizens from other countries to be exploited.

use someone’s vulnerability as a solution for infertility.

From the neoliberal perspective, the use of technology to realise the intended parent’s ‘reproductive goals’ is considered a ‘constitutional right’ and hence the state intervention is seen an interference, some have even gone to the extent of calling it state ‘policing’ on people’s private life. This individualistic, outcome-based approach overlooks the social impact of surrogacy and the structural injustice, racial and colonial elements of this industry. Carmel Shalev, an academician and feminist from Israel, explains, “In the 1970s the issue was about reproductive freedom, about women’s choices to become a mother, ‘when’, ‘if’ and ‘how often’, access to contraception, abortion and safe child-birth. These were private decisions; hence state intervention in these was resisted. Having a right to be a parent is a positive right. But in recent days this is turning into an extreme version of consumer right, accessible to the rich. It goes rapidly from becoming ‘a wish’ to ‘a desire’ to ‘a need’ to ‘a right’ and ‘an entitlement’.” In the documentary film on assisted reproductive technologies ‘Future Baby’, Shalev asks “Does right to parenthood mean ‘by whatever means?’” Sushma Swaraj recently said, “The procedure that started as a necessity has become a hobby of sorts. We have many examples of celebrities who have their own children, still they have gone for a surrogate child.”

The neoliberals also argue that the state should not have the right to interfere into a woman’s choice and agency to participate in surrogacy. This ‘livelihood argument’ follows the “capitalist free-market approach” and believes that surrogacy markets can provide an efficient mechanism for poverty reduction. This approach follows the Kantian perspective that individuals can be ‘means to an end’. The surrogate mother’s desperate choice between poverty and surrogacy cannot be seen only from the perspective of her agency. A surrogacy contract out of dire economic needs cannot be defined as free choice. Surrogate mothers are subjects

During my research on surrogacy in western India (2009-10), I observed that surrogacy was becoming a money-making business for the medical sector and the agents involved in the industry were exploiting not only surrogate mothers but also intended parents.

trap’ in which infertility is portrayed as a desperate need and the surrogate mother is posed as a generous-loving woman offering a gift of love to lonely-childless couples. There is a moral celebration of women’s altruistic role framed in the language of ‘selflessness’ (Raymond 1993).

Problems with a selective ban

India prohibits surrogacy to certain groups of people (homosexuals, single parents, live-in couples). This doesn’t solve any problem, as it was only the affluent people from various sections of the society who could afford surrogacy in any case. This policy is certainly patriarchal and homophobic and fundamentally discriminates against some sections of the society. Similar laws have been imposed on other reproductive technologies too. For example, Germany restricts sperm donation

Surrogacy: a solution to poverty and infertility

Liberals consider surrogacy a solution for poverty and infertility. It is important though to understand who is defined as ‘infertile’ and whose infertility issues are being addressed through surrogacy. Technologies such as surrogacy provide a wider reproductive choice only for the affluent people at the cost of the health, freedom and life of some others (mostly the less affluent women) while designating substantial control and power in the hands of intermediate agencies. The socio-economically disadvantaged people in the society regardless of whether they are married, single, infertile, same-sex couples or eunuchs cannot have children through surrogacy in any way whether it is India or any other country in the world. ‘Reproductive justice’ aims to reduce inequalities and not to

to all forms of exploitation, isolation, negligence and violation of bodily integrity. Any activity that violates a person's dignity or integrity and involves economic exploitation cannot be considered a constitutional 'right'.

Furthermore, Dworkin (1983) notes that it is "the state (that) has constructed the social, economic, and political situation in which the sale of some sexual (prostitution) or reproductive (surrogacy) capacity (becomes) necessary for people's survival." This situation denies people of a host of other possibilities, from education to jobs to equal rights before the law. Hence there should be more focus on providing women with all these basic entitlements and human rights so that she doesn't have to sell her body in the first

treatment and violation of bodily integrity. However, opting for surrogacy is likely to put another woman (the surrogate mother) through the same set of problems; social stigma, psychological challenges, violation of her bodily integrity and also, put the surrogate mother's health, freedom, liberty and even life at stake. Any form of individual liberty that seriously impinges another's health and freedom does not conform to the reproductive justice framework.

One opinion is that surrogacy has been ongoing for millions of years, just like prostitution, and hence it should be permitted. The other is that, if banned, like prostitution, surrogacy too will go underground and flourish in black market with increased exploitation.

Both these arguments uphold the idea of normalising the violation of bodily integrity for paid sex (prostitution) and reproduction (surrogacy). Both these practices have involved systematic and structural exploitation of women's bodies and have linked with trafficking of women and children.

place (Dworkin 1983: 182). "But it is the state intrusion into her selling of sex or a sex-class-specific capacity that provokes a defense of her will, her right, her individual self" (Dworkin 1983: 182). Protest needs to be directed towards enhancing the essential needs of people in transitional economies like India and not towards encouraging women into surrogacy.

Reproductive justice

A 'reproductive justice' framework includes recognising the histories of reproductive oppression in all communities and aims to change structural power inequalities by identifying and addressing multiple oppressions of race, class, gender, sexuality, ability, age and immigration status. It is noted that those seeking surrogacy arrangements face social stigma, psychological problems, physical stress of infertility

Both these arguments uphold the idea of normalising the violation of bodily integrity for paid sex (prostitution) and reproduction (surrogacy). Both these practices have involved systematic and structural exploitation of women's bodies and have linked with trafficking of women and children. There are many such practices like prostitution, devdasi, nata-pratha and child marriage that violate women's bodily integrity and have been a norm in our society but do not conform to human rights or reproductive justice framework. Legalisation has encouraged the black-marketing that supports both the 'sex' and 'reproduction' industry. Examples of this can be found in the prostitution (trafficking, rape, abduction) and surrogacy markets (sale of 'extra' babies, sale of illegal passports, birth certificates, violation of medical practices, illegal sale of genetic material).

One case of comparison for controlling black-markets would be the example of the ban on sex determination and sex-selective abortion in India. More than two decades after the Pre-conception and Prenatal Diagnostic Technology (PNDT) Bill was passed, its effectivity can be seen in a recent analysis using treatment-effect framework. A possible absence of the law would have led to at least 1,06,000 fewer girl children in India (Nandi and Deolalikar 2013). What is lacking though alongside the PNDT Act is social reform to change mindset and reduce gender bias.

For surrogacy, the big challenge facing India would be to develop the law further and an effective implementation. Further focus on gender development is needed so that women can lead more productive life goals and not sell their bodies for 'sex' or 'reproduction'. Poverty alleviation and reduction of inequalities is also needed so that women are not pressured to compromise with their dignity to bring their family out of poverty. ■

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India not yet ready for privatisation of PSBs: Arun Jaitley

Finance minister Arun Jaitley has now struck down the idea of privatisation of public sector banks (PSBs), arguing that India is not ready for it yet. Only IDBI Bank would remain an exception.

Speaking at the India Summit, organised by the Economist, Jaitley said that the government is trying to consolidate some of the banks which may otherwise find it difficult in a competitive environment, adding that they would probably continue to be in the present state and function in the same manner.

Jaitley reasoned that public or political opinion had still not converged to a point where privatisation of PSBs could be considered. He added that some reforms did take place like the announcement of a government policy that talks of bringing down government holdings in banks to 52 percent.

Jaitley meanwhile maintained his stand of providing additional assistance for recapitalisation of public sector banks, as need be.



ICICI Bank introduces Software Robotics

ICICI Bank has deployed 'Software Robotics', in over 200 business processes across various functions, that would emulate human actions to automate and perform repetitive, high volume and time consuming business tasks.

The bank said that software robots reduced the response time to customers by up to 60 percent and increased accuracy to 100 percent thereby sharply improving the bank's productivity and efficiency. They now perform over 10 lakh banking transactions every working day, it added.

The software robots are configured to capture and interpret information from systems, recognise patterns and run business processes to execute activities including data entry and validation, automated formatting, multi-format message creation, text mining, workflow acceleration, reconciliations and currency exchange rate processing among others.

DCB Bank launches mVisa

Private lender DCB Bank has launched mVisa, a mobile based payment solution that would make payments at retail outlets easier.

Customers can now pay through their smart phones by scanning the unique quick response (QR) code at the retail outlet. mVisa is a cardless solution that offers customers the convenience of making digital payments at retail outlets.

The bank has partnered with Chennai-based digital payment companies, M2P Solutions and GI Technology, to implement mVisa. It has also equipped over 1,000 smart shop retail outlets with the mVisa solution and plans to expand it to over 25,000 shops across India in the coming months.

Yes Bank launches UPI services

Private lender Yes Bank has started its unified payments interface (UPI) services by partnering with 50 businesses, to make fund transfer easier and move towards a cashless economy.

The services would allow transactions without leaving the merchant application, simple and comprehensive APIs (application programming interfaces) to enable merchants to innovate as per their requirements, and one-step checkout for registered users leading to lower transaction failures for merchants.

Banking Updates

Banks advised to allow cash deposits from customers declaring undisclosed income

The Reserve Bank of India has advised banks to accept cash, irrespective of the amount, over the counter from all customers under the government's Income Declaration Scheme, 2016. It said that banks should comply with the Know Your Customer requirements for customers and walk-in customers who desire to deposit cash at the counters.

