

# CITIZENS' REPORT ON GOVERNANCE AND DEVELOPMENT 2013

OVERVIEW



**NATIONAL SOCIAL WATCH**

**CITIZENS' REPORT ON  
GOVERNANCE AND DEVELOPMENT  
2013**

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GOVERNANCE AND DEVELOPMENT  
2013**



**NATIONAL SOCIAL WATCH**



**DELHI PATNA NAGPUR**

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# PREFACE

With over 100 registered and over 1,500 unrecognized political parties, with about 75 crore electorates and about 32 lakh elected representatives, India emerged as the biggest democracy in the world. By conducting the gigantic elections seamlessly and regularly without fail, Indian Democracy emerged as a model of a vibrant and effective system the world over. Indian expertise and experiences in conducting fair and free elections are being widely sought after by many countries. At macro level the economy is doing well during the last decade or more and shown good resilience during the global meltdown.

But we are still facing several issues and challenges in our governance and development. The quality of democracy in terms of people's participation in the governance processes and the functioning of the apex institutions of governance need significant and constant improvement. We are still plagued by large scale deprivation and vulnerability. We need paradigm shifts in our governance and development models. The Citizens' Report on Governance and Development, the flagship publication of NSW, brings out every year a number of insights for the paradigm shifts in governance and development.

It is heartening that common people, especially the youth, are taking active interest in the issues of governance and development. This is good for our democracy. The *Citizens' Report on Governance and Development* – unique to the Indian political landscape – has

developed into a fine tool for individual citizens to make the governing institutions more accountable. The wealth of information and the thorough analysis in the Report provides useful insights for citizens to raise the right kind of questions and seek correct answers and solution from the authorities.

With coverage of four apex institutions of governance, viz. the legislature, the executive, the judiciary and the local governing bodies, the Report touches every aspect of governance and development in the country. Every year, the Report brings out the issues and challenges in governance and development for wider discussion and corrective action. A few glimpses of this Report are:

- The parliament in India has emerged as an institution that fosters political competition that has over the years paved the way for the marginalized to obtain a share in political power. Yet, its efficiency, effectiveness and relevance has been compromised to an extent due to the developing parliamentary culture of disruption, which is considered the only effective method of drawing attention of the government by the opposition parties. Increasing resort to 'street politics' within the two Houses has compromised its efficiency as crucial Bills remain pending for years or passed without sufficient delibera-

tions. This work culture has only a negative impact on institutional effectiveness and its relevance as an institution of change that keeps the government on its toes. Obviously, this also indicates a weak parliamentary organization, wherein leadership employs negative tactics.

- Our MPs may not truly represent our people at least on three criteria – asset class, gender and criminal records. The number of millionaires (*crorepatis*) in Indian legislatures has been increasing at fast pace. In the 15th Lok Sabha about 58 percent members are *crorepatis*, but over three-fourths of our population is poor and vulnerable. Do the *crorepatis* have intention and capacity to represent their constituency; assuming that only a poor can understand a poor's plight and requirement? On the same logic, women's aspirations and needs are also not adequately reflected in our legislatures. The average women representation in the Lok Sabha from 1952 to till date is 6 percent. The same in the Rajya Sabha is 9 percent.
- The Executive is under-performing in terms of making appropriate policies, mobilizing adequate resources and effectively utilizing the resources. Popular perception is that 'we have good policies, but badly implemented'. Often, the focus is on implementation only. But, we should remember that easy implementability should be one of the characteristics of any 'good policy'. The long term analysis of the agriculture and employment sector highlights the problem of inappropriate policies.
- The Employment section suggested that in an over-populated country of ours, employment generation was not perceived to be a major issue in 1950s. And since then employment generation in the process of development/industrialization was never given enough attention. As a result, only 16.6 percent of work-force has regular employment. Others have to contend with self-employment (50.6 percent) and casual employment (33 percent) without any job or social security. A fifth of workers, who have full time employment, are not able to cross the poverty line.
- The slew of decisions of the Supreme Court in the second half of 2013 on various aspects, such as None Of The Above (NOTA) option in the ballot paper/electronic voting machine (EVM), immediate disqualification of convicted elected representative, barring the imprisoned persons from contesting in the election and the Chief Information Commission's (CIC) ruling that 'political parties come within the ambit of 'public authorities' that are required to provide information' under the Right to Information Act, 2005. These rulings are seen by many as ushering in a new wave of electoral reforms. However, the hope is tempered by the kind of political response to these judgments. Where the judgments directly hit the politicians, they responded judicially and legislatively and swiftly.
- The Supreme Court (SC) is increasingly acquiring the character of a general court of appeal by routinely entertaining special leave petitions (SLPs) which do not involve important constitutional and substantive legal issues. As on date more than 50% of pending cases in SC are SLPs.
- Apart from defaulting in redesigning the Centrally Sponsored Schemes (CSSs), the Government of India (GoI)

also failed to transfer necessary funds to Local Governing Bodies (LGBs) through Finance Commissions. Further, the GoI rejected the important recommendations of the Second Administrative Reforms Commission (SARC), which are meant for strengthening the LGBs and tilting the power balance from the bureaucracy to the ERs.

- Due to liberal reservations, women from different sections and backgrounds are realizing their potentials and contributing immensely for the benefit of their villages, institutions and communities. The better performance of women elected representatives (WERS) is a compelling reason for passing the women reservation bill, which is pending for about two decades in the Parliament. The positive correlation between the good performances of ERs with their education levels could be a useful insight for much needed political reforms in the country.

With the wealth of information and thorough analysis this Report, hopefully, will contribute for initiating the wide range of reforms in all our governing institutions, including the political parties, which are overdue.

It is our pleasure to share that last year the scope and frequency of NSW bulletin was

increased. Through the bulletin we are not only reaching out to our network members and other stakeholders more frequently with latest news and analysis related to issues of governance and development, but also able to generate an inventory of issues, which can be covered in the Citizen's Report and other research and advocacy works.

It is heartening to see a spurt in state social watch coalition activities. During last one and a half years, five states have released their respective social watch reports and another five reports are under preparation. Out of these five, at least three may be released within a couple of months.

We would like to express our indebtedness to numerous contributors of the Report representing varied viewpoints and constituencies, which not only broadened the base of the process, but also made this Report wholesome and rich in terms of its content and coverage. The names of these contributors are mentioned on the first page of this Report. We express our thanks and gratitude to the Advisory Members of National Social Watch who have constantly provided their guidance and support to steer the process forward and provide their valuable feedback. Above all, the Social Watch Coalition partners deserve our deep appreciation for their support and encouragement without which this process would not have been successful.

New Delhi  
December 2013

**Amitabh Behar**  
National Social Watch



# OVERVIEW

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## Introduction

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It is heartening that common people, especially the youth, are taking active interest in the issues of governance and development. Increase in voting percentages in recent elections and spontaneous participation of large number of people in various protests, large number of proactive postings on a range of issues in social media, large number of public interest litigations (PILs), etc. are indicators for growing common people's interest in issues of governance and development. This is good for our democracy. The *Citizens' Report on Governance and Development* has developed into a fine tool for individual citizen to make the governing institutions more accountable. The wealth of information and thorough analysis in the Report provide useful insights to citizens to raise the right kind of questions and seek correct answers and solutions from the authorities.

With coverage of four apex institutions of governance, viz. the legislature, the executive, the judiciary and the local governing bodies, the Report touches every aspect of governance and development in the country. Every year, the Report brings out the issues and challenges in governance and development for wider discussion and corrective action.

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## Indian Parliament and Cost to the Country

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The chapter briefly describes the framework and criteria to judge parliamentary perform-

ance. The six performance indicators – finance, compliance, efficiency, effectiveness, relevance and sustainability – emerged from a churning process internationally for deepening democracy by making representative institutions efficacious. A self-assessment tool developed by the Inter-Parliamentary Union for parliamentarians also mentions a similar set of parameters. The chapter further pointed out that in India, we also need to consider the additional criteria, such as Governance Context, Parliamentary Culture, Parliamentary Organization, and Parliamentary Performance, to assess the performance of the Parliament.

## DEVELOPMENT IN AND AROUND THE PARLIAMENT DURING 2010–2012

India's parliamentary culture has been under scrutiny ever since the first Parliament was constituted in April–May 1952. A major debate on Indian Parliament, for over a decade, has been loss of working hours due to pandemonium in the two Houses. The opposition within the two Houses found no other way to express against the impropriety that was eating into the vital and scarce resources of the nation, but by committing another impropriety of stalling the functioning of the cornerstone of India's representative democracy. Over the years, the floors of legislatures in states as well as in New Delhi (i.e. Parliament) are being turned into arenas of political tussle where opposition parties try

winning some political brownie points from the ruling party/coalition and the government. They do not criticize and/or debate as much on policy measures being introduced for legislation by suggesting alternatives, as they stall the introduction and passing of bills. They also stall the proceedings protesting over government's inaction or insensitivity to certain events, issues relating to corruption or any other administrative and policy impropriety. There are instances of disruptions over violation of rights of the marginalized sections of society or over gendered violence. However, in the process they stall the functioning of the legislatures and the parliament. There is no indication of gains they perceive or actually get in the process. Strangely, the government and the ruling parties, both at the Centre and in states, do not seem to mind this and do not appear to be unduly perturbed over disruptions; perhaps this helps them. *There is total transformation of parliamentary culture in the country where debates are rare, if ever, informed debates are even rarer and the government and the opposition meet as warring adversaries rather than political outfits at the two ends of an accountability continuum working for the nation and its people.*

### **COST TO THE COUNTRY (CTC)**

Considering the cost to the country, the Report reviews briefly the issues and trends about the payments and perks to legislators in India and also other countries. A three-fold rise in the basic salary, on 20 August 2010, was protested against by many MPs, who described this 'low' hike as an insult to the country's legislators. Citing a study in select nine countries, it points out that in terms of absolute amount the value of Indian MPs' pay and perks is higher than their counterparts in Singapore, Japan, and Italy. It is four and a half times higher than that of Pakistan; and is about 68 times higher than

the per capita income of the country. The same is 35 in USA.

