

# THE ADMINISTRATOR

Journal of LBSNAA

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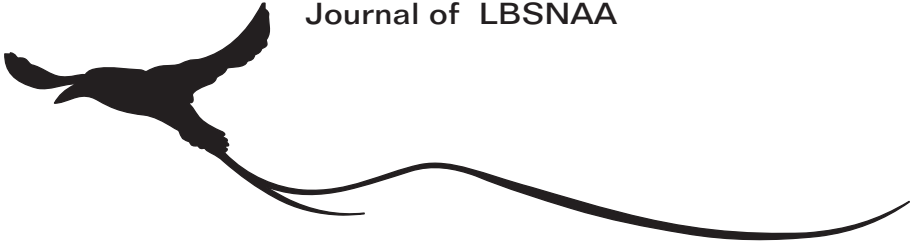
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# Addressing Anemia in Adolescent Girls Using Conditional Cash Transfers

Pramod Meherda\*

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## Introduction

As a strategy for addressing ‘demand side challenges’ involved in adolescent anemia control programmes, this policy recommends use of conditional cash transfers (CCT) to adolescent girls in the State. Despite our best efforts, and largely due to demand side challenges in adolescent anemia control programmes, the proportion of adolescent girls in Odisha, with anemia, has remained constant at a high of 55% to 60% in the last one decade. The objective of the present strategy, therefore, is to break this ‘resistance’ and help in a quicker reduction in the prevalence of anemia among adolescent girls in the State, so as to bring it down to 15% within 5 years, starting from the year 2013-14.

## Background

Anemia, particularly the iron deficiency anemia, is a major public health problem among adolescent girls (10-19 years of age). Appreciating the importance of anemia in adolescent girls, Government of India and a few of the States have experimented with a number of programmes since the year 1970 in order to address this issue. All such programmes, including the existing adolescent anemia control programme (AACP) launched in Odisha since 2010, have largely been **supply driven**. In so far as demand generation and compliance is concerned, these programmes have relied on the knowledge base of the community and the importance it attaches to anemia, and more so anemia in adolescent girls, in order to mobilize the target groups. Due to inherent flaw in such assumptions in the context of India, all such programmes have had the **difficulty in ensuring compliance of the adolescent girls to intake of iron tablets**. Consequently, as per the last

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authentic survey on adolescent anemia i.e. the round three of National Family Health Survey (NFHS-III), the proportion of adolescent girls in India suffering from anemia is still as high as 56.2%, while it is 62.7% for Odisha. What is more significant is the fact that the prevalence of anemia in adolescent girls in case of Odisha has remained constant from NFHS-II (year 1999) to NFHS-III (year 2006).

With this background, it will be useful to explore alternative ways of achieving the objective reflected in the introduction section; as well as do a cost-benefit analysis of the alternatives. This is examined in the following section.

### **Alternative ways of achieving the objective/Justification for CCT:**

Data from household surveys conducted by National Nutritional Monitoring Bureau (NNMB), Hyderabad shows that iron and folic acid (IFA) intake in all the states of the country is very low, and there has not been any increase in iron intake (compliance factor) over the last three decades in adolescent girls. Further, as per our official ICDS reports, the compliance on intake of IFA among adolescent girls under AACP in the year 2011-12 is still at 61.5%, leaving out almost 40% of rural adolescent girls from the programme. In this context of high prevalence of anemia among adolescent girls and their low compliance to intake of IFA tablets, there are three ways in which the problem of iron deficiency anemia in adolescent girls can be addressed.

1) **First option: A population-based approach**, which seeks to lower the adolescent girls' risk to iron deficiency anemia by enriching and fortifying the food supply. This approach runs an inherent risk of mis-calibrated fortified food that is finally administered to the girls. The supply chain management is also very difficult to maintain in this case. Again, the contact with the girls is limited; thus restricting the measurement of the outcomes.

2) **Second Option:** Continue with the **individual-based approach** i.e. the current adolescent anemia control programme (**AACP**). This programme, however, like all previous ones, is largely a supply driven programme and relies heavily on awareness generation strategies of IEC/BCC/IPC to address the problem of compliance on intake of IFA tablets by the girls. One way of improving the low interest of the community in the programme is to increase the expenditure under IEC/BCC/IPC, further.



However, awareness generation is a difficult task when the issue is technical, gender sensitive, and does not appear to be demonstrating results, immediately. This approach is thus a long drawn process challenged by diverse social determinants. Further, **the results of expenditure on an extensive and intensive IEC/BCC/IPC are not commensurate and are also difficult to measure and correlate.** This approach, thus, has limited benefits.

3) **Third Option:** Continue with AACP and introduce conditional cash transfers for the adolescent girls to augment demand generation, linking it with clearly stated outcomes.

The justification for proposing CCTs as a strategy originates from the concern among those working in the area of nutrition. Their concern is that **the demand for nutrition interventions is often low due to the limited physical visibility of many nutritional deficiencies, known as “hidden hunger”.** In such a situation, IEC/BCC/IPC approaches have limited impact on demand generation (World Bank 2006b; Levinson and Bassett, 2007). It has also been observed world over that **when service provision is coupled with conditional cash transfers (CCT), it leads to positive demand side results** (deJanvry and Sadoulet, 2004). Further, with CCTs in place, the output of the programme can be tracked on a continuous basis. **Midcourse corrections and improvements in the programme can thus be made to avoid unproductive expenditure.**

However, the CCT strategy will entail an additional expenditure outlined under the section “financial implications”, which will have to be borne by the State. But, at the same time, it will also ensure quicker and sustained attainment of objectives of AACP. Thus, the long term benefits of the CCT strategy to the society in the form of contribution to improved health seeking behaviour of the would be mothers, decline in maternal mortality rate and infant mortality rate, and healthier babies, far outweigh the additional cost incurred on cash transfers to the girls.

## **The Proposal**

The specific proposal looks at the demand side, as well as supply side incentive structure:

### **A) Demand side transfers:**

1) There will be differential cash transfers to adolescent girls (both, in

school and out of school) from the age of 11 years (standard 6 onwards, in case of schools). Maximum benefit will accrue to those adolescent girls who will become non-anemic and are in school. The benefit will continue upto19 years of age (standard 12, if in school).