The scheme, which came into effect from June 1 this year, provides an opportunity to all those who have not paid full taxes in the past to come forward and declare their



undisclosed income. The scheme closes on September 30.

The notification was made after it was brought to the RBI's notice by the government that banks are hesitant in allowing deposit of large amounts of cash by the declarants under the scheme for credit to government account.

The apex bank further advised the banks to immediately issue appropriate instructions to their respective branches so that declarants do not face any difficulty in depositing their tax dues.



Quick turnaround

Maharashtra's information commission has set a blistering pace to tackle pending backlog, with a top official clearing a staggering 6,000 cases last year

Geetanjali Minhas

Anyone else would have thrown up their hands in despair on seeing over seven lakh right to information (RTI) applications at Maharashtra's exceedingly busy information commission, but not the panel's chief Ratnakar Gaikwad who took up the challenge and ensured that the cases were expedited.

Ratnakar Gaikwad, the 64-year-old former Maharashtra chief secretary and IAS officer of 1975 batch, inherited a backlog of 4,074 cases of three years

when he was named state chief information commissioner (CIC) in 2012. Within a month of joining, the bureaucrat came up with an ingenious solution – templates that helped speed up work.

Gaikwad prepared 120 templates that fit a majority of the cases. It broadly covered certain legal provisions, and similar types of cases in which the facts are the same but the information may be different.

“For example if a PIO [public information officer] has not disclosed information within certain days as per the Act, why should action not be taken? If the first authority has not given information, I issue strictures as per templates,” he explains.

Gaikwad says that sometimes PIOs refuse information on the ground that the applicant has paid a fee of ₹67 instead of ₹70. “I tell them that for ₹3 you are wasting your office time, stationary and machinery. In 2007, the government issued related orders which I have templated. I tell them not to deny information on the ground that the applicant has paid less, a small amount of ₹3-5, and give him information. Even if the information required is four extra pages, give him. Because paying another ₹2 or ₹3 will consume an entire day as he has to go to office, collect challan, go to bank and pay the amount.”

In peculiar cases where templates don't fit, Gaikwad dictates the entire order.

“I was inspired by the commitment of Shailesh Gandhi, a former information commissioner at the central information commission, for fast disposal of cases. He had disposed of 20,000 appeals in four years and heard 25 appeals per day. I felt that if as per Gandhi, an information commissioner disposes of 400 appeals per month, the annual disposal would be 4,000-5,000 keeping in view different holidays etc.,” he says.

“In four years, I have disposed of over 21,000 appeals/complaints after actual hearing. [Total disposal with or without personal hearing is over 35,000.] I would dispose of 25 appeals every day which has not been easy. Twice I did 62 appeals in a single day and did 859 monthly disposals which is the average. The central information commission's average rate of disposal is 2,500 per bench and could dispose of only 10,000 appeals in five years,” says Gaikwad. When an applicant has been denied information, he is only interested in getting the same and wants action. “He is not interested in a long order.”

His stenographer and typist are now trained with templates, and some of Gaikwad's colleagues too are using these templates to tackle cases. “Now many Maharashtra benches have fine-tuned my templates. I tell them to use this tool, otherwise people will commit mistakes. With the templates ready, they now only have to be copy-pasted

in my case. My conclusions are generally on three grounds – if information has not been given on time, why action should not be taken; a show-cause notice is inbuilt into that; and third, the PIO should allow inspection of documents and give information free of cost as stipulated in the Act.”

The current average backlog at Mumbai benches is approximately two to three months, thanks to Gaikwad who cleared 6,000 appeals last year. All other state benches have backlogs of over one to two years.

Compared to other state information commissions, disposals in the Maharashtra information commission are far higher at around 30,000 per year despite a large number of vacancies of information commissioners. Andhra Pradesh is in second position.

As against other states where all information commissioners sit at one place, in Maharashtra, the commissioners sit at seven places – Mumbai, Greater Mumbai, Konkan, Pune, Nashik, Nagpur and Amravati.

As against the initial years, when disposal rate was 75-100 applications per month, at present each commissioner disposes of 250-450 cases.

Appreciation

The RTI activist community has been highly appreciative. When Gaikwad was named to the post after his retirement in May 2012, an activist had even filed a PIL in the high court, opposing a career bureaucrat's appointment to the state information commission, but four years later many activists are all praise.

Bhaskar Prabhu, convenor of the Mahiti Adhikar Manch, says, “The Maharashtra information commission is the only commission in the entire country where citizens interact with the information commissioners. Relations have been very cordial and disposals are very fast. From the very beginning, we have followed up on the commission's orders, the speed at which it is working and been having discussions on observations. With Gaikwad, an order is passed within four to six weeks of hearings.”

Prabhu says, “The state CIC has now [stated] that each commissioner must dispose of 400 hearings per month. For these reasons it is the best information commission in the country.”

He adds, “If the government thinks bureaucrats can do a better job as information commissioners, it also needs to acknowledge that if one bureaucrat can leave a benchmark with 6,000 hearings in one year, others can also do the same. Yet when other person is doing 2,000 hearings, the government is not questioning this.”

Retired banker and RTI activist SK Nangia says, “Gaikwad is very sharp, knowledgeable, efficient and committed. In June 2012 when he was posted as the state CIC, some of us would go and meet him regularly and give the example of Shailesh Gandhi, asking him to replicate his working style in Maharashtra. Gaikwad then went and spent two-three days in Delhi to study Gandhi's style of functioning.”

As for Gandhi himself, his objective assessment is: “There are three



“I tell them that for ₹3 you are wasting your office time,

stationery and machinery. I tell them, do not deny information on the ground that the applicant has paid less a minor amount of ₹3-5, give him information. Even if the information required is four extra pages, give him.”

Ratnakar Gaikwad

Chief information commissioner, Maharashtra

important characteristics by which commissioners/commissions must be judged. First, inclination to transparency and empathy for citizens. Second, speed of disposal and third, quality of orders. Gaikwad, in my opinion, definitely ranks amongst the best information commissioners in the country in terms of points 1 and 2. In terms of point 3, it is unreasonable to talk anecdotally or to go and assess performance based on a few orders. It is necessary to analyse a large number of a commissioner's orders. No such study has been done.”

What next

Gaikwad believes the RTI Act is not backed by political and bureaucratic will. “Bureaucracy feels it is a burden on them. There is reluctance to furnish information and also a tendency to avoid or delay paying penalty. It is in fact the duty of head of the organisation to ensure compliance of orders, which doesn't happen. For the same reason, I even issued a notice to the municipal commissioner under section 166 of IPC in his capacity as the civic chief, but he got a stay order from the high court. “Grey areas in the Act prevent the information commissioner to penalise public authorities, but on its part the government also has to cooperate with the commission. Thereafter, along with my colleagues I went to chief minister Devendra Fadnavis and apprised him about this and several issues. He promptly issued strict orders,” says Gaikwad.

Ajit Kumar Jain, information commissioner, Greater Mumbai bench, says, “Since the implementation of the RTI Act, the Maharashtra state information commission has received nearly 55 lakh applications regarding different public authorities. Around 4 percent of the entire appeals are second appeals, which means perhaps 96 percent cases are being disposed of.”

He adds that disposal of appeals and getting back as many cases again is not sustainable and calls for systemic improvement. ■

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Childhood restored

A new model of education is helping Odisha’s Mayurbhanj, one of India’s largest districts, become child labour-free by October

Taru Bhatia

As the sky starts to turn dark, noises of children from the playground of the Bisoī government nodal upper primary school, in Mayurbhanj district of Odisha, slowly fade away. The students line up to go to their hostel, within the school premises, to have dinner. White rooms of the Residential Hostel for Urban Deprived, appear dull, stained with black spots from inside, but for some kids it is their new home, at least for a few

years. Gudu Patra, a class 9 student, lives in this special rescue centre, also known as a conditional camp.

Gudu was a child labourer until recently when he was saved by a child rescue team from Mayurbhanj district in January. He used to wash dishes at a small eatery for ₹2,000 a month. Gudu’s income made a significant contribution to the otherwise meagre income of his tribal family comprising of a mother, sister, grandmother and maternal uncle. His family lives in a small, rented hut near Takatpur village, 53 km away from his new home. After Gudu’s exit his family has been struggling to make ends meet. Yet, there was a smile on their faces seeing their child in the camp. “He will bring home some

respect with education,” says Titu Patra, Gudu’s maternal uncle, who was once a child labourer himself.

“I too sometimes wish I was rescued when working at a hotel for ₹20 a day during my childhood,” says Titu, who stands in a corner of the rented hut. In a red, worn and torn t-shirt, he now sees his lost childhood revived in Gudu. “It’s better to do something respectful in this world,” he says in fluent Hindi that he had learned in school. When Gudu visits his family during holidays, he shares with them his dream – of becoming like district collector Rajesh Prabhakar Patil, who started the mission of rescuing child labourers and ensuring their education and rehabilitation.

