

A Citizens' Agenda for Change

In the context of the forthcoming general elections, it is important to think through a citizens' guide to governance and development strategy that sets out the essentials for all concerned. This task is all the more important because of the persistent projection of matters of ephemeral importance, false issues and non-issues in the corporate controlled media and the statements of political parties and leaders.

Basic Issues:

A reliable indication of what affects the lives of the people are the issues raised by civil society organizations, people's movements, independent experts, public intellectuals and concerned citizens. Over the past few decades, they have relentlessly asserted people's right to life and personal liberty around issues of violence by State, non-State and private actors; conflict over common and natural resources; depleting livelihood; denial of voice and visibility in decision making and formulation and implementation of government plans and projects; continuing deprivation of access to quality education for the vast majority of the poor and marginalized; lack of access to quality health care for the poor; project-induced displacement; eviction or the threat of eviction of the most vulnerable; impoverished and insecure communities from forestlands and cityscapes and extreme threat to the safety and security of women.

Current Growth Path:

All political parties and governments at the Centre as well as the States, through their overt and covert actions, are complicit in the pursuit of corporate-led growth path, the main characteristics of which are production for catering to the needs of the privileged sections and foreign markets, profitability at the cost of the wage earners, growth at the cost of employment, neglect of agriculture and environmental degradation. This growth path has resulted in increasing inequalities between the rich and the poor, further impoverishment and immiseration of those who are vulnerable owing to being *dalits*, tribals, minority groups, the vast numbers of women and children, the forced migrants and refugees, and workers employed in the informal sector.

Constitutional Vision:

The Constitution of India envisages an active role for the State in securing for Indian citizens entitlements and rights set out in the Constitution and in protecting the natural resources and other assets of the country. In the Chapter on the Directive Principles of State Policy, the Constitution enjoins

upon the State to promote the welfare of the people, strive to minimise inequalities in different forms not only among individuals but also amongst groups of people, secure for its citizens the right of an adequate means of livelihood, consider the raising of the level of nutrition - - - - and the improvement of public health as among its primary duty, promote with special care the educational and economic interests of the weaker sections of the people, and ensure that the ownership and control of the material resources of the community are so distributed as to subserve the common good. The corporate-led growth path being pursued by the State has amounted to an abdication of all these obligations assumed by it under the Constitution. These obligations are becoming increasingly difficult to meet because of the shrinking of space for independent economic policy. This is especially visible in our dependence on foreign capital, import liberalization at the cost of domestic industrial growth, and growing current account deficit.

Retreat of the State and its Consequences for the Poor:

This growth strategy has, among others, resulted in an accelerated trend of the withdrawal of the State from the key sectors of the economy, particularly rural infrastructure, agriculture and social sectors, in order to create space for occupation by corporations, including foreign corporate interest. Apart from its adverse effect on the sustainability of growth, this policy is having disastrous consequences for the incomes, livelihood and welfare of the poor sections of the population, and the exercise of their rights under the Constitution.

The retreat of the State has affected the poor and the marginalized sections of the population most severely. Here are some examples:-

- (a) State's indifference to school education has led to the mushrooming of English-medium, high fee charging, private schools in which quality of education does not do any credit to the nation. Poor parents' desire to send their children to these schools, has driven them to bankruptcy and indebtedness, thus crippling them economically.
- (b) The public health centres and sub-centres from which the poor stand to benefit most are in a state of neglect. The private sector is not interested in taking over primary health care as it is not profitable.
- (c) Outsourcing of sanitation, kitchen, and ambulance, diagnostic and similar other health services earlier provided in government hospitals, has led to an increase in their costs, taking them beyond the reach of the poor. This has made it difficult for them to get treatment even in government hospitals.
- (d) Government's withdrawal from the maintenance and expansion of quality institutions for the education of teachers, doctors, and para-medicals has led to the proliferation of private medical, engineering and teachers education colleges charging exorbitant fees and demanding huge capitation fees for initial admission. This has deprived the poor of whatever chances were there

earlier to get their children admitted on the basis of merit, in quality government institutions in this category.

- (e) The financing of urban development with private capital and institutional credit has resulted in the exclusion of the poor from the process of urbanisation. Obsession with big ticket investments by the private sector for the development of infrastructure and provision of amenities in the cities, has accentuated the distress among the poor city dwellers and has forced them to shift from the centre of the city to its periphery. The facilities created by private sector investments largely through commercial borrowing which incidentally is available mainly in big cities, have been concentrated in the relatively richer areas of the city and availed of mainly by the better off section of the urban population.