### **HOW PRODUCTIVE OUR PARLIAMENTARIANS ARE?**

Another question pertinent to Citizens' Report in Social Watch on Indian Parliament is the productivity of the Parliament and parliamentarians. The nine sessions of Parliament during 2010–12 saw the Lok Sabha working for an average of less than four hours of work per day during its 227 sittings in 852 hours, i.e. less than two-thirds of scheduled six hours per day, losing in the process about 577 hours in disruptions and forced adjournments. An additional 170 hours of sitting to make up for the lost time and complete some of the listed or urgent business. The 10th session was maximized with an average over five hours per sitting, the sixth session clocked just 7.35 hours of functioning in 23 sittings! These nine sessions witnessed 4,224 starred questions and 48,420 unstarred questions being admitted and answered. While during the proceedings 139 government Bills were introduced and 119 were passed, 514 reports of the Parliamentary Committees, including Department Related Standing Committees (DRSCs), were presented. The Rajya Sabha worked for 744 hours in 228 sittings. It functioned for three hours per day in each sitting instead of scheduled five hours, causing loss of about 442 hours in interruptions and forced adjournments. About 138 additional hours of sittings to make up the discrepancy. In all its sessions, 4,164 starred questions (nearly 10 percent orally answered by the concerned ministers) and 32,742 unstarred questions were admitted. In these sessions 39 new Bills were introduced; the House passed or returned 114 bills. In each session, 1,500 papers and over 110 reports/statements of the Parliamentary Committees were laid on the table.

Progressively in three years under review, pending Bills have been piling up in both the Houses – the number having more than doubled. Each session begins with a substantive backlog; in most cases there are more Bills from the backlog than the new ones introduced. There are even fewer Bills passed. In fact, the government could not even introduce several bills it planned. Out of the Bills pending (51) in the 15th Lok Sabha, 25 are for less than a year and 19 for between one and two years. It may be noted that all pending bills at the dissolution of the Lok Sabha would lapse. The Rajya Sabha being a permanent body, a Bill introduced in it remains pending unless it is passed/returned, withdrawn or negatived. It means that the House has longer pendency of Bills. In May 2012, it had 37 pending Bills, 11 for between two and five years and 13 for more than five years. Out of those 13 Bills, five were pending for more than ten years and another two for more than twenty years! It is significant to note and deserves scrutiny as to why some Bills are demised and whether by circumstances or by design. It would also be a matter of a micro study whether some of the demised Bills are reincarnated; if yes, in what form.

Equally worrying is the process of passing of Bills and approving budgets in the parliament. Out of 34 Bills passed during 2011, five were passed in less than five minutes and another six within 30 minutes. The Parliament is apparently also non-serious in passing the budget. It usually does not have time to discuss the budgetary proposals of each Ministry (Demands for Grants). The demands of only a few ministries are discussed at length. The rest are 'guillotined', i.e., put to vote together without any discussion. In the budget session of 2012, about 92 percent of the total were guillotined. The budgetary allocations made in this manner amount to a total of ₹11.8 trillion. In 2011, 81 percent of the total demands had been guillotined and in the year 2010, 84 percent of the total demands had been guillotined.

## PARLIAMENTARY COMMITTEES

Both the Houses, individually as well as jointly, work in smaller groups in committees. This enables small groups of members to intensively view and look at certain issues and make relevant recommendations to the appropriate House for legislation as well. At any given time, each House has about 50 committees. These committees can be broadly categorized into four groups: Finance Committees; Department Related Standing Committees (DRSCs); Internal Committees; and Special or Ad hoc Committees, including Forums. There are three Finance Committees: Estimates Committee, Public Undertakings and Public Accounts Committee. There are 24 DRSCs, which review policies, plans, budgets and programmes and their implementation by the concerned ministries and departments. Of the 24 DRSCs, 16 are anchored by Lok Sabha and eight by Rajya Sabha. During 2010–11, seven committees did not meet at all and some committees had rather brief meetings and four did not meet during the first half of 2011–12. The average meeting time was around 75 to 80 minutes; it was 2.30 hours for Petroleum and Natural Gas to 50 minutes for Public Accounts and Social Justice and Empowerment. Average attendance by members in committee meetings was – lowest 40 percent for a significant committee, such as Estimates and highest 69 percent for Labour. Membership in so many committees affects the participation and involvement of MPs in discussions, analysis, articulation and writing. Fewer members usually take active part and do the actual work of scrutiny, analysis and recommendations and reporting. Recent experiences suggest that parliamentary committees have become battle-ground for partisan politics in the wake of various scandals exposed lately and the ruling party's effort to use its members in the committees to bail it out of the crisis. Given the significance of these committees in being micro bodies of the Parliament, providing

significant inputs both for its functioning and keeping the government accountable to the legislature as well as the people, they must rise above party lines and function in more bipartisan fashion.

### REPRESENTATIONAL CONTEXT

The section points out that our MPs may not truly represent our people at least on three criteria – asset class, gender and criminalization. The number of millionaires (*crorepatis*) in Indian legislatures has been increasing at fast pace. In the 15th Lok Sabha about 58 percent members are *crorepatis*, but over three-fourths of our population is poor and vulnerable. Do the *crorepatis* have intention and capacity to represent their constituency; assuming that only a poor can understand a poor's plight and requirement? On the same logic, women's aspirations and needs are also not adequately reflected in our legislatures. Women representation in our legislatures remained low. Women representation in Lok Sabha remained to single digit percent from the first Lok Sabha to 14th Lok Sabha, which reached 11 percent in the 15th Lok Sabha. The average women representation in the Lok Sabha from 1952 to till date is 6 percent. The same in the Rajya Sabha is 9 percent. The number of legislators with criminal background is increasing over the years. It crossed the quarter mark in the 15th Lok Sabha. Even 17 percent of women members in the 15th Lok Sabha have criminal track record. Almost all political parties have more or less the same track record with respect to *crorepatis* members, criminalization and women's representation.

### CONFLICT OF INTEREST

The major structural challenge of a democracy is to obviate the possibility of 'conflict of interest' that elected representatives may confront in their public capacity with interests of

personal nature. Democracies across the world have been tackling this issue with laws and institutional checks.

### The Executive: Inappropriate Policies, Inadequate Resources and Ineffective Implementation

The Executive chapter over the years has been discussing the design, implementation and impact of various government policies, programmes and projects from the rights perspective from the lens of the marginalized sections. Usually the analysis used to be limited to current or one-two previous years' data/progress. This chapter, apart from continuing with the usual review of the annual progress in certain sectors, first time analyzed the long-term trends and larger challenges in depth in two crucial sectors, viz. Employment and Agriculture. Other subjects/sectors covered in this chapter are the Union Budget, Right to Education (RTE), Food Security and the Public Private Partnership (PPP).

### BUDGETS OF UPA-II

The UPA-II government continued to reduce the scope of the Union Budget (as measured by total expenditure from the budget) as compared to the size of the country's economy (as measured by the GDP). Total Expenditure from Union Budget would shrink from 14.9 percent of GDP in 2012–13 (Budget Estimates/BE) to 14.6 percent of GDP in 2013–14 (BE), and the brunt of this conservative fiscal policy is likely to be borne mainly by the poor.

### Stagnation in Social Sector Spending

Despite promise of the path-breaking food security bill, which is expected into operation during 2013–14, Union Budget outlay for Food Subsidy has been raised only marginally – from ₹86,707.5 crore in 2012–13 (RE) to

₹91,591.4 crore in 2013–14 (BE). Allocation for Sarva Shiksha Abhiyan (SSA) has gone up by just ₹3,613 crore, from ₹23,645 crore in 2012–13 (RE) to ₹27,258 crore in 2013–14 (BE). The allocation on health is 2.25 percent of the total Union Budget in 2013–14 (BE). Union Budget allocation for the Ministry of Women and Child Development shows a small increase from ₹18,584 crore in 2012–13 (BE) to ₹20,440 crore in 2013–14 (BE). Setting up of the 'Nirbhaya' fund with an allocation of Rs 1,000 crore in 2013–14 to empower women and ensure their security is a new initiative in the Union Budget 2013–14.

Total Union Budget outlay for social sectors had gone up from 1.2 percent of GDP in 2004–05 to 2 percent of GDP in 2008–09. However, this figure has been stagnant at around 2 percent of GDP in the subsequent three Union Budgets and registers a decline to 1.8 percent of GDP in 2011–12 (BE). The country's total budgetary spending on these sectors would continue to be less than 7 percent of GDP even in 2013–14, whereas the average figure for social sector spending by the governments in the OECD countries is as high as 14 percent of GDP.

### Shrinking Fiscal Policy Space

The magnitude of the Union Budget is projected to increase marginally from 14.3 percent of GDP in 2012–13 (RE) to 14.6 percent of GDP in 2013–14 (BE). The overall size of the Union Budget had been around 15.7 percent to 15.4 percent of the GDP during 2008–09 to 2010–11, i.e. the years of global economic recession in which the Union government had recognized and tried to address the need for stepping up public spending in the country. In the last two budgets, the overall size of the Union Budget has shrunk as compared to the size of India's economy, in particular during 2012–13 (RE). The government seems to have been more than willing to follow the Fiscal Responsibility and Budget

Management (FRBM) Act dictated path of fiscal consolidation.

### Limited Tax Revenues Mobilization

The fiscal policy space for the government in a country like India depends significantly on the overall magnitude of its tax revenue. The tax-GDP ratio for a country measures the total tax revenue collected as a proportion of the size of the country's economy. India's low level of tax-GDP ratio has been a cause for concern since long. Prior to the economic recession, the Gross Tax Revenue of the Centre had reached up to 12 percent of GDP in 2007–08; it fell to 10.9 percent of GDP in 2008–09 and further to 9.5 percent of GDP in 2009–10 under the impact of the economic recession. However, even after the tax concessions were withdrawn, Centre's Gross Tax Revenue has shown a very slow revival to 10.4 percent of GDP in 2012–13 (RE) and up to 10.9 percent of GDP in 2013–14 (BE). The magnitude of total tax revenue in India (as compared to the size of the country's economy) continues to be far below the levels of tax revenue collected in several other countries.