The 'Mu Bi Padhibi' [I will learn too] programme, conceptualised by Patil, was launched on April 1, 2013 in the state. It falls under the larger umbrella of the sarva shiksha abhiyan (SSA), which aims to ensure universal access to elementary education to every child in the country. The programme focuses on enrolling children who are drop-outs, labourers, enrolled but never attended school, never-enrolled and have single parents or are orphans. The district administration has opened 52 residential training centres (RTCs) for children under this scheme. At these centres, children are given basic education with respect to their appropriate class before shifting them to a mainstream school.

"We have identified almost 5,000 such children and have compiled their data. We have also assessed their situation that is keeping them away from schools. We have counselled the parents and supported them through various central and state government schemes. Then as per the need of a child, we have admitted them to appropriate schools. Many children are kept in these rescue centres," says Diganth Rotray, district project coordinator, SSA.

In 2014, the administration started focusing mainly on child labourers. "They were enrolled in schools but never attended classes because they were always at their work places," Rotray says. To ensure that these children do not return to the same life again, the administration opened three new centres in the district where only child labourers were kept for rehabilitation.

In the past two years, 331 child labourers have been rescued, says Mamta Mai Biswal, district child protection officer. Raids were conducted at various tea stalls, dhabas, brick kiln factories and agricultural lands in the district to rescue children. "Such raids will continue. By October this year we are planning to declare the district child labour-free," says Rotray.

Strengthening his conviction, Gudu says, "I want not only this district but the entire world free of child labour."



A group of child labourers rescued in August, at PC Pur Residential Hostel for Urban Deprived

Gudu gives us a handmade card and a paper flower as a parting gift. He has learned this skill from his craft teacher at the centre.

Like Gudu, there are 110 boys living in the centre which was built in 2014 for rescued child labourers. Children are admitted to this centre after a health check-up and bone test to determine their exact age. Following a counselling session with the children and their parents, the kids are admitted to appropriate classes. The main focus of this programme is to make these children feel at home. Hence, for the first two months, children are set free on playgrounds and are involved in various activities like music, dance, art and craft. They also make toys from clay, pen stands from bamboo sticks, and play badminton, football and chess. Gradually they are taught about other subjects that prepare them for the mainstream education. So after two years, when they are shifted to a mainstream school, they do not feel left out. This process of rehabilitation is administered under strict supervision of teachers.

"Earlier when child labourers were rescued they were kept in rehabilitation centres for only one or two days. After that they were taken to

the child welfare committee and later handed over to their parents. Months later, we used to find them working in the same places," says Rotray.

"Now we keep them in special centres. We admit them to schools and hostels and involve them in extracurricular activities and prepare them for mainstream education," he adds.

But this whole process is not as easy as it looks. "Initially it is difficult. Rescued children get aggressive when we bring them here. Their parents trouble us; hurl abuses at us for taking away their source of income. But when we counsel them about their child's education and ensure financial support to them under various government schemes, they agree to support us," says Mamta Mai Biswal. She adds that when parents meet them after months and see the progress of their child, "they touch our feet in gratitude and give us blessings".

Mayurbhanj district also has two other special rescue centres – one in PC Pur for boys, opened in March 2016 with 38 children, and one for girls in Takatpur, opened in 2013 with 26 kids. These centres have given hopes to many child labourers like Gudu. One of them is Madhusmita Sahi, 15, a class 7 tribal girl who lives in the rescue centre of the MTK government upper primary school, Takatpur, in Baripada town. After being rescued in December last year from a home where she worked as a helper, Madhusmita is finally able to do what she loves. "I want to play like [PV] Sindhu," she says with a wide grin on her face. She read about Sindhu's Olympian feat in a local newspaper. Her favourite sport, however, is kabbadi that she plays with her new friends at the school. "I don't feel like going back to my village. Here I can play and study without any distraction," she says.

The attendance in government schools in the district has gone up with the programme – from 67 percent in 2012 to 91 percent in 2014 and 92 percent in 2015.

INTERVIEW RAJESH PRABHAKAR PATIL, DISTRICT MAGISTRATE, MAYURBHANJ

“This campaign is owned by the people”

Odisha's largest district, Mayurbhanj, is set to be free from child labour very soon. District magistrate Rajesh Prabhakar Patil, an IAS officer of 2005 batch, talked to **Taru Bhatia** about how the 'Mu Bi Padhibi' campaign has been instrumental in fighting child labour.

How was the 'Mu Bi Padhibi' campaign initiated in your district?

I sat with my team – all the stakeholders including civil society people, some political people and teachers, and together we prepared a blueprint and visualised problems to find out their solutions. Then during the process of execution we encountered many other problems. We addressed them subsequently. The best part [of the campaign] was involvement of all stakeholders. This campaign is owned by the people.

Did you face any resistance from tribals when you tried to bring their children to mainstream education?

Tribal people believe that education is important even though they want to preserve their culture. They want good education, want to be well off and get good jobs. I don't think today there is any tribal notion that a child should not go to a school. But there are other issues like inaccessibility to schools and family issues like addiction to drugs or liquor. Then there is a problem of poverty as well. Sometimes their language poses a big barrier. There are 62 types of tribes in Odisha and around 52 of them are in Mayurbhanj. And almost each tribe speaks a different language, which is different from Odia.

Central Odisha is a huge forest – one of the dense forests of India. There are many villages in and around this area. This creates a problem of access. And, therefore, the government's norm of opening a school doesn't benefit them. The nearest school would be three-four km away. Teachers might



not travel this distance. Monitoring is a challenge.

Since language has been a barrier, was it difficult for a tribal child to interact with teachers?

We have shiksha sathi, who acts as an interpreter between tribal students and teachers from class one and two. Eventually, they are taught Odia language – most tribals do not know Odia. We have 176 shiksha sathis. The Odisha government has also recruited multi-lingual education [MLE] teachers.

Is the 'Mu Bi Padhibi' model one-of-its-kind in the country?

As far as Odisha is concerned, I don't think there is any other district with such a model. Children at rescue centres are sent for counselling where they also receive vocational training for up to two years. They automatically become entitled for jobs of skilled technicians, a model we wish for. They may not get educated till graduation or post-graduation, but at least they will come out as informed and enlightened

citizens of India. The government of Odisha has accepted our model. 29 other districts will be given instructions to adopt this model.

Do you think it can be replicated?

Mayurbhanj is one of the biggest districts of India. If it can be implemented here, then it can be executed in any district of India.

What steps have been taken to improve the quality of teaching?

We sent out a team to Satara district in Maharashtra, which included teachers, block level officers, headmasters and even school management committee and cluster coordinators. They went there to understand the teaching and learning process of that district. After that they would implement the same experiment here in Mayurbhanj. The experiment is running in five blocks currently to improve quality of education. We will soon expand it to other blocks.

Also, we have prepared a minimum competency chart from class 1 to 5 with the help from district institute of teachers' education [DITE], under the state council for education and training. It will act as a guide for teachers and parents. This way parents would also know what a child should learn in class.

What challenges do you foresee after the process of implementation?

The challenge now is to ensure that children pursue further education after class 10. We are trying to find out a solution so that we can do something for them. We want to place this issue before the state government because there is a need to have some kind of policy intervention. International Labour Organisation [ILO], a United Nations agency dealing with labour issues, has also come to our district and studied the project. We have requested ILO and other agencies to take up this issue to higher authorities. ■



Para-teacher Gunakar Behra with students in the craft room of Bisoi government school. The room is full of craftworks by children

Managing funds

Different government schemes support the funding of the programme. Around 90 percent of the funds are utilised from SSA and the remaining 10 percent from the integrated action plan (IAP) and backward region grant (BRG). “Earlier funds were not utilised properly. We converged these two funds [IAP and BRG] and decided to spend them rationally to fulfill the mandate of right to education,” Roitray says. After this arrangement, so far the district administration has not asked for extra funds from the government to run this programme, claims Roitray.

Facilitating teachers

Not only students, but arrangements have also been made for the teachers by the district administration, so that they don’t skip school and not let the students suffer. Take residential quarters for teachers for example.

Some 25 km away from Jashipur block, crossing the Similipal forest reserve, there is a cluster of three gram panchayats where tribal families live in isolation. In Gurugudia gram panchayat, there are total 12 schools and

871 students.

Schools there, however, face absence of teachers because most of them come from Jashipur block and other areas, which are far away from the village. Crossing the vast forest areas becomes a scary task for the teachers, especially females.

Pradip Kumar Naik has been a mathematics teacher at the Gurugudia Project Upper Middle School since 2007. He lives in Badanoi village, which is 10 km from Jashipur block, and has to travel more than 30 km to reach the Gurugudia school, on a truck or bus. “It takes at least three hours to reach the school. Going back in the night is dangerous as

Not only students, but arrangements have also been made for the teachers by the district administration, so that they don’t skip school and not let the students suffer.

there is a long stretch of forest with no mobile coverage at all,” he says. This often affected his attendance at school, he confesses. So for some days in a week, Naik began staying at a youth club in Gurugudia gram panchayat. “We lived there because there was no choice,” he sighs. “There was no facility at all. No water, no electricity. The place was unfit for living,” he adds.

For the past two months now, he has been living in teachers’ barrack built this year by the district administration to improve their attendance. The place gets electricity through solar power connection and has capacity for 25 male teachers and 25 female teachers. At present, 11 male teachers and three female teachers live in the barracks for five days a week. Teachers from nearby gram panchayats are demanding a similar facility, says Ram Chandra Naik, cluster research centre coordinator, Jashipur block.