- 2) Each adolescent girl, at the end of the year, will receive a maximum of Rs. 700 annually (if out of school) or Rs 900 (if in school/college), on satisfying all the above mentioned conditions. The details are given at Annexure-II.

**B) Supply side transfers:**

The lack of meaningful investment in the supply of services, even when funding is allocated, can jeopardize CCT effectiveness. In this context, an incentive to service providers for improved service provision is also proposed. The service provider (Anganwadi Worker/ASHA/Nodal Teacher) will be given a differential performance incentive of Rs 1000/- on ensuring compliance by girls (i.e. direct supervision of intake of weekly iron supplement and six monthly deworming tablets); and Rs 700/- for mobilising the girls for hemoglobin test. The details are given at Annexure-II.

**Timelines and expected outcome**

The following table showsbase data for next 5 years, with expected reduction in anemia, year wise (assuming that the strategy takes off from the year 2013-14).Details at Annexure-I.

	Target group :	Adolescent girls	Year				
	Project period:	5 yrs	2013-14	2014-15	2015-16	2016-17	2017-18
	Total Population of the State (Census 2011)	41947358					
Sl No.	Decadal growth rate	13%					
1.	Estimated adolescent population (girls )	10% of Total Population	3495123	3530075	3565375	3601029	3637039
2.	Targeted anemia prevalence under the strategy ( % of adolescent girls) at the end of the year.	62.7% (NFHS III )	40%	30%	25%	20%	15%

## Financial Implications: (Details at Annexure-II)

The Finance Department may be consulted on this score. W&CD Department can also support the strategy out of DFID's Nutrition Operational Plan (NOP).

Option	Year wise tentative requirement of funds				
(Rs in Crores)	2013-14	2014-15	2015-16	2016-17	2017-18
1) If entire State	194.81	208.46	217.80	226.47	236.60
(Rs in Crores)					
2) If only high focus dists (18 most vulnerable dists)	96.53	103.54	108.21	112.90	117.61
(Rs in Crores)					

## Implementation challenges, risks and suggested solutions

- 1) **Role of various departments:** Since the resultant programme will target both school going adolescent girls as well as out-of-school adolescent girls, the departments of Health and Family Welfare, Women and Child Development, School & Mass Education, Higher Education and ST/SC Development will play a major role in implementing the programme.
- 2) **Constitution of a State level and District level Task Force:** To ensure smooth co-ordination between the above departments, which is critical to the success of the strategy, it is suggested to set up an overarching coordinating mechanism. **A State level Task Force** to monitor health & nutrition schemes involving conditional cash transfer strategy may be set up with the concerned Department Secretaries as members. The Task Force may be headed by a senior Officer of the rank of Additional Chief Secretary.
- 3) The supply side investment, though necessary, can lead to over-reporting. This can be minimized by introducing **validation checks** in the monitoring framework.
- 4) Poor diet and deficiencies in other micronutrients, specifically vitamin B-12, can limit the haematological response to iron supplementation. Though this issue has already been taken care of by suggesting adequate counselling to the girls by the service providers; still it will require an **intensive training to them (i.e. the service providers).**

- 5) Formulation of a **communication strategy** to inform the adolescent girls, media, public representatives, and the public at large of the provisions and entitlements under the programme will be central to the implementation strategy.

### **Monitoring & Supportive Supervision Strategy**

A three layered **result oriented** monitoring system is proposed, as follows:

- 1) **State level:** By the State Level Task Force (suggested above).The Task Force will set out benchmarks to guide the expected outputs and also steer validation checks.
- 2) **Department level:** Respective Department Secretaries will channelize feedback from their field level functionaries, using the IT tracking system.
- 3) **District level:** A core committee under the chairmanship of District Collector, along with nodal officers from related departments will carry out field visits for supportive supervision and validation of reported data.

### **Evaluation Strategy**

Evaluation of the strategy will be carried out through a third party, on an annual basis. The responsibility of guiding the evaluation will be of the State level Task Force. The evaluation will look into the following aspects set out in the objective of the strategy and establish correlation with the conditional cash transfers.

- i) The change in compliance of the targeted girls to intake of IFA and deworming tabs.
- ii) The change in the enrolment of the girls under Adolescent Anemia Control Program
- iii) The change in the status of anemia in the targeted group
- iv) Any other aspect, as felt necessary by the State level Task Force

### **Conclusion**

It is quite evident that, of the few alternatives available for reinforcing and rewarding positive behaviours in addressing the demand side gaps in the adolescent anemia control program, conditional cash transfers for compliance will be more effective because it does not limit itself to the service provide; rather it focuses on demand generation. Further, the

conditional cash transfers suggested in the strategy are directly linked to the expected outcomes, making the monitoring and evaluation of the strategy very robust. It is also maintained that the 'social & economic benefits' of implementing the policy i.e. quicker decline in maternal mortality & infant mortality, as also the resultant empowerment of adolescent girls (the would be mothers), far outweigh the 'costs' of implementing the strategy.

The institutional mechanism for implementation & monitoring will be largely based on the existing administrative structure within the concerned departments. However, since the scale of implementation of the strategy will be huge, and operational challenges relate to five different departments, it is proposed to constitute a State level Task Force to oversee smooth grounding and evaluation of the strategy.

Accordingly, the following proposals may be considered:

- i) Approval of the conditional cash transfers suggested in the policy.
- ii) Approval of one of the options, as detailed in the budget estimate given under point V (financial implications).
- iii) Approval for constitution of the State level Task Force, as suggested in sub-point 2 of point VIII.
- iv) Approval for designation of Women & Child Development Department, as the Nodal Department to steer the policy and work out the programme details.

# Policy Memorandum: Attaining sufficiency in Power through Energy Conservation and development of Non-conventional and Renewable Energy through Gram Panchayat/Municipalities

Ahmad Nadeem\*

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## 1. Who is the memorandum meant for?

It is meant for the Chief Minister of Andhra Pradesh who is also looking after the subject of energy.

## 2. What is the recommendation?

Attaining sufficiency in Power while reducing the carbon footprint. Bridging the gap between Demand and Supply through Energy Conservation and development of Non- Conventional and Renewable Energy through Gram Panchayat/Municipalities.