### AGRICULTURE

With one farmer committing suicide in every half an hour, agriculture became a way of *crisis* to majority of people in the country. It is the worst-ever recorded wave of suicides of this kind in human history. It is a national epidemic. India, perhaps, is a unique country in the world with mass scale starvation coexisting with huge stocks of food grains getting rotten in the government's storehouses. Agriculture remained the backbone of Indian economy, with more than half of the population directly dependent on agriculture for their sustenance. The prices and availability of agriculture commodities influence the food security and the well being of at least three-fourths of 120 crore population. The supply of

agriculture produces, the demand by the farming community and the supply of skilled manpower from farming families determine the pace of the growth in the industrial and service sectors.

### Depressing scenario

Nature has blessed the country with rich and diverse natural resources. The saying that 'India is a rich country inhabited by the poor people' is truer in the context of Indian agriculture than any other sectors. Indian crop yields are quite low compared to the best yields obtained by other countries. Even lower than the world average yields in almost all crops. The Indian average yields are also low compared to the potential and field level realized yield levels. That is, the gap between the potential and real yields (vertical gap) is quite significant. For example, in case of wheat, the yield levels under research conditions is 4.20 tons per ha, yields demonstrated on farmers' fields are 3.32 tons per ha and actual average yields are 2.79 tons per ha. In other crops the vertical gap is even more. Similarly, there are wide variations in inter-state/inter-district productivity (horizontal/spatial gap). In case of wheat, the inter-State variation in productivity is more conspicuous ranging from as low as 1,406 kg/ha in Maharashtra to as high as 4,265 kg/ha in Punjab. Similarly, in rice, the inter-State variation ranges from 1,233 kg/ha in Bihar to 3,876 kg/ha in Punjab. Similarly, inter-District variations in productivity are also prominent within States.

Apart from low yield levels, other critical problems of Indian agriculture are degradation of natural resources, shift in cropping pattern from less resource intensive crops to high resource intensive crops, steep decline in the share of agriculture in GDP without corresponding decline in its share in total employment, making the farmers and others involved in agriculture relatively poorer year after year,

disinclination of about 40 percent of the farmers towards agriculture and climate change.

### A government made disaster

The macro policies followed for quite some time and the attitude of the Government of India have been perpetuating the crisis. The country has been experiencing a peculiar situation of mass scale starvation co-existing with huge stocks of food grains getting rotten in the government's storehouses. It is the direct result of *Indian model of 'inclusive growth'*. Further, as the food grains (wheat and rice) were supplied at heavily subsidized price, local food grain (mostly coarse grains) systems declined. Various subsidies provided by the Government of India and state governments are accruing disproportionately to well off states, regions and farmers; and causing degradation of natural resources and pushing up the cost of cultivation.

### Way forward

The Agriculture needs paradigm shifts on several fronts. The first and foremost shift is the employment transformation. Other shifts include (1) from high external non-sustainable/inorganic inputs to high internal sustainable/organic inputs; (2) from industrial cultivation to biodiversity cropping; (3) from high-tech orientation to appropriate technologies; (4) from centralized systems to decentralized processes; and (5) from patron-client relation to participatory decision making.

### EMPLOYMENT IN INDIA

This section presents the employment scenario in different dimensions, such as sectoral distribution and change, employment growth – overall and sectoral in rural and urban areas, employment structure and growth by status categories, namely, self-employed, regular and casual, by organized and unorganized

sector. It also deals with issues of quality of employment, underemployment, unemployment and working poverty. Data from NSSO quinquennial (five yearly) surveys since 1972–73, when comprehensive information on employment and unemployment started becoming available, was used in this section. NSSO measures the Employment and Unemployment indicators in three different approaches, viz. *usual status* (US) with a reference period of one year, *current weekly status* (CWS) with one week reference period and *current daily status* (CDS) based on the daily activity pursued during each day of the reference week. The labour force indicators measured in US and CWS are in number of persons and in CDS in person-days.

### Employment structure and trends

For the year 2012–13, when the 12th Five Year Plan started, labour force in the country was estimated to be 482 million on the CWS criterion. Out of these, about 51 percent were employed in the Primary sector, about 22 percent were in Secondary sector and about 27 percent were in the Tertiary sector. While share of agriculture in GDP declined from 41 percent in 1972–73 to 15 percent in 2009–10, the decline in employment was much slower from 74 percent in 1972–73 to 51 percent 2009–10. As agriculture accounts for an overwhelmingly major share in rural economy and growth in employment in agriculture has been small, overall employment growth turns out to be low in rural areas. It has declined in absolute terms during 2004–05/2009–10 at a rate of 1.65 percent per annum. Urban employment growth rate has been higher during the period under review. The concept of employment is commonly understood to mean a job with a wage or salary. In India, major part of employment, however, consists of self-employment. Even though the share of this category in total employment has been declining, it still accounts for a

majority of workers. Their share has declined continuously from 61.4 percent in 1972–73 to 50.6 percent in 2009–10.

### Quality of employment

In terms of quality of employment, work for regular wage or salary is found to have the best score. It generally provides regularity and stability of employment, relatively better earnings and job and social security. Casual labour category is the worst in these terms. Self-employment is a mixed bag: includes work in own large farms and enterprises with high income, as well as own account work in tiny farms and enterprises often resulting in earnings even lower than the poverty line income. In 2004–05, 32 percent of those working as casual labour were earning less than a poverty line income; the corresponding figure for the self-employed was 17.5 percent and for regular employees 11 percent. Organized or formal sector is defined to consist of the entire public sector and the private sector enterprises employing 10 or more workers. It accounted for only about 14 percent of total employment in 1999–2000 as also in 2004–05. The proportion is found to have increased to 16 percent in 2009–10. Still that leaves 84 percent of workers in the ‘unorganized’ or ‘informal’ sector, with no job security or social security. Even in the formal sector, over half the workers are in ‘informal’ category, with no secured tenure of employment. What is further distressing to note is that their proportion has been rising from 42 percent of those employed in the formal sector in 1999–2000 to 47 percent in 2004–05 and further 51 percent in 2009–10.

### Unemployment

Based on latest unemployment rates (2009–10), the unemployed persons would be 17.4 million in 2012–13. But, it is not the correct picture about the number of persons who need

new or alternative employment at any point of time. There are persons recorded as employed but are 'severely' underemployed, having work only for a minor part of the time. And then there are 'working poor' who are employed, but are able to earn only a fraction of what is regarded as minimum necessary to overcome poverty. This category forms a large proportion of 'employed' workers: was estimated to be about 20 percent in 1999–2000 and 21 percent in 2004–05 and in fact, constitutes the core part of the employment problem in India. A rough estimate puts the number of persons needing new employment at the beginning of the 12th Plan at 51.35 million. Further, 43 million additional people are expected to join the labour force during the plan period. Thus the 12th Plan has to generate additional employment of 94 million during the plan period, if all those in need of employment are to be provided full time and adequately remunerative work.

### Way forward

While the overall quality of employment in terms of regularity, earnings, productivity and social protection is poor, it nevertheless varies among sectors, industries and types of employment. The structural aspects of employment quality are *dominance of agriculture* in employment, the *predominance of the informal employment* and the *dominance of the self-employed and casual labour categories*. Apart from promoting labour intensive sectors and economic activities, India needs to focus on increasing the labour productivity in the sectors and economic activities, in which bulk of labour force is employed.

### RIGHT TO EDUCATION

This section has two sub-sections. The first offers an overview of the status of the education system in the country during the preceding years focusing on the prevailing reality on

the ground. The framework adopted for the same is the 4A framework, i.e. Availability, Accessibility, Acceptability and Adaptability. The second section looks at some of the policy and programmatic issues and looks at the way forward.

#### Availability

Availability covers three sub-indicators, viz. number of schools or coverage of schools, infrastructure and trained teachers in the schools and cost of the school education. In 2011, four percent habitations lacked primary schools within the walking distance. This small percentage amounts to a large figure in actual terms. The problem is more acute in hilly and remote areas. The problem is even more serious in the case of upper primary schools. An alarming trend has been that of closure of government schools under the guise of rationalization in several States.

As in 2010–11, one in 10 schools lacked drinking water facilities, two in five lacked a functional common toilet, half lacked even a ramp for disabled access, two in five lacked a separate toilet for girls, three schools in five were not electrified and only one school in five had a computer. About 40 percent primary schools have a student classroom ratio higher than 1:30. These government figures do not reflect the quality and usability of these facilities, only their physical availability – therefore, the actual situation on the ground may actually be worse. A third of the schools lacked a playground. One in four schools lacked a library; further, only two in five schools had the library books accessible to children. However, 21 percent teachers in all schools at present are not professionally trained.

#### Accessibility

It consists of two sub-indicators: (1) non-discriminatory accessibility to all and (2) Positive

affirmation actions to include the most marginalized. government figures state that in 2010, only 2.7 million children remained out of school. However, this figure does not reflect the actual children's participation in school. While nominal enrollment is high, gross instances of absenteeism are allowed to persist in the absence of systematic process of tracking attendance. The education system in India suffers from the same structural inequalities that plague society overall. Discrimination against Dalit, Adivasi and Muslim learners is manifest in classrooms. The Right to Education (RTE) Act has mandated that all private schools have to attain the minimum standard of quality within a three-year period and obtain recognition in a time bound manner. This has not happened in a lot of States. Another critical provision is that of reservation for children from marginalized communities in private schools. This has been vociferously opposed by the private school managements.