Teachers’ concerns

Pradip Kumar Naik, who is a permanent teacher, however, says that less salary is another concern for teachers here. He says that after 10 years of service, he only earns ₹17,000 a month. “It is not sufficient to sustain a family,” he says in a hesitant tone. Naik and his elder brother, who works as a security guard, are the only breadwinners for their family of eight.

For para-teachers, the condition is even worse. Gunakar Behra, in his mid-thirties, has been teaching craft to the students of the Bisoi government school for three years now. He, however, earns only ₹3,500 a month. Even though his accommodation and food is free of cost at the school, he says sustaining a family with this salary is a challenge. “The collector has assured that he will help me get a home under the pradhan mantri gram in awaas yojana,” he says.

Patil, however, clarifies, “Low salary is not an issue since there is an assurance of it getting regularised. At the end of the day, we cannot see education as a lucrative business.” ■

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How safe was I

The national crime records bureau (NCRB) has published a detailed report



Cases reported	32,127
State which reported the maximum number of cases: Uttar Pradesh	4,732
State which reported the minimum number of cases: Sikkim	17
UT which reported the maximum number of cases: Delhi	570
UT which reported the minimum number of cases: Lakshadweep	0
Mega city which reported the maximum number of cases: Delhi	464
Mega cities which reported the minimum number of cases: Malappuram and Srinagar	5

Personal vendetta or enmity was seen as the prime reason for murdering a person with 4,758 cases being registered, followed by property dispute with 3,540 cases. Different states have different reasons behind murder. For example, Uttar Pradesh has 788 murder cases registered due to class conflict whereas all other states and union territories have comparatively negligible number of cases registered for this reason. Again, UP has the highest number of cases of honour killing at 131; the next closest is Gujarat with 21 cases. Murdering someone for allegedly performing witchcraft was seen to be the highest in Jharkhand, having 32 cases.

Note: Mega city is one having population of 10 lakh or more



Cases reported	34,651
State which reported the maximum number of cases: Madhya Pradesh	4,391
State which reported the minimum number of cases: Sikkim	5
UT which reported the maximum number of cases: Delhi	2,199
UT which reported the minimum number of cases: Lakshadweep	0
Mega city which reported the maximum number of cases: Delhi	1,893
Mega cities reporting the minimum number of cases: Coimbatore and Tiruchirapalli	2

In 95.5 percent of the cases, the offender was known to the victim. Out of such 33,098 cases, a major number of offenders were neighbours (9,508 cases) and those promising the victim to marry them (7,655 cases).



Number of murder cases reported: 1,758
Number of rape cases reported: 10,854
 Number of cases of assault on girl child with intent to outrage her modesty reported: **8,390**
 Number of cases of kidnapping and abduction reported: **41,893**
 The prime reason behind kidnapping children was to compel a girl child for marriage; **12,516** such cases were registered
97 cases of foeticide were reported
3,087 cases of procurement of minor girls were reported
293 cases were registered under the Prohibition of Child Marriage Act
251 cases, involving **449** children, were reported under the Child Labour (Prohibition) Act
 Number of cases registered under the Protection of Children from Sexual Offences Act: **14,913**

Crime against SC/ST



Number of cases of crime against scheduled castes reported: **45,003**
 State reporting the maximum number of cases: Uttar Pradesh **8,358**
 Number of cases of crime against scheduled tribes reported: **10,914**
 State reporting the maximum number of cases: Rajasthan **3,207**

No case, involving victims belonging to either SC or ST community, was reported under The Employment of Manual Scavengers and Construction of Dry Latrines (P) Act, 1993.

India last year?

Report on crime in 2015. A number of alarming figures have come to the surface

Cases against juveniles



Number of murder cases reported	853
Number of rape cases reported	1,688
Number of cases of kidnapping and abduction reported	1,630
Number of dacoity cases reported	193
Number of robbery cases reported	1,358
Number of theft cases reported	6,046

Crime against senior citizens



Number of murder cases reported	1,053
Number of rape cases reported	58
Number of dacoity cases reported	47
Number of robbery cases reported	1,294
Number of cases of grievous hurt reported	948
Number of cheating cases reported	1,867

Offences against the State



Number of cases reported	147
Number of persons arrested	238
Number of cases of sedition reported	30
Number of persons arrested for sedition	73

Dowry Death



Number of cases reported	7,634
State reporting the maximum number of cases: Uttar Pradesh	2,335
Mega city reporting the maximum number of cases: Delhi	100

Crime against foreigners



Number of cases reported	365
Number of cases with foreign tourists as victims	271
The national capital reported the maximum number of cases	147

The maximum number of cases against foreigners was of theft; 223 cases were registered. Cases of crime against foreign women was also seen to be high – 12 cases of rape, 23 cases of assault with intent to outrage their modesty, and six of insult to their modesty were registered. Other criminal activities with foreigners as victims included four cases of murder, four of kidnapping and abduction, 10 of robbery, nine of cheating and 15 of forgery.

Cyber crime



Cyber crime cases reported: **11,592**
 State with the maximum number of cases reported: Uttar Pradesh **2,208**
 The prime reason behind cyber crime was seen to be financial gain; **3,855** cases were registered. When it came to the profile of the accused arrested in cyber crimes, it was seen that many of them (**1,594** out of **8,121**) were business competitors.

An evolving healthcare system

HLL Infra Tech Services Limited (HITES), a wholly owned subsidiary of public sector firm HLL Lifecare Limited (HLL), has recently secured its first global contract to offer consultancy services for the construction of two hospitals in the Republic of Guinea. The company is spearheading experiments to find the best suited model for healthcare infrastructure for rural India. SN Sathu, CEO of HITES, spoke to Jasleen Kaur about the work the company is undertaking to evolve the healthcare system of India in an affordable way.

What are the major works undertaken by HITES since its inception?

Soon after the formation of HITES we were appointed as the executive agency of the ministry of health and family welfare [MoHFW]. Thereafter, we were given projects for infrastructural development and upgradation of medical institutions under phase III of the pradhan mantri swasthya suraksha yojana [PMSSY].

For infrastructural development, we are working to upgrade 12 medical institutions – two each in Kerala, Tamil Nadu, Karnataka, Andhra Pradesh and Bihar, and one each in Telangana and Gujarat. Out of these 12 projects, construction of nine projects has already started. Apart from this, HITES has also been given two projects by the state of Uttar Pradesh – to set up 200-bed mother and child hospitals.

Also, HITES has been given the work of procurement support agency of the MoHFW for upgradation of 39 medical colleges in this phase of PMS-SY. The process has already started. We are also appointed as the facility

management executing agency for the All India Institute of Medical Sciences (AIIMS) Patna, where we will provide housekeeping, security and other hospital support services.

As the executive agency for upgradation of 12 medical institutions, what are the challenges?

There are multiple stakeholders involved in this work, like the central and the state governments. This makes the job challenging. The central government has been supporting the state government under PMSSY upgradation programme. There are two schemes under it – first is the setting up of new AIIMS and the other is upgradation of existing medical institutions. By setting up new AIIMS, the government of India wants to reduce traffic at AIIMS, Delhi, and also increase the number of postgraduates and specialists. Six AIIMS are already at the final stage of completion.

Government hospitals across the country are overburdened. There is also shortage of staff. Is this a big obstacle to improving healthcare management in our country?

It is. Every state government has a few hospitals which can cater to the needs of all the people and handle sensitive

“Both [government and private sector] have to work together. Only then the overall health sector will improve.”

cases. Also bigger hospitals are located in the state capital. To reduce the traffic there and to increase the number of postgraduate seats in medical institutions, the district level general hospitals are being upgraded to super specialty hospitals with postgraduate seats under the PMSSY.

Shouldn't the government spending on healthcare go up to give impetus to the sector?

The government is committed and sincere in constantly evolving best practices. The decisions are taken very quickly today. The spending at present is less than what it should be, but it is picking up. They are switching from a budget-driven to a demand-driven approach in the health sector.

In most government hospitals the maintenance of healthcare infrastructure has been poor. What kind of support can HITES provide to the government?

This is a serious issue. It is mainly because of the huge traffic flow in hospitals that maintenance becomes difficult. This is one grey area and it has huge potential. We have formed a separate division – facility management – because we did not have direct skills to undertake such work. So through an extensive process, we empanelled many international companies as partners.

We have done mechanised cleaning of AIIMS [cleaning the external area] and the new blocks at Guru Teg Bahadur hospital in Delhi. We are planning to get into the district hospitals as well. We do not intend to charge high fee nor does the government allow us to do so. We are also competing for bidding while getting the tender. But we also lose out in competitions.

Do you think we need a low-cost and low-maintenance healthcare infrastructure, especially in rural areas? Is there any research and development happening on this front?

HITES was established in April 2014 and I took over as CEO in June. Soon after taking over I realised that everyone is looking for cost-effective infrastructure. We have hired a retired



chief architect of the government of India, who has over 35 years of experience in healthcare infrastructure, as our chief advisor. Our team is working round-the-clock on this. We have made a prototype model for mother and child hospitals. We have also prepared a standard model for geriatric care, based on which hospitals can be established. We have come up with a standard design which includes costing of hospital, faculty and equipment requirement and the requirement of area for construction.