## 3. How will it achieve the objective?

Power sector is the backbone of all development activities. Availability of quality power in all areas including rural areas is essential for equitable development. It is estimated that, to achieve an average annual growth rate of 8% to 10%, a growth rate of 10% in the power sector is required. In spite of considerable increase in generation capacity (6764 Mega Watts (MW) in 1997 to 15768 MW in 2012) and substantial reduction in Transmission & Distribution (T&D) losses (32% in 1997 to 17.05% in 2011), the demand-supply gap still persists and is as follows.

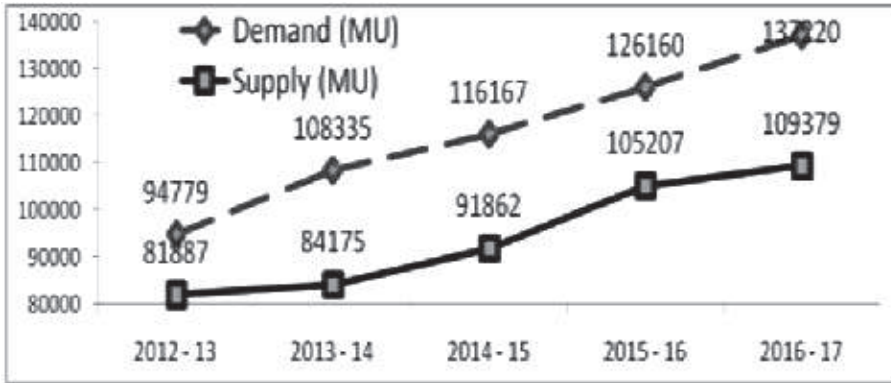
**Table – 1:** Estimated Average Supply - Demand Gap in Andhra Pradesh (A.P.) from Financial Year (FY) 2012-13 to 2016-17

	Deficit (MW)	Peak Deficit (MW)
<b>FY 2012-13</b>	1731	3653
<b>FY 2013-14</b>	3245	5061
<b>FY 2014-15</b>	3264	5036
<b>FY 2015-16</b>	2814	5605
<b>FY 2016-17</b>	3739	7471

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\*The author is an IAS officer currently working as Chairman and Managing Director, Government of Andhra Pradesh, Eastern Power Distribution Company of A.P. Limited.

**Figure – 1:** Energy demand and supply in Million Units (MU) in A.P. from FY 2012-13 to 2016-17



The average supply demand gap in MU in A.P. is estimated to increase from 12,892 (94779 – 81887) MU from 2012-13 to 27,841 (137220 – 109379) MU in 2016-17.

**Source:** Planning Wing of APTRANSCO (Transmission Corporation of Andhra Pradesh Limited)

**Energy efficiency is India's untapped energy resource**– a means to improve the productivity of the economy as well as an important element for moving towards a prosperous low-carbon future. It is a well known fact that one unit of energy saved is equal to 1.2 units of energy produced (due to T&D losses). The potential for energy conservation in AP is 20% with category wise break up and action needed is as follows:

**Table – 2 :** Category wise energy consumption share and energy saving potential in A.P.

Sl. No.	Category	Share in total Energy Consumption	Energy saving potential in respective sector	Energy saving potential of total consumption	Action needed to achieve savings
1	8%	Industries	40%	20%	Industries to adopt Perform, Achieve and Trade (PAT) Regular energy audit

2	Agriculture	30%	15%	4.5%	Energy efficient pump sets efficient irrigation systems such as drip, sprinklers etc
3	Domestic	22%	27%	6%	Energy efficient Transformers, lighting devices like Light Emitting Diodes (LED), Compact Florescent Lamps (CFL) etc.
4	Commercial	5%	20%	1%	Use of energy efficient equipment( five star rated or above)
5	Public lighting	3%	35%	1%	Controller operated lighting system
	Total	100%		20%	

**Sources:** APTRANSCO, NREDCAP (New and Renewable Energy Development Corporation of Andhra Pradesh) and Report of Energy Conservation Committee set up by Government of Andhra Pradesh

**Even if a saving of 10% (half the potential) is achieved, it translates to a savings of 13,722 MU.** Further there is a huge potential of power generation through non-conventional and renewable sources in AP which is as follows:

**Table – 3:** Source wise power potential and energy potential in A.P.

Sl. No.	Source Power	Potential (in MW)	Plant Load Factor (in %)	Energy potential (in MU)
1.	Solar	10000	20	17520
2.	Wind	2100	20	3679
3.	Bio Mass	576	80	4036
4.	Small Hydro	900	50	3942
5.	Municipal solid waste	120	80	841
	Total	13696		30018

**Source:** NREDCAP (New and Renewable Energy Development Corporation of Andhra Pradesh)



The energy deficit is more acutely felt in the rural areas which are being subjected to 12 hours power cut. Even schools do not have power. It further leads to concentration of industries in urban clusters or special zones and resultant skewed development leading to related problems of migration, pressure on cities, etc. Each village is having huge tracts of government land including waste land. This asset is to be leveraged by fostering partnership between the gram panchayats and Distribution Companies (DISCOMs).

The land available is to be used to set up small power generating plants on Decentralised Distribution and Generation (DDG) model from renewable/non-conventional sources such as solar, wind, small hydro etc. The land will be provided by the gram panchayat. The plant will be developed by the DISCOMs by engaging developers on Public Private Partnership (PPP) mode through open competitive bidding. The management will be jointly handled by DISCOMs and the gram panchayat. The energy generated from such plants will be used in the respective gram panchayat and in case of surplus it will be exported to the grid. Similarly the municipalities will set up plants based on municipal solid waste etc. **Even if half of the potential is developed it will generate 15009 MU of energy.** Thus the subsequent demand-supply position in FY 2016-17 will be as follows:

**Demand = 1,37,220 – 13,722 = 1,23,498 MU**

**Supply = 1,09,379 + 15009 = 1,24,388 MU**

Thereby it will result in a **power surplus situation**. Power will be available 24x7 all over state including rural areas. **New industries will come up in rural areas leading to job creation and equitable development.**

Moreover due to energy conservation and development of renewable energy, CO<sub>2</sub> emission will come down by (13.722 + 15.009 =) 28.731 million tonnes.