### Acceptability

Acceptability implies that the content of education is relevant, non-discriminatory and culturally appropriate and of quality; that school itself is safe and teachers are professional. The Educational System continues to be *multi-tracked* with different quality of education offered to children, based on their socio-economic status and place of residence. While the standard of provision is comparable to the best in the world for the rich, even the basic standards of quality fail to be met for the poor. The curriculum of the country is expected to happen in accordance with the National Curriculum Framework (NCF) 2005. However, according to the 13th Joint Review Mission, only 14 States have revised their curriculum in line with the national framework. The extent to which the conformity has been brought about on the ground in the States which claim to be compliant with the NCF is questionable.

### Adaptability

Adaptability implies that education can evolve to meet the changing needs of society, adapted locally to suit specific contexts and address the critical social challenges, such as gender discrimination. The lack of basic literacy and numeracy skills of the children in our schools has been a serious issue of concern. The lack of foundational skills translates into a weak base from which efforts are made to ensure secondary, higher secondary and eventually higher education.

### Accountability

The RTE Act and also previously passed legislations has spoken about the role of the parents, community, local self governance system and broader civil society in holding the state to account for delivery. However, there is considerable evidence to suggest that the formation has not always conformed to the framework laid down under the RTE Act. The existence and role of the other structures, especially the Panchayati Raj and urban governance structures and civil society has been neglected.

### Changes in Policy and budgetary allocations

A critical policy development in recent years is the emphasis on greater role for the private sector in the education system, including in the realm of school education. Overall, continued failure on the part of the State to resolve core issues pertaining to quality has resulted in enhanced privatization of education. The RTE is a historic breakthrough initiative, which needs a clear breakthrough in the budgetary allocations. However, no such breakthrough can be seen in the overall budgetary allocation. Further the states, which have a major role in school education, are experiencing a significant deceleration in their education expenditure in recent years.

## FOOD SECURITY

Indian population has experienced a decline in calorie and protein intake during 1993–04 to 2004–05 and the Government of India had defended the decline as normal. Another indicator of under-nutrition, known as wasting (weight for height) – considered to be sensitive and responsive to the distress conditions – has shown deteriorating performance. On 15th August 2001, the National Nutrition Mission was set up for effective coordination of nutrition programmes implemented by the different ministries. By this time, the government has introduced targeted public distribution (and reduced the coverage of public distribution system) and was executing

- (a) Wage employment schemes,
- (b) Mid-day Meal Scheme (MDMS),
- (c) Integrated Child Development Services (ICDS),
- (d) National Maternity Benefit Scheme for BPL pregnant women (NMBS/ latter revamped as Jannani Suraksha Yojana [JSY]),
- (e) National Old Age Pension Scheme for destitute persons of over 65 years (NOAPS),
- (f) Annapurna Scheme for old and destitute people, and
- (g) National Family Benefit Scheme (NFBS).

The government attempted to cover the nutritionally vulnerable populations through a life cycle approach. While the infant is in mother's womb, she is entitled to get supplementary nutrition and other nutrition and health services from the ICDS centre and maternity benefit from the nearest Primary Health Centre/ Panchayat. After the child is born, the mother continues to be entitled for Supplementary Nutrition Programme (SNP) as well as other nutrition and health services. At the age of three, the child can directly get these benefits from

ICDS. Such entitlement continues when the child enrolls in primary school, in form of nutritious hot meal under MDMS. The girl as an adolescent could continue accessing services at the ICDS centre. In adulthood, wage employment through National Rural Employment Guarantee Act, enables them to address food distress due to unemployment. The Public Distribution System is again available for purchase of rice/wheat at a stable subsidized price and as safeguard against price volatility and seasonal fluctuation. In old age or when disability or destitution strikes, the person is supported either with monthly cash support or free food grains.

In the Monsoon Session 2013, the Parliament passed the Food Security Bill 2013. Many Civil Society activists were critical of the Bill, because the Bill reduced food security to just distribution of cereals and cooked meals and is completely silent on pulses, millets and oil. They were also critical of the target approach. The activists have also objected to provisions for 'introducing scheme of cash transfers in lieu of entitlements', and 'leveraging Aadhaar (UID) for unique identification' for reaching out to the targeted beneficiaries under the proposed Bill.

*A major limitation of the government policy is that it is excessively scheme based and seeks to understand food crisis in terms of failure of food and nutrition scheme, rather than locating the roots of food crisis in agrarian distress. Many civil society groups have been engaging in food and nutritional services as a short term measure, with larger picture in mind. Though differing in their overall approach to the problem and long-term solutions, they are in agreement that the current piece-meal approach is highly inadequate and there is a need to focus on the deeper agrarian distress in order to address food insecurity.*

## PUBLIC PRIVATE PARTNERSHIP (PPP)

In recent times, PPP has emerged as an important approach to development and

become the buzzword in policy circles. Presented as a one-stop solution to all governmental woes in the delivery of public services, PPP has grown rapidly in India. While most PPPs have been in the Infrastructure (hard) sector, such as building roads, ports, airports, their numbers have been on the rise in the social (soft) sector – a trend projected to grow aggressively in coming years. The entry of PPPs in India seems to be characterized by ‘stealth’ at two levels. For one, their entry has been accompanied by negligible discussion in the Parliament. At the second level, there is much ambiguity in defining what constitutes PPP. In practice a range of services, from outsourcing of maintaining a building or hospital equipment to contracting out construction in an infrastructure, are all referred to as PPPs. There are today 785 PPP projects in India, being implemented at an estimated project cost of ₹ 383,332.06 crore and operationalized via diverse models.

### PPP and public accountability

PPPs are joint collaborations and non-hierarchical arrangements that do not follow the traditional principal-agent relationship between the private company and the public entity, where one delivers and the other receives. An important question then is who monitors these PPPs? How does public accountability function? Of late, there has been pressure from citizens groups and civil society organizations to bring PPP under RTI. Resistance to inclusion of PPP under RTI has come from the private sector and also from within the government, on the grounds that RTI covers only ‘public authority’. The debates have not been too different when it comes to the question of CAG looking into PPP. As of now, the role of the CAG is limited to issuing guidelines to PPP projects. According to the present Comptroller and Auditor General, Vinod Rai, there is a need to bring PPPs, which involve public expenditure, under the CAG mandate. Similar senti-

ments have also been expressed by the Prime Minister publicly and other ministers. However, there is a simultaneous resistance to allowing CAG scrutiny of PPP.

### PPP and equity

PPP changes the dynamics of the relationship between the state and the citizen and makes citizens into consumers. Hence, the perspective that citizen has ‘rights to services’ is being replaced by the perspective that as ‘consumers/customers’, they must purchase public services.

To conclude, two facts are evident. First, PPPs seem to be getting entrenched. Second, their functioning is shrouded with a number of challenges, with concerns about their accountability and equity being the biggest.

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## Judiciary: Performance, Reforms and Accountability

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In a democracy the Judiciary has a critical role in protecting the fundamental rights and entitlements of the citizens and equality of every citizen before the law and ensuring the accountability of the Executive. The range of cases that the Courts have intervened at length and both – the subjects that the Courts have dealt with and the kind of directions they have issued – should suggest that India continues to be a standing witness to ‘judicial co-governance’. Even while the Court has been *activist* there are critical questions emerging as to whether the Supreme Court has been *accessible* enough as it has been in the past. The chapter also discusses the issues and challenges within the judiciary.

### MAPPING JUDICIAL PERFORMANCE THROUGH KEY CASES

The section discussed about 20 landmark judgments grouped into five categories – election reforms, questioning the government

intent/conduct, environment and development issues, Panchayat and emerging legal issues in rural areas and human rights. Some of the cases are discussed below.

### Election reforms

The section on election reforms discussed the slew of decisions of the Supreme Court in the second half of 2013 on various aspects such as inclusion of the None Of The Above (NOTA) option in the ballot paper/electronic voting machine (EVM), immediate disqualification of convicted elected representative, barring the imprisoned persons from contesting in the election and the Chief Information Commission's (CIC) ruling that 'political parties come within the ambit of 'public authorities' that are required to provide information' under the Right to Information Act, 2005. These rulings are seen by many as ushering in a new wave of electoral reforms. However, the hope is tempered by the kind of political response to these judgments. Where the judgments directly hit the politicians, they responded judicially and legislatively.

### Government intent/conduct

This section discusses two cases – retrieval of black money and the Second Generation (2G) Mobile Service Scam Case.

**The Black Money case:** A case that raised considerable controversy and occupied lot of public attention was a public interest petition filed in the SC asking the Union of India to bring back the unaccounted 'black' monies stashed in various banks abroad. The Court unsatisfied with the Government of India's inaction, appointed a high level committee (HLC) to deal with the matter. Another aspect of this case related to the disclosure of various documents (including names) and bank particulars of Indian citizens in various bank accounts in the Principality of Liechtenstein (Liechtenstein), a small landlocked sovereign

nation-state in Europe. The response of the Government of India was that an agreement with Germany for avoidance of double taxation and prevention of fiscal evasion prohibits the Union of India from disclosing such names. The Court after seeing the said agreement ruled that it does not proscribe the disclosure of the relevant documents, etc. and it ordered the conversion of HCL into a Special Investigation Team (SIT) headed by two retired judges of the SC to investigate.

**The Second Generation (2G) Mobile Service Scam Case:** The range of orders passed by the SC in the Second Generation (2G) mobile service licences allocation case almost brought the government to the brink. The Court held that 'the State is the legal owner of the natural resources as a trustee of the people and although it is empowered to distribute the same, the process of distribution must be guided by the constitutional principles including the doctrine of equality and larger public good.' The SC's finding on the role of TRAI and that of the Minister of C&IT was incriminating and it quashed all 122 licences granted to the private companies by the Government of India. Two aspects of the judgment generated a lot of controversy. First, that the Court's disapproval of first-come-first-served policy and auction as the only way ahead is simplistic. However, it deserves to be noted that the Court's rejection of first-come-first-served policy was grounded on what is referred to as 'crony capitalism' that can pervade economic policy. Second, that the Court has treaded into the domain of the Executive by intervening in what is essentially a policy matter. However, the Court while giving its judgment was more than conscious of its role and gave a good justification for why it needs to intervene in such a case.