The central government has appreciated it and will write to state governments to avail our services.

It is a cost-effective model and will be established by doing a market analysis of the local area.

Have you come across any model which is best suited for rural areas of India?

We did an experiment where the entire community and primary health centres [PHC] in Kerala were upgraded. It is running well. But we were not remunerated. Within the broad

framework we know that it is a successful model. The state government and people at large were benefitted. So we are now working on it to make it viable for us.

We were given the mandate under the national health mission [NHM] to upgrade the community health centres [CHCs] and PHCs. We prepared a prototype design. We upgraded some of the existing centres, and at some locations we built new centres with a standard model, which was ISO certified. Our aim is to make things affordable. And we will fill the gap that exists in the healthcare sector.

Do you think that the government should join hands with the private sector in establishing healthcare infrastructure?

Personally, I feel the government alone cannot do the entire job. We must allow the private sector to come up, with a lot of checks and balances, which must be done by the government. The private players can then provide services at the remotest areas and make money as well. Both have to work together. Only then the overall health sector will improve. ■

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HLL Infra Tech Services Limited: A snapshot

- HITES was established in April 2014. It is a wholly owned subsidiary of public sector firm HLL Lifecare Ltd (HLL)
- It is specialised in infrastructure development, consultancy services and procurement of medical equipment, products and devices for healthcare sector
- It provides services in design, engineering and execution of construction projects
- Its major clients include government of India, state governments, PSUs and corporations like employees' state insurance corporation of India (ESIC) and national rural health mission (NRHM)
- It is designated as the national procurement support agency of the ministry of health and family welfare
- Recently it secured its first global contract to offer consultancy services for construction of two hospitals in the Republic of Guinea

DPE creating surplus land databank of PSUs



The department of public enterprises (DPE) is creating a databank of surplus land holdings of central public sector units (PSUs) across the country for auction. The ministry of urban development is setting up a website which will have information on land owned by the PSUs and the government. The land will be offered to the private industry and for government projects, according to a news report in VCCircle.

This comes against the backdrop of the cabinet committee on economic affairs' decision to close HMT Chinar Watches Ltd, HMT Watches Ltd, HMT Bearings Ltd and Tungabhadra Steel Products Ltd, and transfer or sell their land to central and government ministries, departments and public sector banks. Also the development is seen in the wake of the announcement by finance minister Arun Jaitley in the budget this year.

IRCTC to cater 23 more trains

Indian railways has given catering responsibility of 23 more trains to Indian Railway Catering and Tourism Corporation (IRCTC). With this, the number of trains on which IRCTC manages catering services has risen to 115. The newly added trains include Purushottam Express, Patna-Ranchi Jan Shatabdi, Kalka Mail and Brahma-putra Mail.

AI's operational efficiency improving: Lohani

Ashwani Lohani, chairman and managing director of Air India Ltd, believes in a hands-on approach at work as he tries to turn around the money-losing national carrier. In an interview to Mint, Lohani said a pro-employee policy and a simple focus on fill more and fly more has helped improve operational efficiency and he intends to do more of the same.



He said that it's a culmination of a lot of things that the company is doing: improve staff morale, improve services, become more efficient, launch more commercial packages, fly more

and make it more attractive (for passengers), in order to restore the lost glory of Air India. He said that though the actual number of profit will be reflected only after the accounts are audited on September 15, fundamentally it's an operating profit.

Drop in oil prices and introduction of more flights have helped the company.

Lohani also said that the company is trying to get a lot of private business. "We have started doing work for Jet (Airways India Ltd), (and are) in touch with SpiceJet (Ltd) and other domestic airlines for doing their maintenance work."

HPCL wants ONGC to cut stake in MRPL

State-run Hindustan Petroleum Corp Ltd (HPCL) wants Oil and Natural Gas Corp Ltd (ONGC) to divest a part of its stake in Mangalore Refineries and Petrochemicals Ltd (MRPL) so that it can meet minimum public shareholding norms. At the end of June, HPCL held a 16.95% stake in MRPL, and ONGC, the other promoter, owned 71.6%. The public shareholding in MRPL was 11.42%, less than 25%, which is prescribed by the Sebi, as per a Mint report.

Applications sought for PESB chief's post

The government has dashed off a 'wireless message' to chief secretaries of all states and union territories seeking applications from suitable candidates for the post of chairperson of public enterprises selection board (PESB). Current chairman Ajit Kumar Seth is set to retire in November. Suitable candidates can apply for the job till October 3, according to a news report in The Hindu.

The move came amid growing criticism of the Narendra Modi government on its indifference in filling up a large number of vacancies in public sector undertakings (PSUs). The PESB makes recommendations to concerned ministries, which in turn, after the due process, forward them to the appointments committee of the cabinet headed by the prime minister.

EIL offers equity at discounted rate

State-owned Engineers India Ltd (EIL) will sell part of the government stake to its eligible employees at a discounted price of ₹187.29 per unit. The move, which is a part of the disinvestment process, will fetch about ₹31.5 crore to the exchequer.



As per the cabinet approval, the company has offered 16.8 lakh shares of ₹5 each for subscription. The offer for sale of shares shall remain open during September 15-23. The government will garner ₹31.5 crore through offloading of shares. In January, the government sold nearly 10 percent stake in EIL through offer for sale. It helped in mobilising about ₹640 crore.

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The coming data revolution

As Mukesh Ambani urged the subscribers to do “data giri”, a look at the Jio game plan

Pratap Vikram Singh

Reliance Industries Limited (RIL) chairman and managing director Mukesh Ambani's speech at the company's annual general meeting (AGM) left a billion telecom subscribers salivating. On September 1, he announced that Reliance Jio customers will never be charged for mobile telephony and they will have access to mobile 4G internet at dirt cheap prices. Not just that, Reliance Jio would not charge their subscribers a single penny till December 31, a free ride to lure subscribers away from its competitors.

For many consumers who have been shelling ₹250-300 for one gigabyte (GB) of 3G data, Jio – which offers 1GB of 4G data for ₹51 – becomes an inviting alternative. Following Ambani's 45-minute speech, blood bath began in the telecom industry: the market

capitalisation of Airtel and Vodafone fell; they together lost over ₹13,000 crore (RIL's stock too fell by 2.7 percent, signalling apprehensions related to Jio's breakeven). To prevent mass exodus to Jio, existing telcos have axed their data tariffs by 70-80 percent.

Reliance was equally aggressive in its positioning. “Jio's mission is to realise Digital India vision,” said Ambani, referring to the ambitious programme of the NDA government 10 times in his AGM address.

But Reliance Jio is not philanthropy. The company has invested over ₹2.5 lakh crore in Jio – most of which has come in the form of debts or loans. In an interaction with a national daily, Ambani assured his investors that Jio would have “healthy return on our capital”. Governance Now takes a look at the consumer-related and policy issues around the Jio launch.

The most attractive facet of the new communications service is pricing. A popular perception is that it will reduce people's expenses on mobile services.

Some experts argue otherwise. Take for example a postpaid plan. At present, the blended (voice and internet) average revenue per user of the existing telecom service providers (TSPs) is around ₹200. “In Jio, you will have to buy a ₹149 plan. But you only get 300 MB of data. To use more you will have to buy additional one GB pack for ₹51. It anyway comes to ₹200,” said Romal Shetty, partner, KPMG. Of course, the user will get far more data even though the monthly charges may come around the same level.

The postpaid subscribers who wants to use more than one GB data with Jio will have to opt for ₹499 plan, as there is no plan in between. This will lure consumers to spend more.

Competitive pricing also raises questions about the rationale of existing tariffs. “The existing TSPs enjoyed a huge margin while giving data. Look how competition helps. Every one brought down their prices by 70-80 percent. Reliance takes away only a ‘genuine margin’,” said a Reliance Jio official.



Mukesh Ambani, chairman and MD, RIL, at the company's AGM in Mumbai

For existing players, it was their "first mover advantage" which had helped them keep data prices high. "The operators started offering 3G data very recently and hence data prices were not brought down," justified Rajan Mathews, DG, Cellular Operators Association of India (COAI).

Some even argue that data prices in India are not high if compared globally. "You take the US, entire Africa or Singapore, data is costlier everywhere," said Shetty. Pricing is a function of volume. "Initially call rates were ₹16 per minute. Now it is in paise. Jio made it free. As the market grows the economy of scale would come into effect," he said.

Data revolution

Even as it is the only Indian player to do so, Jio's business model symbolises the shift in terms of revenue for the telecom sector, as it chose not to charge for voice calls, forever. The existing TSPs including Airtel, Vodafone and Idea earn 85 percent of their revenue from voice calls. "They have been successfully outwitted," said Mahesh Uppal, director, Com First, a telecom consultancy firm.

In the past six months, during the trial phase of Jio wherein all services were offered for free, the company observed that the average monthly consumption of data per user came around 25-30 GB. "This, however, is no sign for the latent demand. It's only when consumers buy and use data, we would know the actual demand," said Uppal.

Mathews of COAI, which has been very critical of Jio and the manner in which it was rolled out, said that if Jio succeeds in galvanising data consumption it will be a win-win for all.