## **5. Why is this alternative better than other ways of achieving the same objectives?**

The other alternative to bridge the demand-supply gap is to generate the energy through capacity addition with coal based or nuclear based power. A comparison is as follows:

**Table – 4 :** Cost benefit analysis of various options and their feasibility

Sl. No	Option	Cost (in Rs. Crore)	Benefit (in Rs. Crore)	Feasibility					Sustainability
				Legal	Technical	Financial	Institutional	Political	
1.	Energy Conservation	1000	5489	yes	yes	yes	yes	yes	yes
	Renewable Energy/No	11257	9005	yes	yes	Yes. Though cost is high	yes	yes	yes
	Total	<b>11757</b>	<b>14494</b>						
2.	Thermal/ Nuclear	<b>11493</b>	<b>12242</b>	yes	yes	yes	yes	Yes but issues with nuclear	Coal is limited

**Notes:**

(power purchase cost = Rs. 4/unit (mean), Rs. 7.50/unit (non conventional), Rs. 8.00/unit (marginal); revenue = Rs. 4.50/unit (mean); Rs. 6.00/unit (average for industries and commercial))

benefits due to per unit of Energy Conservation = marginal power purchase cost – mean power purchase cost = 8-4 = Rs. 4.00

benefits due to per unit of Renewable energy generation = per unit realization due to extra supply to industry and commercial = Rs. 6.00 (All rates are for FY 2011-12)

**6. What are the implementation challenges and risks associated with the policy? What is the implementation, communication and stakeholders' management strategy?**

The major challenge in undertaking energy conservation is changing the mindset of the consumers and ingrain in their daily life the concept of energy saving as the benefits are long term. Similarly it requires convincing people that power from renewable sources is equally good. It runs the risk of some vested interests trying to portray that the policy is being brought in due to failure to add generation capacity through conventional methods.

A three pronged strategy will be implemented to undertaking energy

conservation. To inculcate the habit of savings, a massive publicity campaign needs to be taken up. Production of certain inefficient appliances need to be stopped and an energy cess to be imposed on others so as to disincentivise the production and use of such appliances. Thirdly, a strong energy auditing wing in each DISCOM to be established to regularly monitor the implementation.

For development of renewable/non conventional power, the potential in each village/gram panchayat is to be established by engaging an external agency through competitive bidding followed by open competitive bidding to identify the developers. For this purpose two to three districts can be clubbed together in one package for the sake of competition and economy of scale. The gram panchayat is to be closely associated in the first process as the land is to be provided by them and the whole process is to be very transparent so as to build confidence among the people and avoid opposition by vested interests. A publicity campaign is to be taken up to disseminate the benefits of renewable energy and to reassure the people that power from renewable sources is of the same quality as that from conventional sources.

## 7. How will the policy be monitored and evaluated?

An **energy conservation cell and a renewable energy cell** is to be set up in each of the DISCOMs and a **high level committee to monitor energy conservation is to be constituted at state level involving all concerned departmental secretaries**. Following indicators will have to be monitored and evaluated amongst others for which **baseline data is to fixed**.

**Table-5:** Various energy conservation activities and monitoring mechanism

Sl.No.	Energy Conservation	Renewable/Non-conventional energy
1	Feeder wise per capita energy consumption (for domestic, commercial, industries etc.	Mapping of the potential of the villages
2	Feeder wise no. of energy efficient transformers, pump sets etc. (five star or above) out of total	Processes related to open competitive bidding and award to developers
3	No. of industries adopted PAT	Plant Load Factor (PLF) and energy generated vs. potential of each DDG plant

The review and monitoring needs to be done on monthly basis by DISCOM and quarterly basis by the government.

## Conclusion

As a result of rapid economic growth and to sustain it at level of 8% to 10% power demand will increase from 94779 MU to 137220 MU whereas the supply is estimated to increase from 81887 MU to 109379 MU between FY 2012-13 to FY 2016-17. Thus there is likely to arise, a **gap of 27841 MU between demand and supply** which in power terms is equivalent to 3739 MW of average power and 7471 MW of peaking power. In view of the limited quantity of fossil fuels and the environmental issues of carbon emissions and deforestation involved, dependence on conventional sources of energy is unsustainable. There is **huge opportunity to reduce the demand by way of energy conservation** on the same lines as savings in money or water. Of the **total potential of 20% savings amounting to 27444 MU, even achieving half the potential will reduce the demand by 13,722 MU**. Further there is a huge potential of generating 30018 MU through **renewable and non conventional sources and achieving half the potential will result in increase in supply by 15009 MU**. Thus against the **total demand of 1,23,498 MU the Supply would be 1,24,388 MU thereby attaining sufficiency in power by FY 2016-17**. It will lead to savings for both consumers and DISCOMs while simultaneously **reducing the carbon emissions** greatly. The major challenge of inculcating the habit of energy saving will be met by massive publicity campaign and rigorous monitoring and evaluation as also disincentivising energy inefficient appliances by way of imposition of energy cess and ban on production in certain cases. The development of renewable energy will be undertaken by making gram panchayats, partners of the DISCOMs duly leveraging the huge tracts of govt. lands and giving first charge over the power generated through such DDG plants to the concerned villages/gram panchayats. Special cells in each DISCOM will be created to look after energy conservation and renewable/non conventional energy, which will closely monitor the progress on the measurable indicators. A high level committee at govt. level will monitor the progress on quarterly basis and evaluate the policy to ensure that sufficiency in power is attained to drive growth while reducing the environment degradation by reducing the carbon emissions.

# Community Led Rural Sanitation in Bangladesh

Abhilaksh Likhi\*

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## Introduction

Despite significant investments, a large majority of rural inhabitants in developing countries are without access to sanitation services. Open defecation is still a widely prevalent practice. Those who suffer most from lack of toilets, privacy and hygiene are women, adolescent girls, children and infants. The Millennium Development Goals aim at halving the population without access to hygienic sanitation facilities by 2015<sup>1</sup>. Urban sanitation presents massive problems but of the more than 2.5 billion people estimated to be without improved sanitation, some 1.8 billion, are rural inhabitants (WHO and UNICEF 2008:13, 10) In this context, the participation of rural communities in generating demand for the provision of these facilities has been of immense interest to experts, professionals and policy makers.

## Objectives of the Paper

The aim of this paper to examine the nature of a participatory approach used by a nongovernmental organization in Bangladesh to generate demand for sanitation services amongst village communities. In context of the institutional set up, it also aims to analyse the dynamics of community involvement in the process of social intermediation. Highlighting the innovation involved the paper also looks at the issue of transparency and certain operational implications involved in the approach.