### Large projects, environment and development issues

This section discusses several cases in which Judiciary prescribed safety and relief meas-

ures in projects, such as Kudankulam Nuclear Power Plant, Hydroelectric Projects in Uttarakhand, Mining project in Odisha, Land Acquisition by the Greater Noida Authority, Cairn-Vedanta deal, etc.

**Kudankulam Nuclear Power Plant (KNPP) case:** The SC held that KNPP has been set up as part of India's National Policy to develop, control and use atomic energy for the welfare of the people of India. That out of the 17 suggested safety measures, 12 have already been implemented and the rest have to be implemented in a phased manner for extra security. However, certain directions were issued like plant should not be made operational unless AERB, NPCIL, Department of Atomic Energy (DAE) accord final clearance for commissioning. All the concerned agencies were directed that they would oversee each and every aspect of the matter, including the safety of the plant, impact on environment, quality of various components and systems before commissioning of the plant.

**Srinagar Hydro Electric Project (SHEP) in Uttarakhand:** The Court held that the concerned 1994 Notification applies only prospectively and added that since the clearance was granted in 1985 and the ongoing project was now nearing completion, no purpose would be achieved by way of a public hearing at this stage. However, it expressed the 'Court's Concern' over mushrooming of hydroelectric projects in the State; and that the cumulative impact of project components like dams, tunnels, blasting, powerhouse, muck disposal, mining, deforestation etc. on eco-system, is yet to be scientifically examined. The Court issued a set of directions to Ministry of Environment and Forests (MoEF) and the State not to grant any further environmental or forest clearance for any hydroelectric power project until further orders and conducting a detailed study as to any such existing and under construction projects have contributed to the environmental degradation.

**Environmental Civil Liability:** In another case involving substantial environmental legal questions, the SC was required to adjudicate upon whether the High Court (HC) was right in directing closure of large Copper Plant on the ground that the plant was located within 25 kms of four of twenty one islands in Gulf of Munnar. The HC had directed closure of plant because the company had violated the condition of Consent Order issued by Tamil Nadu Pollution Control Board (TNPCB) under the Water Act, 1974. The SC set aside the High Court's order, observing that the company had complied with 29 out of the 30 directions and only one more direction under the Air Act was to be complied with. However, the Court imposed a financial liability on the company, the interest amount to be used for improving the environment, including water and soil, of the vicinity of the plant. The judgment can be said to be giving operative effect to 'Polluter Pays Principle' and the 'Principle of ecological restoration' that are key environmental principles. Also in imposing a heavy compensation amount, while taking a view that closure has negative consequences for local livelihoods and national production for copper, this case can serve as a benchmark for strong environmental civil liability in the years ahead.

**Land Acquisition, Resettlement & Rehabilitation Issues:** In another case that captured public imagination almost through the year, both the Allahabad High Court and the SC found that Greater Noida Authority (GNOIDA) abused its power to acquire land for large scale building and construction purposes. The SC found that at the stage of acquisition the GNOIDA did not want to disclose to the State government that the land will be put to use for constructing housing complexes through the builders and thus 'the entire action of acquiring the land was in colourable exercise of powers.' In another case on land acquisition in 2011, the SC had also observed that the Courts must examine these questions

very carefully when little Indians lose their small property in the name of mindless acquisition....the Courts, before sanctioning an acquisition, must in exercise of its power of judicial review, focus its attention on the concept of social and economic justice. While examining these questions of public importance, the Courts, especially the Higher Courts, cannot afford to act as mere umpires 'but an activist catalyst in the constitutional scheme.'

### Panchayats and emerging legal issues in rural areas

**Contrary Legal Signals under 73rd Amendment:** In a case about designating authority to implement the Public Distribution System (PDS), the SC observed '*it is apparent that Article 243G read with Eleventh Schedule is not a source of legislative power, and it is only an enabling provision that empowers a State to endow functions and devolve powers and responsibilities to local bodies....*'. This interpretation by the Court goes against a widely held notion that transfer of power to Panchayats by the state governments has been made mandatory by the 73rd CA. And also goes against what it said in another judgment in 2013, where it upheld the power of a Village Panchayat to file a Petition under Article 226 and/or 227 of Constitution and move the High Court, for setting aside an order passed by an officer of the State government seeking to reverse the action/resolution of the Village Panchayat.

**Khap Panchayats and Honour Killings:** In a criminal case involving altercations between people from higher and lower castes, the SC pointed out that it is high time that discrimination against lower castes and practices spreading the vice of untouchability be routed out of society. The Court said that disturbing news are coming from several parts of the country that young men and women who undergo inter-caste marriage,

are threatened or violence is actually committed on them, which is wholly illegal and those committing them must be severely punished. And it directed that apart from instituting criminal proceedings against those responsible for such atrocities, the State government shall immediately suspend the District Magistrate/Collector and SSP/SPs as well as other officials concerned and charge sheet them and proceed against them departmentally if they do not (1) prevent the incident despite having knowledge of it in advance, or (2) if it has occurred, they do not promptly apprehend the culprits and institute criminal proceedings against them, 'as in our opinion they will be deemed to be directly or indirectly accountable in this connection.'

### Protection of human rights

National Campaign for Dignity and Rights of Sewerage and Allied Workers, filed a petition in 2007 in the Delhi High Court to highlight the plight of sewage workers. The Division Bench of the High Court passed a detailed order providing for (a) free medical examination and treatment till cured; (b) not to terminate the services during illness and to pay wages for the duration; (c) Compensation for occupational disease, ailment or accident in accordance with the provisions of the Workmen's Compensation Act, 1923; (d) ex-gratia solatium of Rupees One lakh on the death of any worker; also to pay/ensure payment of all statutory dues such as Provident Fund, Gratuity and Bonus to all the sewer workers, including contract workers (e) 'Respondents' to provide modern protective equipments to all the sewer workers in consultation with the Petitioner organization. Responding to government agencies' objection before the SC on the maintainability of the case, the Court in an elaborate statement *inter alia* said that it was most unfortunate that whenever one of the three constituents of the State i.e., judiciary, has issued directions

for ensuring the right to equality, life and liberty for those who suffer from the handicaps of poverty, illiteracy and ignorance and directions are given for implementation of the laws enacted for the benefit of the have-nots, a theoretical debate is started by raising the bogey of judicial activism or judicial overreach and the orders issued for benefit of the weaker sections of the society are invariably subjected to challenge in the higher courts. After this observation the SC categorically said that it does not have 'any slightest hesitation' to reject the argument that by issuing the directions, the High Court has assumed the legislative power of the State. What the High Court has done is nothing except to ensure that those employed/engaged for doing work which is inherently hazardous and dangerous to life are provided with life saving equipments and the employer takes care of their safety and health.

A final judgment worth discussing in this section is a case study on how the Supreme Court dealt over a period of two decades with the problem of continuing Bonded labourers from across the country. The SC came up with some important directions in October 2012. It directed the District Magistrates to effectively implement provisions of Bonded Labour System (Abolition) Act, 1976. Further, the Court directed the NHRC to effectively monitor and implement provisions of 1976 Act and required the States to ensure compliance with orders passed by NHRC as highlighted in revised report.

## **ISSUES AND CHALLENGES BEFORE THE JUDICIARY**

This section describes the issues and challenges in the Judiciary – including the coming of Judicial Appointments Commission, critical pointers on the changing character of the Supreme Court, delays, the pendency, the low conviction rates, access, consistency of judgments, corruption, rigidity, etc. It points out

that the reach of the judiciary remained low due to huge backlog and complicated processes. The huge backlog, in turn, is resulting in prolonged imprisonment of under trials in the overcrowded jails. It also leads to higher cost of litigation.

### **The changing character of the Supreme Court**

This section pointed out that the Supreme Court is increasingly acquiring the character of a general court of appeal by routinely entertaining special leave petitions (SLPs) which do not involve important constitutional and substantive legal issues. The section provided very interesting data and evidence in support of this assertion:

- Up to June 2013, 35,439 SLPs, which do not involve important constitutional and substantive legal issues, are pending in the Court.
- Writ petitions to enforce fundamental rights under Article 32 of the Constitution are less than 1 percent of the annual petitions admitted by the Court. On average only about 1 percent of the court's decisions relate to PIL.
- On an average over the last five years, service matters involving government employees made up about 16 percent of the court's decisions; direct or indirect tax matters made up another 13 percent. Land acquisition matters constituted about 9 percent, while criminal matters, which dominate the workload of lower courts, made up 21 percent of its disposals.
- Today fewer than 2 percent of admission cases involve writ petitions, mostly because judges have discouraged such litigants from approaching the Supreme Court, directing them to the High Courts instead.

### The delays and pendency

The adage that justice delayed is justice denied is conspicuous in Indian judiciary. Crores of cases are pending in the courts – some more than three decades. The number of pending cases has increased from 2.81 crore in 2004 to 3.17 crore in 2011. The proportion of criminal cases is higher in the total pendency; it is almost in 2:1 ratio. This is primarily due to the predominance of criminal cases in the lower courts. In the Supreme Court and High Courts, the proportion of civil cases is quite high; more than three-fourths. It may indicate the common people's disinclination to approach the Judiciary in civil cases. It could be due to inaccessibility of Judiciary/courts both physically and financially. The Government of India had realized the issue and initiated the Gram Nyayalaya scheme in 2008; however, there are no takers for the scheme. It may also reflect the public's indifference towards the courts' adjudications at grassroots level. Four High Courts, viz. Allahabad, Madras, Calcutta and Bombay High Courts together have about 50 percent of total pending cases. Four states viz. Uttar Pradesh, Maharashtra, West Bengal and Gujarat together have about 50 percent of total pending cases. The pendency remains high, if not increasing in recent years, despite increase in number of courts/strengths of judges, increased application/availability of new technologies, increased allocation of funds for the infrastructure development, increased methods/avenues of alternative justice, etc.