As far as freebies are concerned, it is exactly what Uber, the global taxi aggregator, is doing around the world: burning money. "It is a bonanza for consumers, at least for the next 12-18 months," said Shetty. Price stabilisation, nevertheless, would soon follow,

he said. "It is bound to happen." At present whatever Reliance is offering is not sustainable, he said. Right now it is just about customer acquisition.

Viability and IUC

For Jio to become viable, experts believe it will have to have 100 million subscribers. At the core of the issues of viability and profitability of both Jio and existing operators lies a trade fee that operators pay to each other, called interconnection usage charges (IUC). Let us assume that an Airtel user makes a call to a Reliance Jio number, the former would pay the latter 14 paise in form of IUC, as the call terminated in the latter's network and vice-versa.

Last year, the Telecom Regulatory Authority of India (TRAI) had decreased it from 20 paise to 14 paise and the next revision is scheduled for 2017-18. However, in August, TRAI floated a consultation paper for reviewing IUC. The COAI accused the telecom regulator of bias against existing operators and towards new entrants, specifically referring to Reliance Jio. Since most of the consumer base is with existing players more calls would land up on their network. If it is reduced, or made zero – which would be the operator's worst nightmare – the existing players will be at the receiving end.

"The whole offering is based on incremental pricing. Unless Reliance Jio has 100 million subscribers, which they are targeting for 2017, the balance of trade will not be in their favour, as for every call landing on another TSP network they will have to pay 14 paise per call."

Rajan Mathews
DG, COAI

"It will be unlikely that players who spent thousands of crores on setting up infrastructure will allow its usage for free," said Uppal.

In a letter to the prime minister, the COAI has refused to provide point of interconnect (POI) to Reliance Jio through which its calls can be routed to other networks.

In response to a question on the stand of existing operators on PoI, the RIL chairman told the Economic Times recently, "I have utmost regard and appreciation for the likes of Airtel, Vodafone, Idea, etc. These are all great companies. They have their own reputations to protect. I am confident they won't violate the law."

To resolve the issue between the operators the TRAI had called a meeting of operators on September 9. It urged the existing operators to provide "reasonable incremental capacity" to Reliance Jio. Jio has been demanding PoIs for 20 million subscribers. TRAI has asked operators to initially provide PoIs, keeping in mind 10 million subscribers. It is to ensure that consumers do not face inconvenience due to the lack of connectivity. As of now the operators, reportedly, have agreed to comply with TRAI's decision in relation to PoIs.

Yet there are speculations about Jio's breakeven. "The whole offering is based on incremental pricing. Unless Reliance Jio has 100 million subscribers, which they are targeting for 2017, the balance of trade will not be in their favour, as for every call landing on another TSP network they will have to pay 14 paise per call," said Mathews. Only when they have 100 million users that they will start making some money out of it, he said. Mathews, however, believes that if the whole data user segment moves up from ₹200 segment to ₹500 it will stimulate the entire market. Another challenge would be the non-sticky nature of pre-paid subscribers, who form 90-95 percent of the subscriber base. This segment will force the industry including Jio to continue to put money in the market. ■

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Yet another ID

A new unique identifier for health mars the purpose of Aadhaar, in terms of both identification and data tracking



Shivangi Narayan

The government has proposed to provide a new unique identification number to eight crore BPL households, or approximately 40 crore people, for its new insurance scheme, National Health Protection Scheme (NHPS). The idea of a new unique number, according to a senior health ministry official, stems from the facts that not everyone is enrolled in Aadhaar and no one should be denied services for want of Aadhaar.

Wait... Wasn't this one of the purposes of the \$3.5 billion scheme that is the Unique Identification (UID) or Aadhaar, that not all Indians have an identification document and no one should be denied services for want of one?

Faulty implementation

Nothing shows the failure of Aadhaar implementation better than the fact that a ministry (here, health) is branching out from the system to provide unique numbers of its own. Its implementation has been faulty to say the least. Enrolment is patchy: dusty centres where humidity bars the machine from taking fingerprints are a far cry from what these centres were envisaged to be. These shady centres charge anywhere between ₹150-800 for one enrolment, depending on how soon you want your number. This is when the government has promised free enrolment and is paying commission to the centres for the job.

Aadhaar was not created to simply

fill a gap in the current identification system. There were many identification documents in India, and providing easy access to any one or two of them could have improved the situation. Aadhaar was made for data collection and tracking. In its paper on public health in India, Unique Identification Authority of India (UIDAI) has claimed that many health-related policies fail because there is no way to track health data. Because of this lack of information, vaccination graph has stagnated at 55 percent, and only 52 percent women go through antenatal check-ups, while only 42 percent deliver in hospitals. Lack of a system to connect and track medical records is a lacuna in creating and implementing policies in the Indian health sector. The same paper argues that linking Aadhaar with Rashtriya Arogyashri Yojana would partially help in tracking health data and checking the spread of epidemics. The Rashtriya Swasthya Bima Yojana, which though has enrolled only 5.4 million individuals in 370 districts and 18 states, would also greatly enhance the capacity of the government to analyse health data for making better policies and improving the existing ones.

Aadhaar was created as this connecting mechanism to provide trackable data to the government not only in health but also in PDS, financial inclusion, employment and education.

The 'new' unique health identifier

The proposed new identifier for health will identify 'ghost beneficiaries' in the system. In 2008, the same argument was given by Nandan Nilekani and the UPA government for introducing Aadhaar. As far as collecting, analysing and tracking data on health are concerned, the new identifier will only work for BPL households and like many other

data silos, would not capture the bigger health picture. For example, without any link between this unique identifier and Aadhaar, it would not be possible to understand the impact of health policies or of chronic diseases on the BPL population. It would be a colossal waste of money if this number was created only for identifying ghost beneficiaries. The government looks a little daft in introducing a whole new identification system because it cannot be sure if the previous one (with the same benefits and promises) works or not. It is also duplication of efforts and money when the UID is already present.

Moreover, rules regarding privacy are probably still to be drafted in the health identifier. Privacy and data protection needs to be absolute here because of the nature of sensitive data – medical records – that it holds. The Aadhaar security mechanism has been built with millions of dollars and is claimed to be unhackable. We wonder if the same amount of money would be spent on this identifier as well.

While absolute privacy is not guaranteed anywhere, the lack of redressal mechanisms in case of a data breach makes India a scary place. As of now, we have sections 43A and 72A of the IT Act 2008. Section 43A talks about compensation for data misuse or wrongful breach and implementation of security mechanisms for data in any organisation. 72A deals with employees misusing their employer's data or any third-party data. A privacy bill was introduced in 2011 and redrafted in 2014 but there is little clarity on its implementation.

According to Subhashis Banerjee, professor, computer science, IIT Delhi, a better and more efficient system would be to have local IDs for different verticals such as health, education, PDS, and they all be connected to a national unique identifier like Aadhaar. This would help gather and analyse data across domains that will provide valuable knowledge about India to help in policy making. As mentioned before, Banerjee argues that executing this new ID would be like redoing Aadhaar, but without the benefit of linking it across domains. ■

Mobile access scheme for remote areas soon

The telecom ministry is reportedly formulating a scheme to provide mobile network connectivity to 56,000 villages. The scheme will be funded by the universal service obligation fund (USOF), which comes from universal access levy that is charged from the telecom operators as a percentage of various licence fees being paid by them to the government. Under the scheme, the villages will be divided into Himalayan regions such as Jammu and Kashmir,



Uttarakhand and Himachal Pradesh, and then states which share borders with other nations. It is also reported that another scheme, funded by USOF, is about to connect Left-wing extremism (LWE)-affected areas in ten identified states. As per official data about 4,700 villages in Himalayan states (Jammu & Kashmir, Himachal Pradesh and Uttarakhand), and 2,138 villages in border states (Rajasthan, Gujarat, Punjab and Haryana) are not yet connected.

Students to get digital degrees, certificates from 2017

Students will soon receive degrees and certificates in the digital format from the 2017 academic session onwards. "There is a need to take a pledge and that pledge is by 2017, all degrees and board certificates, everything will go in digital format," said Prakash Javadekar, union minister of human resource development (HRD). The ministry has fast-tracked work on setting up a virtual database under which all academic records will be available in digital format, to curb the menace of fake educational degrees and marksheets. Apart from giving away certificates in digital format, every student will also get an opportunity to upload their other certificates and awards. The creation of a digital database will also benefit recruiters who want to get the credentials of applicants and will also eliminate the need to physically approach the university.

\$28 billion

value of gross merchandise the Indian e-commerce market may touch by 2020

Source: Kotak Institutional Equities report

Use ATMs to link Aadhaar to bank account

The banking sector will soon urge users to link their Aadhaar number to their bank accounts via ATMs, internet banking portals and mobile banking applications. UIDAI, the implementing agency of Aadhaar numbers, is of the view that ATMs could be the key considering there are about 1.5 lakh ATMs in the country and they enjoy high daily footfalls. This will facilitate direct transfer of cash benefits to relating to government schemes such as cooking gas subsidy to deserving individuals. Even a conservative estimate of 10 seeding requests per ATM per day would lead to 4.5 crore requests in a month, UIDAI has pointed out in meetings with the government and various banks. A special 'Aadhaar Diwas' drive have been planned across branches, stadiums and large public places to encourage the linking.