In such an examination as above, the paper attempts to seek further answers to the following questions- Is there a favourable or unfavourable program policy environment that impacts a grassroots participation approach? How fundamental is the role of capacity building and facilitation in a government, nongovernment organization and village community interaction? How do

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<sup>1</sup> Making Services Work for the Poor People, WDR, 2004. World Bank. Oxford University Press. p2

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we further empower the relevant target groups? Lastly, what are some of the pertinent policy prescriptions for ensuring accountability?

## **Community Led Total Sanitation**

Community Led Total Sanitation (CLTS) is a paradigm that originated and has been extensively used by various nongovernmental organizations in rural hinterlands of Bangladesh. It has also been adopted in varying forms in other countries such as India, Kenya, Pakistan, Ethiopia and Indonesia. In this 'communities are facilitated to conduct their own appraisal and analysis of open defecation and take their own action to become ODF (open defecation free)'<sup>2</sup>. In Bangladesh many nongovernmental organizations in different regions of the country have collaborated with the provincial and local governments to support its early adoption and spread. Infact, it would not be wrong to state that CLTS evolved in Bangladesh as a response to a supply and hardware subsidies driven approach to provide sanitation facilities to individual households.

The supply driven approach often led to incremental change in sanitation coverage with improvements within a community steadily becoming more difficulty once early adopters and non poor households had installed expensive sanitation facilities. Besides, households who built toilets under heavily subsidized programs often felt less ownership for their facilities and were, infact, less inclined to make any lasting improvements to their hygiene behaviour. Last but not the least, such an approach left coverage of the poor and the marginalized i.e. those most affected by inadequate sanitation, until long after everyone else had been served.

## **The Plan Bangladesh Campaign**

Amongst several international nongovernmental organizations, Plan Bangladesh<sup>3</sup> has supported a community led sanitation program in more than hundred villages spread over five Upazillas (sub districts) of Dinajpur District since 1998. When Plan Bangladesh started working amongst communities in these areas in 1994 it provided free toilets through its programs. Interestingly, 'program evaluation revealed that less than 20

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<sup>2</sup> Robert Chambers, 'Going to Scale with Community Led Total Sanitation: Reflections on Experiences, Issues and Way Forward', IDS Practice Papers 1, March 2009, p.3

<sup>3</sup> URL <<http://plan-international.org/where-we-work/asia/bangladesh>> last accessed on 30th October, 2012

percent of them (costing US\$ 50) were being properly utilized<sup>4</sup>. Plan decided to revise its program goal adopting a lower subsidy supplemented by a participatory approach that it called “Child Centred Community Development” (CCCD). Even with these changes when toilet usage remained low and hygiene behaviour showed no signs of improvement, Plan collaborated with the National NGO Village Education Resource Centre (VERC)<sup>5</sup> for effective implementation. This led to the evolution of a bottom up software oriented goal to stop defecation by using a zero subsidy ‘ignition process’<sup>6</sup>.

### **The Ignition Process**

This process developed by VERC included the following components that were put to grassroots practice by Plan Bangladesh in its pilot villages:

- a) *Social mapping of the village*
  - Defecation map with defecation mobility (including crisis defecation)
- b) *Walk of shame (transact walk to open defecation and water points)*
  - Changes and trend of village water and sanitation situation
  - Livelihood analysis
  - Possession of toilets by different groups
- c) *Excreta calculations (amount of excreta added by open defecation)*
  - Contamination mapping (pollution caused by excreta and fecal oral contamination links)
  - Group discussions on diseases due to open defecation, emergencies, medical costs These intensive participatory exercises are assumed to infuse a sense of real ownership and stake with the village community voicing their eagerness to stop defecation, change hygiene behaviour and construct toilets.

### **The Institutional Set Up**

The households in the Plan pilot villages interfaced with the Village Development Committee (with representatives from the village community) and Plan’s partner NGO VERC. A Plan Facilitator in the field coordinated with

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<sup>4</sup> Scaling Up Rural Sanitation in South Asia, WSP Report, May 2005, p.78

<sup>5</sup> URL<<http://www.verc.org/>> last accessed on 30th October, 2012

<sup>6</sup> WSP Report 2005, op.cit. p.66

both the partner NGO and the Village Development Committee to tabulate, collate and analyse evaluation results based on the grassroots feedback though baseline surveys based on the ignition process. The facilitator also maintained a close synergy with representatives of the Union Parishad (the local government body). At the District level there was a Upazilla Task Force that met at periodic intervals to interact and brainstorm with the Plan field office as well as the Upazilla Government. The top tier of the model was the District Government and the Plan Bangladesh Head Office in Dhaka, the latter closely being monitored by its international donors (See Figure 1.1).

Plan closely monitored the progress of its sanitation programs with the Upazilla Government and supported regular workshops to develop a common understanding of its approach and objectives. In this context, the Upazilla Task Force brought together key stakeholders from the government and NGOs on a monthly basis and was the main forum for planning and coordinating the sanitation program. It is thus evident that Plan intended to maintain a good working relationship with the local government.