In 2009 vision statement, the then Law Minister M. Veerappa Moily proposed several measures to liquidate all the pending cases as on 01 January 2009 by 31 December 2011. According to the vision statement, the government was willing to provide additional funds to recruit temporary judges and augment other personnel so that the courts may function in shifts and dispose off the

pending cases. However, there is no progress on this.

### Vacancies in the courts

The sanctioned strength of judges in the district and subordinate courts has increased from 14,412 in January 2006 to 17,151 in September 2010 and further to 18,123 in September 2011. However, the proportion of vacancies has increased from 19 percent in January 2006 to 21 percent in September 2011. The sanctioned strength of judges in the High Courts has increased from 726 in April 2006 to 895 in February 2011 and remained same in January 2012. But, the proportion of vacancies has sharply increased from 21 percent in April 2006 to 33 percent in February 2011 and declined slightly to 31 percent in January 2012. During the same period the strength of Judges in the Supreme Court has increased from 26 to 31. But the vacancies also doubled from two in 2006 to four in 2012. The vacancy levels are over 50 percent in the Allahabad High Court, exactly 50 percent in Jammu and Srinagar High Court and nearly 50 percent in Jharkhand. Among the district and subordinate courts, the vacancies are as high as 83 percent in Meghalaya, 52 percent in Mizoram, 48 percent in Manipur and 47 percent in Gujarat.

### Under trials and conviction rate

One of the dreadful consequences of pendency is the prolonged imprisonment of under trials. About three-fourths of total prisoners in India are under trials. According to a note circulated by the law ministry in 2010, 'there are over three lakh under trial prisoners in jails across the country. About two lakh of them are imprisoned for several years primarily because of delays in the justice delivery system. *In some cases, prisoners have been behind bars for more than the maximum term of imprisonment for offences*

*they had been charged with*. This is a serious violation of human rights. The Law Minister, Dr. M. Veerappa Moily promised to free 2 lakh prisoners by 31 July 2010. However, no details are available about the implementation of the promise. The prisoners' data of Tihar Jail indicates that there was no impact of the Minister's promise.

Keeping more under trials in jails is even more unjustifiable, in the face of very low conviction rate in our Judiciary. For example in Mumbai, there were 1.41 lakh pending trial cases as on December 2010 and another 20,725 cases were sent-up for trial in 2011. Out of 12,296 cases disposed off in 2011, only 2,082, (i.e. 17 percent) were convicted. The conviction rate is just 10 percent in a serious category of crime related to murder, rape, grievous hurt, kidnapping, abduction, etc. Low and further dipping conviction rates are a serious issue of concern in the country. Yet another appalling consequence of the huge pendency and large number of under trials is the overcrowding in the jails. According to various reports in the media, on average three persons were placed in the space earmarked for two prisoners. In a way this is another form of human rights violation.

## Corruption

Corruption is another malady which can undermine the credibility of the judiciary. It need not be monetary only; could be linked with promotions, post retirement appointments, etc. The major corruption news in recent years are related to two Judges – Justice Paul Daniel Dinakaran Premkumar and Justice Soumitra Sen. Both judges escaped Parliamentary scrutiny, censure and possible impeachment in 2011 by taking one common route: resignation. While the inquiry committee against Justice Dinakaran winded up midway due to his resignation; the report of the inquiry committee against Justice Sen, under the Judges (Inquiry) Act, 1968, had found two

grounds of misconduct by him: misappropriation of large sums of money he had received as a 'Receiver' appointed by the Calcutta High Court and misrepresentation of facts before the Calcutta High Court with regard to the misappropriation – covering a long period from April 30, 1984, to December 2006. The motion against Justice Sen in the Lok Sabha did not survive after his resignation.

One bizarre corruption in the Judiciary, which came into light in recent months, is Mr. Gali Janardhan Reddy's bail scandal. Mr. Reddy, the owner of the Obulapuram Mining Company, allegedly involved in thousands of crores worth illegal mining, was arrested by the Central Bureau of Investigation (CBI). He obtained bail not only for himself but all those officials involved in the scam. A number of people ranging from rowdy sheeters, state ministers, sitting judges, ex-judges, lawyers are involved in his 'bail for sale' scam. 'The 60 Crore Rupees is apparently a package deal by Gali Janardhan Reddy with the CBI special court judge T Pattabhirama Rao to secure bail not just for him, but also all others under arrest in the Obulapuram case. The CBI now claims to have audio recordings and even video footage to prove the involvement of everyone from politicians to judges, lawyers to petty rowdy sheeters in the case'. The judge along with some of his co-conspirers was promptly taken into custody.

## Amazing practices and judgments

There is not much evidence in the public domain about direct corruption in the judiciary. However, certain practices which have potential pointers of corruption, nepotism, collusion are quite common in the Judiciary. These include the practicing of the judges' kith and kin in their courts, contradictory judgments, surprising judgments, etc. *Contradictory judgments are quite common in Indian Judiciary and a big puzzle for common people. Contradictory judgments are not bad per se. In*

*fact they may be considered as the right checks and balances in Judiciary. But they are expected to be an exception rather than the rule. However, there are multiple contradictory and unpredictable judgments in India.* The Report cites some examples of such judgments. Even the people in high offices are dismayed at some judgments. For example, the West Bengal Chief Minister, Ms. Mamata Banerjee said that a section of the judiciary was corrupt, claiming that there were instances where court judgments have been bought for money. The Leader of Opposition in the Rajya Sabha and former Law Minister Arun Jaitly also pointed out that 'the clamour for post-retirement jobs among judges is affecting the impartiality of the Judiciary.' He also pitched for a two-year cooling off period before retired judges are appointed to tribunals and commissions. The former Chief Justice of India Justice J.S. Verma also red-flagged the threat to judicial independence due to judges falling to the lure of post-retirement jobs in the government.

### Undue interference

One of the major factors contributing to the undue delay in judiciary is the interference by the higher courts in the cases which are under trial in the subordinate courts. Such practices delay significantly, if not derail, the proceedings of the lower courts. Normally the rich and powerful seek and obtain the higher courts' interferences. The looser are the poor and vulnerable sections, in particular, and the Judiciary as a whole. In a recent judgment the Supreme Court expressed its disappointment at the higher courts' interferences in functions of trial and family courts.

### Frequent adjournments

This is another reason for delay in the final disposal of a case. Frequent adjournments are often sought for no good reasons in court proceedings. Although the Code of Civil

Procedure, 1908 says that the court may grant more than three adjournments to a party for its evidence, but it has to be only for a 'justifiable cause'. What is justifiable cause then becomes an all important question. The Supreme Court in 2011 clarified the position on this issue in clear terms. The practice is rampant today provoking the SC to say that 'Adjournments have grown like cancer corroding the entire body of justice delivery system.' It may be noted that frequent interferences by the higher courts also lead to many unwarranted adjournments. It also increases significantly the cost of litigation, which deter the poor from approaching the Judiciary for the justice.

### WAY FORWARD

The Supreme Court's recent pronouncement that '*our legal system has made life too easy for the criminals and too difficult for the law abiding citizens*' aptly reflects the current status of the Judiciary in the country. To overcome these challenges the Judiciary needs to set its own house in order. Many of the challenges are within the system and it needs internal reforms. The above analysis is self-explanatory and gives many useful insights for internal reforms.

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### **Local Self Governance: Issues of Democratic Decentralization and Inclusion**

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This section discusses the performance of the state governments in strengthening the local governing bodies (LGBs) and the process of decentralization, the latest major developments with respect to elections to local bodies, devolution of funds, functions and functionaries (3Fs) and status of state finance commissions. It also describes recent efforts of the Government of India/MoPR in strengthening the Panchayati Raj Institutions (PRIs), major accomplishments of the LSGs

in recent years, the issues and challenges in the process of decentralization. The section concludes with a set of recommendations. Finally, it also discusses the issues of urban governance through the case study of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM).

### **PERFORMANCE OF STATE GOVERNMENTS WITH RESPECT TO LOCAL BODIES**

The state governments have a crucial role to play in the process of decentralization, by facilitating regular elections, devolving the authority and transferring the funds.

#### **Elections**

Usually, the state governments have been proactive in establishing new institutions. As suggested by the 73rd and 74th CAs, all state governments set up the State Election Commissions (SECs). However, the status, responsibility and powers assigned to the SECs vary significantly in different states; and therefore, the working relationship of the SEC with its respective state government also remains at variance. In 2013, three states, viz. Karnataka, West Bengal and Andhra Pradesh, conducted elections to the local bodies. In all the three states, the courts had to arbitrate.

#### **Reservation for women and other measures**

As per the Constitution of India provisions, all states have to reserve one-third of the total number of seats and offices of the chairpersons at each level for women. In recent years, many states have provided 50 percent reservations for women in the local bodies. Many states have initiated certain 'progressive' criteria for prospective candidates, such as preventing those from contesting elections who have more than two children (Rajasthan) and do not have individual toilets in their houses

(Maharashtra). Gujarat has gone to the extent of declaring voters as defaulters if they have not voted in the local elections. Madhya Pradesh and Kerala have set provisions for recalling the elected representatives. Gujarat provides financial incentives to those Panchayats that have elected their presidents/Sarpanches unanimously. *However, such 'progressive' but exclusionary criteria are not applicable to the members of State Assemblies and the Parliament.*

#### **Transfer of authority**

In terms of the 73rd Constitution Amendment Act (CAA), the state governments have to transfer the 3Fs with respect to 29 subjects. But, no state has transferred the 3Fs in all the 29 identified subjects. Though, in some cases, transfer of functions has happened, such developments remain on paper and are not realized at the ground. Among the 3Fs, functions are transferred more liberally and functionaries are transferred the least.