The government also seems to be in a hurry to hand over assets – land, other natural resources, institutions for educational research and training and similar institutions in the health sector, to the corporate interests, both Indian and foreign. This has hit the poor hardest by further reducing their access to services in these sectors.

The process of privatization of social services has resulted in the continuing decay and dismantling of existing public institutions in health, education and scientific research without their being replaced in any significant way by new institutions built by the private sector or under public private partnership.

The expectation that the withdrawal of the government from the process of production and distribution and the delivery of goods and services would remove a major cause of corruption has been belied. Instead, outsourcing and award of contracts to private operators and companies have spawned corruption on a scale infinitely larger than could have been imagined a few years ago.

Finally, the Indian State has generally been both incapable and unwilling owing to its commitment to corporate-led growth, to monitor and regulate private operators in order to ensure that their operation does not militate against public interest, is not violative of the law of the land and of the basic principles and objectives of the Constitution.

Rights-based approach for providing public goods and services:

Social public goods and services are now being increasingly demanded by the people as their legal right. Yielding to the public pressure, the Central Government has enacted a number of legislations for putting its flagship programmes for social development on the legal basis and launching new rights-based programmes. These include Right to Information Act (2005), the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA - 2005), Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act (2006), the Unorganized Workers Social Security Act (2008), and most recently, the Food Security Act and the Right to Fair Compensation

And Transparency in Land Acquisition, Rehabilitation and Resettlement Act, (2013).

Central to the articulation and realisation of right-based access to facilities, services and assets is the exercise by every citizen of the fundamental rights to personal liberty (Article 19), to life interpreted in the broadest sense of the term (Article 21) and to equality and non-discrimination (Articles 14 and 15) – all of which are justiciable.

In addition to upholding these rights, the government also needs to recognise the right to shelter, health, education, sanitation, drinking water and social security for all its citizens. It must also ban child labour in all its forms.

While governments may view a rights-based approach as a part of their legitimisation needs, they have to be situated in the larger context of being part of the right to life and, therefore, as Constitutional rights. Otherwise, the mere granting of entitlements through legislative fiat serves the limited purpose of political mobilization, without in fact addressing inequalities and discrimination in access to life and livelihood.

While the legislations enacted recently are necessary and critical measures, they cannot also substitute policies for the creation of employment, equal opportunities for access to services and productive assets, and expansion of rural infrastructure. Without these, the legal rights will suffer from inherent constraints and limitations. Besides, these legislations, as formulated and implemented by the government, do not carry any guarantee for the citizens to be able to exercise the rights granted under them. This is because they do not make adequate financial provisions for realizing the stated objectives nor are they comprehensive enough to cover all contingencies and all sections of the population who are entitled. Moreover, the record of implementation of these legislations is very poor, the most conspicuous example being the Right to Education Act and the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act. Further, in most cases, rules have been framed and the Acts notified without adequate preparations. No serious effort has been made to create the capacity in the government and put in place an effective review, monitoring, grievance redressal and coordination mechanism for implementing these laws.

It can be argued that if the provisions of these legislations are not implemented, then a citizen or an entity on his behalf has a right to approach the court to get it enforced. However, the poor, who are the worst sufferers, do not have the means to go to the courts. Besides, the court's verdict is at best unpredictable.

There is shrinkage of space in India for debates on secular praxis. The endangerment of minority rights through escalating violence and discrimination against the minorities persists. The unabashed use of minorities as vote banks by all major political parties and their exclusion from democratic deliberations and effective political participation through the use of collective violence and the threat of violence is a cause for serious concern.

This puts in jeopardy the very survival of India as a pluralistic democratic society.

Decentralization of governance is a constitutional mandate which has been discharged by successive Governments of India and the States in a half-hearted manner and without seriousness of purpose. Consequently, even 20 years after the enactment of the Panchayati Raj Acts there is no effective decentralization of governance. Progress in the devolution of functions, functionaries and finances to the Panchayati Raj institutions has been hesitant and insignificant. There is no desire on the part of political parties and Central and State legislatures, to give up their control over funds and patronages at the local level. In order to retain their existing controls and privileges, they are interfering in various illegal ways, with the functioning of Panchayats and have created separate structures parallel to the Panchayati Raj institutions.