## **Success**

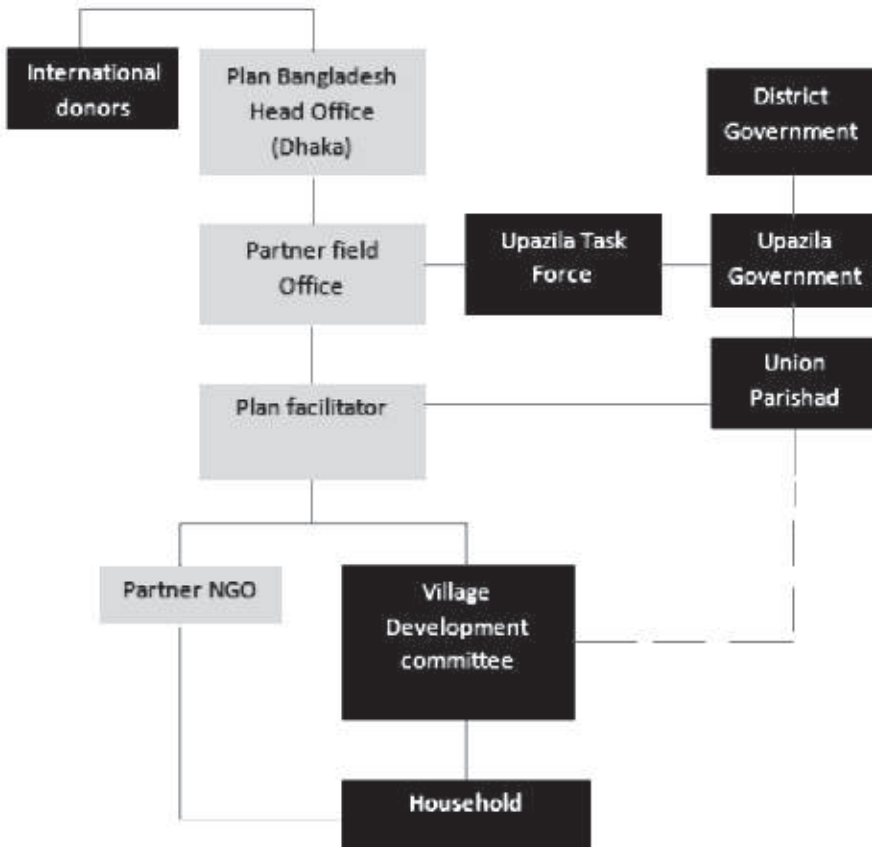
Such an institutional set up supplemented with an embedded participatory approach in the community proved successful with every village community ‘achieving 100 percent sanitation coverage within a year’<sup>7</sup>. In addition, it is pertinent to point out that the Plan approach did not impose any particular toilet design on the community although it did encourage the use of local materials and the construction of very low cost designs. Though the NGO promoted plastic toilet pans a range of other designs from home made sheet metal pans to shop bought ceramic pans were found in most program villages.

As per field reports compiled by Plan ‘the signs of open defecation in the FIGURE 1.1

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<sup>7</sup> Ibid., p 78





*Source:* WSP Report, 2005

(pilot villages) are much less common than in surrounding villages, toilet usage is relatively high and there is evidence of improved hygiene behaviour—for example in basic handwashing facilities’<sup>8</sup>.

### **Innovative Program Approach**

A crucial strategy to achieve the above was the social intermediation and IEC<sup>9</sup> (information, education and communication) campaign that was carried out by Plan’s field staff in coordination with the local government. It bridged the perceived gap between the powerful program staff and the rural

<sup>8</sup> Ibid.,p79

<sup>9</sup> IEC combines strategies, approaches, and methods that enable individuals, families, groups, organizations and communities to empower themselves through social, behavioural change and consequently make considered decisions about felt needs. UN High Commissioner for Refugees, (1999). Essentials of IEC. URL <<http://www.unhcr.org/emergencies/manual/a1.htm>> last accessed on 30th October, 2012

communities. This was reinforced with exposure visits to fully sanitized local villages that provided participant inhabitants with practical models for their toilet designs. Actually, during this process Plan also enabled the village community to establish a monitoring committee whose members checked defecation sites on a regular basis. More significantly, the children of the villages were involved in these monitoring exercises as active and unembarrassed identifiers of those who continued with open defecation.

For example, 'three of the households in Isamoti village (Chirirbandar Upazilla) had not built toilets but were reported to be using nearby toilets owned by the family's relatives. The ban on open defecation in the village and its enforcement by the monitoring committee has forced these households to change their hygiene behaviour even though they are not ready to construct their own toilet'<sup>10</sup>.

Signs prohibiting open defecation were also put up in and around the villages. Besides, social intermediation was conducted by village level motivators who received a commission from the partner NGO for each toilet sold and hygiene behaviour examined. Public ceremonies were also held to present incentives and awards to recognize 'collective action and self regulation'<sup>11</sup>.

### **Appropriate Technology**

The utilization, by rural communities, of appropriate and innovative sanitation technologies has been a key factor of success. So has been Plan's willingness to allow the same. Such technologies are not normally supported by the public department engineers. For example, many of the toilets installed do not have a water sealed toilet pan which usually is considered essential among societies that use water for anal cleansing. Besides, wherever toilets are in demand they have been constructed from freely available local materials such as bamboo and mud. Infact, basic repairs are regularly made by many poor rural households in the same way as they make seasonal repairs and improvements to their houses.

A typical toilet design has a 'homemade sheet metal pan with bricks for footrests and a mud floor. It flushes through a self closing seal into a wicker lined leach pit and uses a bamboo ventilation pipe to reduce fly and colour

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<sup>10</sup> WSP, 2005. Op.cit.,p 81

<sup>11</sup> WDR, 2004. Op.cit., p174

problems. The cheapest of these toilets cost US \$0.93 (to purchase plastic pan or pipe). The durability of these low cost toilets is uncertain<sup>12</sup>. (See Table 1.2) These are entirely self financed by the user households. Plan utilizes the rural sanitary mart, a production centre established with program funds, to supply plastic pan and pipe. There is though a dependence on Plan for repair or replacements.

An affordability strategy should provide the village community, regardless of economic status, the ability to install the toilet or bathroom they desire and not be obligated to accept a product that they do not want.

Typical Toilet Components and Cost		
ITEM	DESCRIPTION	COST
Pan and pipe	Plastic (NGO)	US \$ 0.93
Floor Slab	Home-made mud/bamboo)	US \$ 0
Pit lining	Bamboo wicker frame	US \$ 0
Enclosure	Home-made (thatch, jute)	US \$ 0
	<b>TOTAL COST</b>	<b>US \$ 0.93</b>

**TABLE 1.2**

Source: WSP Report, 2005

### Software v/s Hardware

The innovative aspect of Plan Bangladesh's approach was that it was intensive, community led, requiring well trained and motivated facilitators and multiple village visits. Thus, software costs were high. But it is pertinent to point out that the villages taken up for coverage were very small and cohesive with a long history of community development. But financial sustainability has to be viewed in context of the level of difficulty and resistance that could be encountered in tackling reluctant communities and harsher physical conditions in the region. In addition, scaling up to cover other villages could also lead to a return to toilet subsidies for the landless and extremely poor households thereby pushing up hardware budgets.

### Public Good and Transparency

The goals of the program approach to set in motion the ignition process was achieved with 100 % sanitation coverage within one year. The objective

<sup>12</sup> WSP, 2005. Op.cit.,p 80

of using an intensive participatory process through highly trained facilitators and carefully targeted house to house activities led to successful community involvement. In addition, close coordination with the local government expanded the nature and scope of outreach activities through IEC. Public good was generated because the aim was not just building of toilets but achieving a defecation free status that improves sustainable public health and hygiene promotion/behaviour especially amongst women and children. In this backdrop, the use of the CLTS framework impacted the entire village community due to its focus on community outcomes rather than household inputs.