“Telcos must understand that we are not trying to build a parallel network. Whitefi won't exist if there were no backend cable or fibre laid by telecom operators.”

Bhaskar Pramanik, chairman, Microsoft India, to ET



UIDAI has new part-time chairman and members

J Satyanarayana, IAS retd. 1977-batch, AP cadre, has been appointed as part-time chairman of the unique identification authority of India (UIDAI). On the other hand, Rajesh Jain, founder and managing director of netCORE Solutions, and Dr Anand Deshpande, founder, chairman and managing director of Persistent Systems, have been appointed as part-time members of UIDAI.

Business rivals tops list of cyber criminals: NCRB

As per the national crime records bureau data, out of 8,000 people arrested for cybercrime in 2015, 20 percent were business competitors, while about 15 percent were neighbours, friends and relatives of the victim. Hackers and computer geeks made up 13 percent while students, numbering over 800, made only 10 percent of the total. The data also revealed that people belonging to political and religious groups made 143 of the total arrested for cyber frauds.

70% government staff watch YouTube videos

Excessive use of YouTube by officials is clogging the internet at government offices, an issue raised at an e-office workshop. It was organised by the department of administrative reforms and public grievances, under the ministry of personnel, public grievances and pensions. "It is said that 30 percent of people in government work and 70 percent watch videos on YouTube, choking the bandwidth," said Santosh Mathew, JS, rural development ministry.

ASHISH ASTHANA

Making Smart Cities financially smart

There is a rush to make the Indian cities 'smart', but systems need to be established to facilitate channeling of scarce resources



Ashok Rao

India is witnessing rapid pace of urbanisation. The need for measures to make our cities more liveable has been felt badly in the past decade. The investment required to improve urban infrastructure and service delivery in India in

the coming years is huge.

According to the 2011 'Report on Indian Urban Infrastructure and Services', the aggregate investment (for providing eight basic services) up to 2031 would be to the order of ₹39.2 lakh crore. Recognising this need, successive governments have rolled out urban renewal programmes with large budget outlays. The erstwhile Jawaharlal Nehru National Urban Renewal Mission (JnNURM), the 100 Smart Cities Mission, and the Atal Mission for Rejuvenation and Urban Transformation (AMRUT) are all schemes aimed at

improving India's urban centres on a mission mode. In addition, the government is giving a huge impetus to alternative innovative sources of funding through public-private partnerships for infrastructure development, municipal bonds and so on.

The state of urban local body finances

While ever-increasing budget outlays and improved access to alternative funding are expected to fuel the future growth of India's cities, the question that arises is whether our corporations and municipalities have internal systems in place to access and manage funds of the magnitude required. The dismal state of finances of India's urban local bodies has been the topic of many debates and discussions over the past few years.

While on one side, there is an acute shortage of financial resources vis-à-vis the requirement, on the other there is a lack of transparency and accountability in the management of such resources. The common problems are unscientific budgeting, mismanagement of funds, delays in finalisation of accounts, pending audits, low realisation of taxes, and over-reliance on cash inflows from the state government.

Needless to mention, the poor state of financial management affects the overall quality of governance and is a primary reason for the urban mess that we find ourselves in.

Steps taken

The first step towards solving a problem is to recognise the problem in hand. The good news is that the problem of the poor state of city government finances is now an accepted fact in government circles. Schemes like JnNURM and Urban Infrastructure Development Scheme for Small and Medium Towns (UIDSSMT) tried to address this issue by linking access to scheme grants by urban local bodies to implementation of accounting reforms. This to a certain extent was instrumental in Indian municipalities taking up migration to accrual based accounting. However, the implementation remained incomplete in most places. In other places where accounting reforms were

indeed implemented, the process took an unreasonably long time and there is very little evidence to suggest that the implementation actually helped improve financial management and in turn governance. The government subsequently realised that tying grant release to reform implementation often results in a lose-lose situation (neither reforms get implemented nor infrastructure gets developed) and hence shifted to an incentive-based approach. This shift in approach is reflected in the fact that the AMRUT scheme sets apart 10 percent of the budget for incentivising reform implementation. Double entry accounting is one of such reforms identified.

Financial reforms: underlying issues

Unlike investments in public infrastructure or in improving service delivery, the issue with financial reforms is that the linkage between the investment and the returns is not easily established. Hence, there is no inherent incentive for policy makers at the local government to actively undertake financial reforms. Another issue is that financial reforms have all along been narrowly interpreted to mean reform of the accounting system without realising that accounting reforms are only a means to an end and not an end in itself. Reform of the financial management system in order to produce tangible outcomes must encompass budgeting, asset management, debt management, working capital management, service delivery costing, financial analysis for decision making, and audit - internal as well as external. This has rarely been the case with financial reform exercises in India's corporations and municipalities. As a consequence, even after many years of reform and after spending significant amounts, most of our upcoming smart cities are still a long way from calling themselves financially smart.

The path to a financially smart city

A financially smart city is not necessarily the city having abundant financial resources. In fact, the best of innovation happens when resources are short. A financially smart city is one which

prioritises budgets democratically, realises revenues in a timely manner, creates and preserves its assets, leverages debt effectively, diligently monitors execution vis-à-vis budgets, monitors service delivery costs, and shares financial information with citizens in a transparent manner. Financial smart-

Unlike investments in public infrastructure or in improving service delivery, the issue with financial reforms is that the linkage between the investment and the returns is not easily established.

ness is not such a vague concept after all. Parameters for financial smartness can actually be defined, measured, and monitored.

PFMA assessment

A corporation or municipality that intends to become a financially smart city requires a way to be able to assess the performance of its financial management system. Such assessment must be undertaken before as well as after the local body has trod the financial reforms path. Such an assessment is typically known as a Public Financial Management and Accountability Assessment, in other words, a PFMA Assessment.

PFMA assessment of urban local bodies – Need of the hour

PFMA assessments have been conducted at the local body level in India in the past. However, such assessments have been few and far between. Even where baseline assessments have been undertaken, follow-on assessments have not happened to assess the actual improvement or decline in performance. With the initial list of 100 Smart Cities now declared, it is the right time for the government to initiate PFMA assessments in these 100 cities prior to releasing funds under the scheme. While on one hand, a baseline assessment will highlight significant inherent risks in the finances of these cities, on the other, it sets the stage for a follow-on assessment after a few years to assess actual performance.

After the initial 100 cities are covered, PFMA assessments can be extended to cover more cities and smaller towns. In future, a PFMA assessment can be made a prerequisite for selecting local and state governments for performance-linked grants. The cost of conducting a PFMA as-

essment is insignificant compared to the money allotted for infrastructure development and service delivery improvements.

India may choose to adopt the PEFA framework or develop its own framework for PFMA assessment at the local body level. What is important is that a common framework is used across the country and applied consistently from one assessment to another.

Conclusion

Neither the central government, the state government, or for that matter the bond market is large enough to fully fund India's future urban growth. While on one hand, funding will be perennially short, on the other funders will continue to face challenges of finding safe, credit-worthy investment opportunities. Systems need to be established that facilitate channeling of scarce resources to players who can use them efficiently and produce measurable, long-lasting results. In the absence of robust financial management systems at the grassroots level, any amount of investment would yield mediocre outcomes. In this connection, PFMA assessments can go a long way in providing assurance to government and investors alike on the efficient, effective use of scarce financial resources in providing a better quality of life in India's cities. ■

Rao is executive director of Management and Governance Consulting, Bengaluru.



Alok Ranjan, chief advisor to chief minister, Uttar Pradesh, addressing the UP Reforms in Governance Summit 2016

Changing scenario in UP

Officials and experts discuss developmental reforms and challenges ahead

Vishwas Dass

Asserting that Uttar Pradesh is emerging as one of the fastest developing states, chief advisor to the UP chief minister, Alok Ranjan, said that the state government is leaving no stone unturned to ensure seamless development. Ranjan was speaking at the UP Reforms in Governance Summit, 2016, organised by Governance Now in August in Lucknow.

“UP has become a state which can’t be ignored by anyone now. Look at the size of the massive consumer market which is difficult to find anywhere else in the country. The state is the first in milk production, sugar production,

wheat production and the third largest economy in India after Maharashtra and Tamil Nadu. The government has brought revolution in the work culture which has resulted in timely completion of projects,” Ranjan said.

According to him, things have dramatically changed in Uttar Pradesh. For instance, UP has become the country’s first state to have implemented direct benefit transfer (DBT) in supply of seeds and registered 50 lakh farmers online, he remarked.

“Sixty-seven percent population of the state is working in the agricultural sector which contributes 25 percent of the state’s GDP. The government has ensured that farmers get fertilisers in time and more youngsters get jobs under the agriculture junction scheme rolled out by the Akhilesh government,” Ranjan said, adding that flagship projects

like commencement of metro train in Lucknow and Agra-Lucknow expressway would be completed within the stipulated time-frame.

Terming the laptop distribution scheme as one of the biggest schemes in the world, Ranjan said over 15 lakh laptops were distributed to meritorious students in the first phase. Lucknow metro, Agra-Lucknow expressway, international cricket stadium and Kamdhenu Dairy Scheme for strengthening the dairy sector were some of the key projects of the UP government he highlighted.