Looking Ahead:

1. **Opt for people-oriented growth:** The current corporate-driven growth strategy should be replaced by a people-oriented development strategy. The new development strategy should be based on the creation of demand within the country, the production of local mass consumption goods and generation of universal employment, as its principle objectives.
2. **Protect the poor and marginalised:** In the new strategy, the highest priority should be accorded to meeting the essential needs of the poor, marginalized and underprivileged. The essential needs of these sections include but are not restricted to, school education, community health care, provision of productive assets and credit, sustainable livelihood support including unhindered access to land and forest-based livelihoods, including full access to the commons, public distribution system, food security, drinking water and sanitation. In any event, it should be ensured that there is no deterioration of the conditions of these sections of the population along any of the above indicators.
3. **Empower the disabled:** Persons with disability, who continue to be seen as dependent on state charity and denied fundamental rights to freedom and non-discrimination, should have in equal measures with others, the right to access all these essential needs, including barrier-free access to institutions and services. A critical measure in this regard would be to replace the current Protection of Persons with Disability Act 1995 with a comprehensive rights-based law.
4. **Prioritise social sector spending:** Expansion in expenditure on social development should no longer be seen as a function of revenues realized as a result of higher rates of growth. Instead, it should be regarded as a pre-condition for achieving higher sustained growth as well as the end-result of development. There should, therefore, be a drastic reprioritisation of plan and budgetary expenditures of the Central and State governments, in favour of education, health, and other social sectors, rural infrastructure, and the informal sector, including medium and small industries. Expenditures on health and education as a percentage of the GNP must be brought to the

same level as prevalent in developed and most of the more developed among developing countries (a minimum of 3 per cent of the GNP for health services and 6 per cent for education). This has to be treated as priority in the restructuring of public finance rather than the present policies of giving huge subsidies to corporations.

5. **Make economic rights justiciable:** In spite of the limitations of the right-based approach for providing social goods and services, the very fact of the justiciability of a right-based provision improves the prospects of getting them implemented. This is better than depending on the sweet will and the discretion of the government. If the people know that access to a quality social service is their right, they would tend to be more pro-active and assertive in claiming it than would the case otherwise. Thus, Right-based access to services puts in the hands of the civil society organizations and popular movements a more potent tool to exercise pressure on the government for implementing pro-poor programmes. In this context, very high priority should be attached to enact legislations for granting to the children the right under Integrated Child Development Services (ICDS), and to all the citizens, the right to shelter and health services.
6. **Guarantee equality for minorities:** Every citizen of the country irrespective of class, caste, ethnicity or religion, has equal right to life, liberty, expression and minimum facilities and services guaranteed under the Indian Constitution. Each citizen, therefore, must be treated as equal in all respects without any discrimination.
7. **End violence against religious minorities:** The frequent violation of physical security and the threat it creates for religious and other minorities must be addressed. In addition to legal measures like enacting the pending Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011, the State must create mechanisms to act immediately against incidents of riots, institute judicial probes to fix responsibility and take prompt action to implement their recommendations.
8. **End systemic discrimination:** Since independence special programmes and projects have been launched for the development of minority groups and affirmative actions in their favour have been taken. However, these are only of limited value until they continue to be subjected to systemic biases and discriminations rooted in the social structure. Removal of such discrimination is, therefore, as important as the special measures or affirmative action. Discrimination can be removed not only by legislation and its effective implementation but by a regular social audit of institutions, establishments and public spaces where discrimination is practised and a sustained campaign against biases, disinformation and hate speech.
9. **Ensure accountability towards fellow citizens:** There must be commitment to non-discrimination within the framework of complete transparency and accountability in every aspect of state action at every level. Ombudsmen should be appointed and special arrangements made at micro levels, to detect and severely punish acts of discrimination. The maturity and level of

excellence of a society is judged by the manner it treats its minorities and the main responsibility for it rests with the majority community.

10. **Expand decentralisation:** Decentralization is indispensable to the democratic process and must inform governance at each level. The promised devolution of functions, functionaries and finance and the implementation of PESA -- Panchayat (Extension to Scheduled Areas) Act, 1996 -- in all tribal areas should be effected by all states in full measure and at one go, within a time limit to be prescribed under law.
11. **End Caste Violence:** The continued violence against the scheduled castes and poor enforcement of law on prevention of atrocities and failure to eliminate the degrading occupation of manual scavenging is a blemish on our society. A comprehensive strategy for the elimination of these evil practices should be launched with provisions for monitoring mechanisms at various levels. This should go hand in hand with creation of awareness with the involvement of political parties, to end this in a specified timeframe.
12. **Public funding of elections:** The fountainhead of corruption is the electoral process. Political parties seem to be unanimous in sticking to the view that their current practices and discretion on matters of election funding must not be opened out to public debate and scrutiny. The public funding of elections is a minimum non-negotiable requirement of constitutional governance. This would curb a very important source of corruption and reduce barriers to wider participation in the electoral process.

The measures, policies and strategies suggested above, do not constitute an exhaustive list, but should set standards for minimum acceptable governance in India. Unless we act immediately and decisively, it might be too late to save our most prized possession – Indian democracy.

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