#### **State finance commissions**

In accordance with the 73rd and 74th CAAs, all states have to establish the State Finance Commissions (SFCs) every five years in order to strengthen the finances of the LGBs. As the CAAs came into operations 20 years ago, it is expected that each state should have constituted the fourth SFC by this time. However, out of 28 states, only seven have constituted the 4th SFC and 11 states have constituted 3rd finance commission. Jammu and Kashmir and Nagaland constituted their 1st SFCs. Jharkhand is yet to constitute its first SFC. The other issues, where the SFCs are functional, are delays in releasing the funds to LGBs, in finalizing the reports of SFCs, in preparing the action taken reports and delays in implementing the same. As the SFCs retain primary responsibility to distribute the funds among LGBs, their absence directly affects the

financial strength of the local bodies. The Thirteenth Finance Commission (FC-XIII) observed that 'the quality of SFC reports continues to be patchy. Further, the recommendations of the SFCs do not follow a uniform pattern, thus detracting from their usability'. It further observed that 'the experience of SFCs has not been found to be successful for a number of reasons...'

### District/local level planning

District Planning Committees, besides being inadequately equipped with functions and power, suffer from inadequate capabilities and planning skills. Terming decentralized planning as a failure, the Mani Shankar Aiyar Committee observed, '*the key lesson to be learned from the failure of the decentralized planning is that there cannot be universally valid optimal procedure for all the States, given the wide diversity of local capability for planning and economic, social and political conditions*'. The Committee recommended that there must be a menu of planning choices offered to the state governments (GoI 2013).

Another structural weakness of the local/district planning is the lack of integration between rural and urban areas' planning bodies within a particular district. The Second Administrative Reforms Commission (SARC) in its report on the local governance recommended for setting up of District Planning Councils to replace the present district planning committees and the metropolitan planning committees in rural and urban areas respectively. However, the Government of India has rejected this recommendation (GoI Undated).

### PERFORMANCE OF THE MINISTRY OF PANCHAYAT RAJ

In the review of the performance of the MoPR, the section discussed the issues of redesigning of the centrally sponsored schemes

(CSSs), transfer of funds to LGBs, persuasion of the state governments and the capacity building of LGBs.

### Interface with the Central Ministries/Departments

The popular perception is that the 'decentralization' and 'LGBs' are state subjects and the state governments are responsible for the current state of affairs of the LGBs. However, the Mani Shankar Aiyar Committee pointed out that it is the Central government that failed to ensure the centrality of PRIs in the CSSs, despite providing the bulk of the funding of over ₹2,50,000 crore per year. Over the years, the MoPR pursued various central ministries/departments, through the Cabinet Secretariat, to redesign the CSSs, but found the ministries/departments are unmoved. The Committee pointed out, 'the Ministry of Panchayati Raj cannot move and the Cabinet Secretariat will not move. That is where matters stand: at a standstill'.

The Prime Minister's remarks, such as 'bureaucracy is holding panchayats down', at the National Panchayat Raj Day on 24 April 2013, proves MoPR's failure in establishing efficient coordinates with other ministries/departments. MoPR's failure not only deprived the PRIs their legalized role and authority, but also resulted in a gross inefficiency in utilization of lakhs of crores being spent through CSSs and other grassroots development programmes.

### Transfer of untied funds

The MoPR also failed to articulate the cause of PRIs and influence FCs to allocate reasonable level of funds for LGBs. The FCs-X, XI and XII recommended ad-hoc grants to the LGBs, citing different reasons. FC-XIII had, for the first time, recommended specific share for LGBs. It recommended 1.5 percent of the divisible pool as the basic grant and over

0.5 percent as performance and special area grant to LGBs. With these recommendations, the LGBs got integrated in the constitutional framework. The FC-XIII's estimated amount for LGBs for 5-year period starting from 2010–11 is ₹87,519 crore. The actual allocation was about 29 percent less than the projected amount in 2010–11 and 22 percent in 2011–12. Further, in 2011–12, the actual released amount was 18 percent less than the allocated amount. *The amount of ₹5,799.3 crore in 2010–11 and ₹9,963.9 crore in 2011–12 allocated for about 2.5 lakh LGBs looks peanuts compared to about ₹4,000 crore per annum allotted to about 800 MPs (as pocket money) under the local area development (LAD) programme.* Often the LGBs do not have funds to provide salaries and allowances to the elected representatives (ERs).

### Persuasion of the state governments

The MoPR has also been ineffective in persuading the state governments. As discussed above, the performance of state governments in terms of devolution of the 3Fs is far from satisfactory. However, the MoPR has a few interesting programmes to influence the state governments so that they can devolve more powers and resources to the LGBs and strengthen those bodies. The programmes include Panchayat Empowerment & Accountability Incentive Scheme (PEAIS), Backward Regions Grant Fund (BRGF), Best Practices Case Studies, Capacity Building Programmes, etc.

### Panchayat empowerment & accountability incentive scheme

The PEAIS was launched by MoPR, in 2005–06, to incentivize the States for devolving the 3Fs to Panchayats and to incentivize the Panchayats to put in place accountability systems to make their functioning transparent and efficient. Under this scheme, states are

ranked under two categories of devolution indices (DIs), viz. cumulative devolution index (CDI) and incremental devolution index (IDI). In 2012–13, Maharashtra, Kerala, Karnataka and Rajasthan got awards in that order under the CDI. Under IDI Karnataka got top rank/award followed by Rajasthan, Maharashtra and Odisha, in that order. But, a cursory look at the index values reveals a dismal situation. Even after 20 years of the 73rd and 74th amendments and eight years of PEAIS, the national average of CDI is only 38.52 percent. Only two states scored more than 60 percent and another three states scored between 50 percent and 60 percent. The situation with respect to IDI is more alarming. Only 10 states have initiatives worth considering in the IDI preparation. Within these 10 states, there are marked variations. The index value varies from 3.33 to 50.83. Only Karnataka has more than 50 index value. Lower index values, even after eight years, suggest that PEAIS is not successful. The award amount may be too little an incentive for a state government. Further, state governments are also functioning in the same way as the central government, i.e. focusing on state sponsored schemes (SSSs) and creation of parallel bodies to implement the SSSs. In other words, the states are also focusing on centralization of resources and authority.

### Capacity building

Capacity building of elected representatives (ERs) and functionaries is one of the principal functions of the MoPR. Capacity building also included providing infrastructure, software, applications, training modules and literature. For training of ERs and functionaries, the MoPR has two principal programmes. Available figures on fund allocations, releases and utilization under both the programmes, during the last four years, show that states fall short in submitting the utilization reports in time. Another

serious problem with fund utilization is the delayed release of funds by the MoPR e.g., in 2012–13, out of ₹272 crore entitlement under BRGF, only ₹39.23 crore was released up to February 2013, i.e., about 86 percent funds were to be released in the last one month of the financial year. At times, the funds could be diverted from intended purposes.

The training programmes have other serious issues of quality and appropriateness. The trainings are run in the rudimentary stages and need substantial improvement. Further, instead of focusing on building on the existing managerial skills and potentials of the ERs, the training programmes have been focusing on imparting alien skills and practices. These training programmes sought to replace the rich and locally evolved skills and practices, with centrally developed and standardized skills and practices. The Aiyar Committee indicated that a paradigm shift in the capability building programmes is needed. It has to be transformed from a low-value and supply-driven one to an effective, adaptive and demand-driven knowledge support mode. Another issue with the current training programmes is that they are overwhelmingly focusing on the implementing role of PRIs, especially the implementation of CSSs.

The MoPR also supports the development and use of several applications, including software and templates. However, many ERs may find it difficult to master and use such alien and hi-tech systems. Their dependency on officials may increase with such new and hi-tech practices and systems. Further, the Gram Sabhas may not be able to take control of GPs with such alien techniques and practices.

### **MAJOR ACCOMPLISHMENTS OF LOCAL GOVERNING BODIES**

The section on accomplishments of LGBs listed a large number of potential and realized benefits of LGBs from a range of sources. The

benefits include realization of the goal of inclusive growth, wider popular participation in the governance, participation of women and weaker sections, need based development, unleash the voluntarism, mutual learning, clean living environment, innovations, convergence of government programmes, ownership feeling of the assets created, building on existing livelihoods, real-time response in times of emergencies and calamities, etc. Due to one-third to one-half reservations, women from different sections and backgrounds are realizing their potentials and contributing immensely for the benefit of their villages, institutions and communities. *The better performance of women elected representatives (WERs) is a compelling reason for passing the women's reservation bill, which is pending for about two decades in the Parliament. The positive correlation between the good performances of ERs with their education levels could be a useful insight for much needed political reforms in the country.* The PRIs are able to mobilize substantial resources from different sources, including voluntary contributions from the village people. The Kumily Gram Panchayat (GP) was able to raise its own sources revenue (OSR) from about Rs.3 million in 2004–05 to over Rs.13 million in five years. The GP employed two tools, viz. 'transparency' and 'persuasion' in raising its OSR. The best examples for transparency could be found in LGBs.

### **ISSUES AND CHALLENGES**

The issues and challenges at Government of India, state, LGBs levels and general level are discussed in this section.

#### **Issues and challenges at central government level**

Apart from defaulting in redesigning the CSSs, the Government of India also failed to transfer necessary funds to LGBs through FCs. Further, the GOI rejected the important recommendations

of the Second Administrative Reforms Commission (SARC), which are meant for strengthening the LGBs and tilting the power balance from the bureaucracy to the E. Yet another issue with the CSSs is that the fund allocations among the states are, often, influenced by the political affiliations and considerations.

The Government of India retains disproportionately larger share of resources. Consequently, the development priorities are getting distorted and the efficiency in the utilization of the resources is declining. The Prime Minister's remark, at the Panchayat day function on 24 April 2013, that 'the bureaucracy is holding the LGBs down' reflects the state of the power equation between the bureaucracy and elected representatives. The moot question is if the Prime Minister cannot resolve the problem, who will do?

### Issues and challenges at the state level

Besides implementing the CSSs as per the guidelines issued by various ministries and departments of the Government of India, the State governments have their own State sponsored schemes (SSSs) to be implemented. It is very much evident that the allocation of funds to LGBs under these SSSs gets influenced by political affiliations. Another issue at the state level is the confrontation between the state governments and the SECs.