The mechanism of effective transparency was very evident from the establishment of a micro level interface of the village development committee with a motivated grassroots monitoring committee that has children as its members and acted as a check on defecation activities and its elimination or emergence. The feedback and voice loop was further strengthened by the interaction enabled between the Plan facilitators and the partner NGO that educated and informed both the village development committee and the community households.

### **Operational Implications**

In the backdrop of the widespread success of the initial participatory ignition process that generated demand amongst village communities, a few issues need to be highlighted.

Firstly, there is probably more need to strengthen the monitoring and follow up mechanisms in the fully sanitized villages where the tendency to slip back to open defecation could be high once the nongovernmental organization's attention moves elsewhere. This should include monitoring of the tendency to abandon toilets when serious blockage or damage occurs in the low cost designs.

Secondly, the participatory approach probably works well in small cohesive communities but may not prove viable in large communities where social networks are weak in 'dispersed settlements'<sup>13</sup>. Infact, the core of the community led participation approach is the enthusiasm and motivation of the grassroots 'monitoring committee' that includes children in this case.

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<sup>13</sup> WDR,2004 Op.Cit.,p 174

Therefore, a constant scaling of the incentives for these participants is a critical issue for future sustainability.

Thirdly, the ignition process has to more effectively involve the Department of Public Health Engineering too so that the latter is not resistant to nongovernmental organization's participation in implementation of rural excreta disposal systems. This, infact, could be a window for the nongovernmental organization to share international best practises with local engineers and thus influence the making of a community driven sanitation policy as well as the practise of local rural self governance.

Fourthly, there will be a need to make poor households aware of alternatives to the plastic pan technology promoted by Plan so that the households' subsequent dependence on the NGO for repairs and replacements can be phased out. A big constrain of the rural sanitary mart supply chain is that when the community project is completed the mart's products have little demand. Thus, these marts struggle when they have to operate in a free and competitive market.

### **Macro Lessons**

The above operational implications notwithstanding, the following are the broad lessons to be learnt

- (a) The lack of dependence on hardware subsidy has a great advantage in creating a favourable environment and motivating village communities to take their own action rather than wait for support from outside. Plan Bangladesh was quick to realise this and make suitable transitions over a period of time to embed social intermediation as an appropriate strategy critical to its participatory approach to generate demand. Besides, it is wise to initiate this approach in small and socially homogeneous communities where women and children take the leading role.
- (b) Grassroots Campaigns have shown the ability to generate competition, excitement, energy and teamwork within and between organizations and departments, whether government or NGO or both. But more fundamental to the success of a grassroots participation in rural sanitation program, as demonstrated by Plan, are

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<sup>14</sup> Malva Rosa Baskovich, 'Promoting Sanitation Markets at the Bottom of the Pyramid', Smart Lessons, IFC, World Bank, 2011. p27

familiarization/capacity building workshops for policy makers and key officials that share the insights and knowledge derived from intense interactions with the village community by its facilitators. This needs to be supplemented by series of cross exposure visits for officials, facilitators and the village communities in fully sanitized/ODF villages. This could also lead to evolution and identification of committed champions who combine passion with openness.

- (c) The role of natural leaders appears very crucial in motivating communities using vernacular language and experiences of their daily life in initiating and sustaining a participatory approach. Plan Bangladesh, for instance, is an international NGO and may have its own agenda with staff moving globally but natural leaders stay put besides gaining satisfaction, respect and income. In Bangladesh, in the words of Momtaj Begum (Mukti), Manda, Rajshahi 'In exchange for my efforts I have earned Tk 7,200. Now my family members respect me for the earning and I have become a professional community consultant on CLTS' (Huda 2008:14).
- (d) Children and youth have always been found very enthusiastic in taking responsibilities and mobilizing people. In Bangladesh, groups of children known as *Bichhu Bahini* (army of scorpions) have blown whistles at people found going to defecate in the open. Such stakeholders need to be further empowered by NGO's and the local governments' alike to act as watchdogs and become 'drivers of change'<sup>14</sup>. One effective way could be to initiate student action plans in rural primary and high schools that could become a part of the grassroots social intermediation strategy.
- (e) The pace of steps taken by the village community often creates a demand for cheap, light and effective hardware- slabs, rings and pipes not available in the rural markets. An adequate and timely supply of hardware at low prices can encourage those who can start above the bottom rung of the sanitation ladder and others to progress upwards. While marketing by NGOs helps, participation of traders and manufacturers as stakeholders in the social intermediation process, to assess demand, can a long way to make the market self sustaining.
- (f) It is natural that anything that succeeds on a pilot basis in a few village communities will foresee expansion and scaling across several village

communities. A key factor in the above is the authenticity and verification of the ODF status. This entails inspection keeping in mind the fact that an absolute standard of no defecation is probably not possible ‘due to traditional attitudes, values and habits of people’<sup>15</sup>. Even then such an inspection has to be free of deception and corruption especially when aim is also to generate competition for incentives and rewards. Thus a broad based team consisting of neighbouring communities, natural leaders, local government officials, teachers and members of the general public, can perhaps, ensure appropriate checks and balances.

## Conclusion

No one can deny the critical role of a government driven policy framework that interfaces with the civil society to implement community led sanitation programs. Based on the experience of Plan Bangladesh, in successfully implementing a participatory approach to foster hygiene behaviour change amongst village communities, the government driven policy framework has to further fine-tune the process of accountability and transparency for effective service delivery to the poorest households. Firstly, as far as the local self governance is concerned the program implementation must be devolved to the lowest level of government. Secondly, the local self governance institutions must forge public private partnerships with NGOs in sanitation programs. Besides, involving self help groups (SHGs) could be a very visible way of strengthening demand generation and bottom up synergies.

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<sup>15</sup> Abdullahel Hadi, A Participatory Approach to Sanitation, *Health Policy and Planning*; 15(3):332-337, 2000, p334.

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# Conception and Legal Aspects of Child Labour: A Critical Appraisal

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## Key Words

Child labour, child rights, child abuse.