Commissioner, commercial tax, Mukesh Kumar Meshram, highlighted that UP is embracing IT at a rapid pace to strengthen citizen services. “As far as commercial tax department is concerned, we have made a lot of changes in collaboration with NIC in the last



“We are going through very interesting times.

Technology is impacting the sustainability of every other aspect. We should make efforts to position India as a superpower by 2050.”

Sandhya Chintala, VP, NASSCOM



“Right from the registration stage, dealers need not visit the trade tax

offices as they can submit all key documents online and get their TIN online within 24 hours”

Mukesh Kumar Meshram, Commissioner, Commercial Tax, UP



“There is a lot of demand to create suitable manpower for the country. In a society, the

role of higher education institutions is very important”

SB Nimse, VC, Lucknow University

few years. Right from the registration stage, dealers need not visit the trade tax offices as they can submit all key documents online and get their trader identification number (TIN) online within 24 hours,” Meshram said.

Dr Sandhya Chintala, vice president, NASSCOM and executive director, IT-ITeS Sector Skills Council, applauded the UP government for opting IT to improve and increase an array of citizen services. “We are at the cusp of change and going through very interesting times. Technology is impacting the sustainability of every other aspect. We should make efforts to position India as a superpower by 2050,” she said.

Chintala further said that the role of UP as an IT destination is critical. “In every State, human resource is the capital wealth of that particular State. To have them upskilled and upgraded is the critical factor to have the socio economic growth. In this regard, National Association of Software and Services Companies (NASSCOM), which in its 26th year, has been able to establish India as an IT destination globally. It has got 16,000 IT companies of which about 2,200 are members of the NASSCOM. But that they own collectively 96 percent of the business and about 95 percent representation of the human resource who are directly employed which is about 3.7 million today. And around 10 million odd are

indirectly employed because of this industry, which today stands about 150 billion USD and poised to grow to 350 billion USD and UP’s role in creating this, is critical. In one of the things that we as an industry chamber understood is that without the human resource, this growth can’t be sustained. So therefore, NASSCOM has also ideated and indentified the IT sector State Council under the National Skills Development Corporation (NSDC) and Ministry of Skill Development and Entrepreneurship plays a critical part,” she added.

Additional director general of police (traffic) Anil Agarwal outlined the role of UP police in modernising the citizen services. “I have been given the responsibility of integrated technology enabled citizen centric services and heading the citizen centric service cell. We have established four modern control rooms. Earlier, police control rooms used conventional technology where they had just one telephone line and an operator who may not attend calls round-the-clock. We have established a modern control room where every call is recorded, everything is done electronically and we have trail of every record,” Agarwal said.

He further highlighted that the UP police has set up four control rooms at Lucknow, Kanpur, Allahabad and Ghaziabad. “In Lucknow, we have ensured

that a police vehicle reaches to the complainant within 20 minutes of lodging the complaint. The idea is to provide integrated emergency response system which is like 911 to get three important services – police, medical and fire rescue. It is aimed at rendering all the said services across the state,” he said.

Jai Agarwal, vice chairman, CII, UP state council and director, CP Milks and Foods Private Limited, said, “UP is the largest producer of food grain and it accounted for almost 19 percent share in the country’s total food grain output in 2014-15. It has become a hub for the semi-conductor industry. UP is ahead of all states in terms of the dairy industry. Resources, policy incentives, infrastructure and climate are best suited for investments in different sectors,” he said.

UP has a robust industrial infrastructure including 15 industrial areas, 12 specialised parks, four growth centres and industrial infrastructure development centres,” he added.

SB Nimse, vice chancellor, Lucknow University, highlighted that the state of higher education is neither miserable nor good in India. “There is a lot of demand to create suitable manpower for the country. For this, the role of higher education institutions is very important. To support the GDP growth, we need research of good quality. We have to reform the higher education sector on an urgent basis,” Nimse said.



“UP Police has established a modern control room where every call is

recorded, everything is done electronically and we have trail of every voice record.”

Anil Agarwal, ADGP- Traffic, UP



“Because of mega infrastructure projects, a lot of smaller

towns are increasing and need more electricity. As many cities are slated to transform into smart cities, they require more electricity in future.”

Selva Kumari J, MD, KESCO



“Smart transportation is the backbone of smart city

project and it should be environmentally safe, seamless and sustainable. Metro has become backbone of the transport system.”

Daljit Singh, Director, LMRC



L-R: Sunita Mishra, dean, BBAU; N K Goyal, president, CMAI; Vivek Banka, director, Maverick Digital; LB Gautam, national head, Accuster Technology

Selva Kumari J, managing director, Kanpur Electricity Supply Corporation (KESCO), said Uttar Pradesh needs more power for its rural and remote parts. She outlined that the government needs to cover at least 1.73 lakh habitations under electrification. “Because of mega infrastructure projects, a lot of smaller towns are expanding and need more electricity. As more urban clusters are slated to transform into smart cities, they certainly require more electricity in future. Electricity pilferage is one of the biggest concerns of the KESCO at present,” she added.

Daljit Singh, director (works and infrastructure), Lucknow Metro Rail Corporation (LMRC), said smart transportation is the backbone of the smart city project and it should be environmentally safe, seamless and sustainable. “When traffic volume increases beyond 50,000 per hour per direction traffic (PHPDT), problem of traffic through road transport cannot be solved easily. In such cases, rail-based transport systems are required. The central and state governments have sanctioned a north-south corridor comprising 28.8 km of LMRC and 52 percent of its cost is borne by European Investment Bank. LMRC has also been assigned as an interim consultant for developing Kanpur and Varanasi metro till full-fledged SPVs are floated,” Singh said.

LB Gautam, national head, Accuster Technology, said that the company

has developed a portable laboratory in a suitcase that does not require big rooms to operate and can perform 37 bio-chemistry tests that cost less than ₹100. “The device is a boon for states like UP and Bihar where affordability matters a lot. All the latest IT features have been incorporated in this device. People will get SMS alerts for every check-up done through this machine,” Gautam said.

Sunita Mishra, dean, school of home sciences, Babasaheb Bhimrao Ambedkar University (BBAU), talked about the newly started community college which offers a three-month course on dietetics and nutrition. Many youngsters are opting for such courses, she added.

NK Goyal, president, CMAI Association of India, chairman emeritus TEMA; member Governing Council Telecom Equipment and Services Export Promotion Council, government of India, mentioned that full availability of internet connectivity in rural areas is yet to become a reality.

Vivek Banka, director, Maverick Digital, said that power of social media has grown significantly in the past few years. People are updated nowadays. “Governments have become more active on social media and are responding to people. We should update the citizens on real-time basis,” he said. ■

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On a
personal

NOTE

Ashwin Sanghi

PHOTO COURTESY: ASHWIN SANGHI

Author

Often hailed as India's Dan Brown, Ashwin Sanghi is among the best-selling authors of the country. His books are based on historical and mythological themes set in a contemporary context. His first novel, *The Rozabal Line*, was rejected by several publishers and finally he had to self-publish it under the anagrammed name, Shawn Haigns, in 2007. His other popular books are *Chanakya's Chant*, *The Krishna Key* and the recently released *The Sialkot Saga*. Besides writing, Ashwin is an entrepreneur by profession.



What is most integral to the work of an author?

Most prolific writers first need to be good readers and observers. I spend half of my creative time in reading, researching and collating because without creative input there can be no meaningful creative output.

As an author, what's your role in society?

I have three objectives as a writer and I call them the three Es – Entertain, Educate and Enlighten.

How can the government help writers?

I do not require the government to do anything except ensure that freedom of expression is protected at all costs.

How does the socio-political climate impact your creative expression?

There is an old proverb that says that fact is stranger than fiction. Frankly, all my fictions are inspired by facts. The social, political, religious, cultural and economic events around me usually become the fodder for my writing.

It was the general elections of 2009 that prompted me to write *Chanakya's Chant* and it was the scams during UPA2 that prompted me to write *The Sialkot Saga*.

Anything that you'd like to change in the creative field?

Copyright, intellectual property rights and trademarks are the basis on which one can ensure that writers, directors, producers and artists can protect and fairly monetise their work. This framework needs to be strengthened.

Has technology influenced your working style?

I use a custom-built database system that allows me to collate articles, PDF files, book extracts, images and web links while tagging them. The system enables me to access my research at lightning speed. For plotting, I use Excel spreadsheets that allow me to develop each chapter sequentially. For my writing, I use Scrivener that enables me to break down my writing into manageable chunks. I write

anywhere and everywhere using laptops, tablets and phones. I would be unable to write if it weren't for technology!

What does India mean to you?

It means so many things: colours, tradition, history, faith, knowledge, philosophy, democracy, liberalism, progress, secularism, freedom... We are lucky to be living in this country.

What are you busy with at present?

I am wrapping up a crime thriller that I hope to publish by the end of 2016. In addition, I am working on another two titles in my 13 Steps series. I have recently published the fourth book in my Bharat series [*The Sialkot Saga*].

Your message to the youngsters:

It is my belief that the only thing separating good writers from success is the stubborn and thick-skinned approach of getting up after every failure and rejection. This is my only message to the youth

As told to Geetanjali Minhas

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