The transfer of functionaries is another delicate issue, which needs a re-look. If the officials, who are paid by the line departments, are deputed to LGBs, they may dominate/control the LGBs. Therefore, such transfers may be kept to minimum, limiting only to regulatory services such as auditing. The LGBs may be empowered with adequate resources to recruit and pay their staff.

### Issues and challenges at LGBs level

At the LGBs level, the section listed four major issues and challenges, viz. elite capture,

regressive politics, invisible institutions and Sarpanch Raj. However, issues in LGBs are on decline due to wider reservations for women and weaker sections, growing educational and awareness levels, active civil society, wider media coverage, judicial activism, etc. The elite capture and regressive politics are also in vogue in state and national politics in the form of dynasty rules and communal politics. As the LGBs are reduced predominantly as the implementing agencies for CSSs and SSSs, they are becoming more accountable to the line departments and less accountable to the local people and turning into invisible and Sarpanch Raj institutions.

### WAY FORWARD

As the way forward, the section indicated the undisputed need for the empowerment of LGBs by granting them the functions and powers as per the constitution. The Central government may redesign its CSSs where LGBs get central position. The Central government should also tighten the administrative process on its own part as it more often fails in disbursing the funds on time. The Central government also needs to ensure that required coordination is established and sustained among various Ministries and Departments that are engaged in one way or another with the local self governance. The consensus between the Central government and state governments, despite political tensions, is inevitable on such matters. Hundreds of case studies of good practices suggest that the LGBs have performed quite impressively if they are provided freedom to act on their own. However, cemented efforts have to be taken from the top to ensure that LGBs get such freedom and environment to work. Crucial recommendations of different policy review structures, including Mani Shankar Aiyar Committee, SARC and FCs, must be implemented at the earliest in letter and spirit. The practices of performance related grants

and indicators linked releases may be given up. The poorer states, which usually have poorer governing structures, may suffer, when performance related grants are introduced. The people of such states/areas would suffer from the twin problems of 'bad governance and resource squeeze'. The LGBs may be allowed to improve from within. The present practice of utilization of funds within the financial year may be discontinued. Expenditure budgets may be approved for three to five years. There is a need for wider discussions on the following issues:

- Rotation of the reserved seats
- Direct participation of political parties in GP elections
- Appropriate salaries for ERs at all levels
- Present awards system for unanimous selection to GP positions
- Cap on the number of terms a person can contest a particular level of position
- Educational qualification for ERs at different levels
- Abolition of SECs and handing over the task of conducting elections to LGBs to the Election Commission of India.

### **JNNURM**

Through the case study of JNNURM, the section throws some light on the issues about the CSSs. The CSSs not only failed to

achieve the economic and social outcomes in the expected scale, but also failed to improve the local governance, even in those CSSs, which had specific objective to improve the local governance and governing institutions. One of the characteristics of the CSSs is that they go on expanding irrespective of their success or failure or appropriateness. In case of JNNURM also, though the project failed on many grounds, the McKinsey review study and the High Power Expert Committee (HPEC) have recommended for not only continuing the project, but also expansion of the scope significantly. Yet another issue with CSSs is that the fund allocations among the states are, often, influenced by the political affiliations and considerations. Recent increased allocations for Bihar under different schemes could be attributed to the changing political affiliations in the state.

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### **Way Forward**

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The above clearly suggests that all our governing institutions are under-performing due to several inherent structural challenges. It may not be due to the 'bad people' in power, but the 'bad systems' or 'systemic flaws', which are resulting in the poor governance at all levels in the country. We need wide range of reforms in all our governing institutions, including the political parties. Hope this report will contribute for initiating such reforms.

# NSW COALITION PARTNERS

National Social Watch (NSW) is a research and advocacy organization that monitors the functioning and efficiency of key governance institutions, their commitment towards citizens and practice of democratic values. As the national secretariat of the National Social Watch Coalition (NSWC), it steers a broad-based network of civil society organizations and citizens spread across the country.

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## Collaborators

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### INTERNATIONAL COLLABORATORS

- Social Watch International (SWI)
- Asian Network for Free Elections (ANFREL)

### NATIONAL COLLABORATORS

- Centre for Youth and Social Development (CYSD)
- Centre For Budget and Governance Accountability (CBGA)
- South Asian Network for Social and Agricultural Development (SANSAD)
- Association for Democratic Reforms (ADR)
- PRS Legislative Research
- Samarthan- Centre for Development Support

- National Centre for Advocacy Studies (NCAS)
- Wada Na Todo Abhiyan (WNTA)
- Ekta Parishad

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## State Partners

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- **Andhra Pradesh:** Centre for World Solidarity (CWS), Dalit Bahujan Shramik Union (DBSU), Watershed Support Services and Activities Network (WASSAN), Centre for Dalit Studies; CRSD (Anantapur); Narendra Babu (TISS); Narasimha Reddy (Ee Naadu)
- **Bihar:** Vidyasagar Samajik Suraksha Seva Evam Shodh Sasthan (VSSSESS), Bihar Voluntary Health association (BVHA), Bihar Adivasi Adhikar Forum, Dalit Samanvay (Bihar), East and West Educational Society
- **Chhattisgarh:** Mayaram Surjan Foundation (MSF), Samarthan, Chhattisgarh Action Research Team, Grameen Yuva Abhikram
- **Gujarat:** Paryavaran Mitra, Janvikas, Unnati, Centre for Social Justice, ANHAD, PUCL, Gujarat Vidyapith
- **Himachal Pradesh:** Peoples Campaign for socio-Economic Equity in the Himalayas (PCFSEEIH), Himalaya Bachao Samiti, Himachal Pradesh Election Watch, Jan Jatiya Dalit Sangh

- **Jharkhand:** SAFDAR, Life Education and Development Support (LEADS), Adivasi Sanghamam, Swaraj Foundation, MAA
- **Karnataka:** Urban Research Centre, Child Rights Trust, South India Cell for Human Rights and Education and Monitoring (SICHREM), Anti Corruption Forum (ACF), Rejuvenate India Movement (RIM), Community Development Foundation (CDF), Centre for Budget and Policy Studies (CBPS)
- **Kerala:** Centre for Communication and Development Studies (CCDS), Kerala Sasthra Sahithya Parishad, Centre for Development Studies (CDS), Indian Institute of Information Technology and Management (IIMT)
- **Madhya Pradesh:** Samarthan-Centre for Development Support, MADHYAVAN, Vikas Samwad, Jan Sahas, Samavesh
- **Maharashtra:** Youth for Voluntary Action (YUVA), Vikas Sahyog Prasthithan (VSP)
- **Odisha:** Centre for Youth and Social Development (CYSD), Human Development Foundation, Youth Development Foundation, Regional Centre For Development Cooperation (RCDC)
- **Rajasthan:** Centre for Community Economics and Development Consultants Society (CECOEDECON), Sajha Manch, Centre for Dalit Rights (CDR), Gram Chetna Kendra.
- **Tamil Nadu:** Tamil Nadu Social Watch (TNSW), Centre for Policy Studies (CPS), Gandhigram Rural University, People's Forum for Social Development (TNPFS)
- **Uttar Pradesh:** Uttar Pradesh Voluntary Action Network (UPVAN), Sahbhagi Shikshan Kendra, PAANI, Disha Samajik Sansthan
- **West Bengal:** Institute for Motivating Self Employment (IMSE), Forum of Voluntary Organizations (FOVOWB), Socio-legal Aid Research & Training Centre, FIAN, Peoples Action Network for National Integration & Communal Harmony, Right to Information Network.

It is heartening that common people, especially the youth, are taking active interest in the issues of governance and development. Increase in voting percentages in recent elections and spontaneous participation of large numbers of people in various protest movements; large numbers of proactive postings in social media, large number of public interest litigations (PILs), etc. are indicators for growing common people's interest in issues of governance and development. The *Citizens' Report on Governance and Development* has developed into a fine tool for individual citizens to make the governing institutions more accountable. The wealth of the information and the thorough analysis in the Report provide useful insights to citizens to raise the right kind of questions and seek answers and solutions from the authorities.

With coverage of four apex institutions of governance, viz. the legislature, the executive, the judiciary and the local governing bodies, the Report touches every aspect of governance and development in the country. Every year, the Report brings out the issues and challenges in the governance and development for wider discussion and corrective action. A few pointers from the 2013 Report are:

- Parliamentary committees have become battle-ground for partisan politics in the wake of various scandals exposed lately and the ruling party's effort to use its members in the committees to bail it out of the charges of omissions and commissions or of corruption.
- With over a quarter million farmers' suicides, with two out of every five farmers not interested in cultivation and with vast unrealized production potential, Indian agriculture is in precarious situation.
- The reach of the Judiciary remained low due to huge backlog and complicated processes. We have pending cases of as old as 37 years. The number of pending cases has increased from 2.81 crore in 2004 to 3.17 crore in 2011.
- The amounts ₹5,799.3 crore in 2010-11 and ₹9,963.9 crore in 2011-12 allocated for about 2.5 lakh Local Governing Bodies looks peanuts compare to about ₹4,000 crore per annum allocated to about 800 MPs under the local area development (LAD) programme.

With contributions from a number of subject experts and activists, the Report provide unique learning from the inter-disciplinary approach, integration of development and governance theories with practice, and policies with implementations. Though focused on the Indian national level institutions and experiences, the analysis and learning are applicable in multiple contexts such as State, regional and also in most of the democratic countries. The Report is highly useful to the political leaders, top administrators, scholars, professionals, academicians, students, activist and common people.

**National Social Watch (NSW)** is a research and advocacy organization that monitors the functioning and efficiency of key governance institutions; their commitment towards citizens and practice of democratic values. As the national secretariat of the National Social Watch Coalition (NSWC), it steers a broad-based network of civil society organizations and citizens spread across the country. It also collaborates with Social Watch International.

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