### *Abstract*

*Here at first we have deliberated on the conception of child labour that often connotes different meanings to different scholars or organizations. Our contention is that child labour is to be defined in the broadest way and it includes both actually working children and potential children. Then we have analysed as to how the issue of child labour has been taken up at the international level - that is, at several international bodies like International Labour Organisation (ILO) and United Nations (UN). Finally, we have also analysed the issue of child labour as provided under different laws and constitution of India. Our contention is that there are a plethora of international and national laws for prevention, regulation and elimination of child labour. Their huge number, inter-contradictions and intra-contradictions often create problems - especially their loopholes result into the persistence of the child labour. These loopholes are not inadvertent rather reflect the class interests of the legislature, executive and the rich employers.*

## Introduction

In developing countries child labour, in one form or other, is a serious problem. Many children are working in the worst forms of labour like bondage, semi-slavery, prostitution, civil wars and so on. According to International Labour Organisation publication 'Child Labour and Targeting' (1996), the number of working children in the age group of 5-14 years in all developing countries was 120 million but ILO later estimated in 2000 that there were about 180 million child labourers in the world and if secondary

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activities are included the number might reach to 250 million. Again the number of child labourers is highest in South Asia and therein India has the highest number of about 20 million (as per estimate of the Planning Commission of India in 2000). However, if we add the number of marginal child labourers to the number of main child workers, it would be around 25 million. Though poverty is the cause of the child labour, it is not the only cause. For instance, food insecurity, malnutrition, adult illiteracy, big size of the family, natural calamities, under-employment in agriculture, lack of awareness, bad habits of elders, etc are also the causes of child labour, especially in developing countries like India. Usually the prevalence of child labour is high in those regions where the problems of poverty, hunger, illiteracy, malnutrition and low adult wages are prevalent. Undoubtedly, in India, more than 300 million people are victims of food insecurity, chronic or seasonal. Hence one may easily guess the range and depth of the problem of child labour in India.

### **Conception of Child Labour**

The concept of child labour is highly complex and contentious. This aspect relates to age, place of employment, payment, exploitation, deprivation of childhood, and denial of full development of the child. It is really surprising that our national law, Child Labour (Prohibition and Regulation) Act 1986 does not define the term 'child labour' at all. The first question is concerned with age. Hence this law defines 'child' as a young person below fourteen years of age. But even the term 'child' has been defined differently in different Indian Laws. For instance, in Indian Penal Code 1860, an enactment of colonial govt., section 82 defines a child as some one below seven years, that is, any deviant behaviour or unexpected/unusual action of a child below seven years is not considered a crime. Our constitution (Article 45, 39, 24) itself defines a child as some one below fourteen years of age. Similarly the Census of India, Apprentice Act 1961, Beedi and Cigar Workers Act, 1966, and Motor Vehicle Workers Act 1961 define a child as one below fourteen years. However, in most of the United Nations Conventions, especially Convention on Child Rights (1989) as well as ILO Conventions (15th and 16th of 1921) define child as a young person below 18 years of age. Interestingly India consented and signed the Convention on Child Rights (1989) on 12th November 1992. Thus there is a contradiction between international laws and national laws as well as between different national laws far as the age

/definition of the child (hence child labour) is concerned. As one is considered adult at the age of 18 years, hence in my view all persons below 18 years of age should be included in the definition of child.

Second issue relates to place of employment. That is, whether a child employed in the family works may be considered a child labour or an outside employment is a necessary condition for being a child labour? The answer to this question would depend on how we look at the issue - narrowly or comprehensively. In a narrow sense, one may think that children's working in the family agriculture tasks, petty business works, (shop keeping) small artisan works (carpentry, pottery, blacksmithy etc) or services should not be considered as child labor because these are their 'own tasks' or family tasks, not other's tasks. Here the cultural identity of 'we' versus 'them' immediately arises - our family, our works, our needs versus their family, their works and their needs. But the question may also arise whether these family tasks are full time or part time? If these tasks are full time, that is, the child has to work for the full day as his parents and other adult members do, then certainly it comes under the definition of child labour. On the other hand, if a child performs family tasks only part time and his family takes care of his schooling and other requirements, he may not be branded as a child labour. But here we include both types as child labour because both full time and part time employment of child deprives him/her from childhood.

Third aspect is paid versus unpaid work of the child. That is, whether for being child labour one is to be paid or even unpaid work of a child would come under the definition of child labour. For instance, first a child is engaged by an employer for grazing of his cattle or at a tea shop and is given only food or only clothes or both but no payment of wages in cash or grains etc. Second, a child performs the works of an employer without any payment or even food for the advance or debt taken by his family from the latter. Third, a child is given raw materials (like tendu leaves for beedi-making, or wool for carpet-making, or yarn for weaving of cloth, etc) by an outsider employer through a middleman to work at the farmer's house itself on piece rate basis. Fourth, a child works as a domestic help in the house of an official and is given food and clothes in return as well as some rupees on monthly basis. To my mind, all these four categories of work by children come under child labour because the child works under certain compulsions and unfavourable conditions of employment with or without any return.

Fourth aspect is the exploitation. The question arises as to whether every type of child labour is necessarily exploitative. In this regard we are reminded of the report (1979) of Gurupadaswamy Committee, constituted by the Govt. of India, which distinguished between 'child labour', and 'child labour exploitation'. According to this committee report, a child labour takes the form of 'child labour exploitation' if the following conditions are attached with it<sup>1</sup>:

- (a) The child is to work beyond his capacity;
- (b) When his work hours interfere in his education, entertainment and leisure;
- (c) When his wages are not in accordance with his work;
- (d) When the concerned occupation or production process is hazardous to his health and safety.

This committee was against the child labour exploitation but not against the child labour per se. However, such distinction is difficult to be made on ground because the social reality is usually gray, not black and white. For instance, an employer may show payment of full wages to child labourers on parity with adult labourers on paper; he may show far less number of work hours than actual work hours; parents of child labourers may easily get their wards enrolled in a school; and an employer may easily show the protection and safety measures but without implementing them or the nature of work itself may be hazardous.

Finally, there is a deprivation aspect. In practice, many children work as 'unseen hands' (unpaid and unacknowledged). As Ramachandran rightly says, a 'large number of children are denied their right to childhood in all its connotations – the freedom to play, to learn and to develop to their fullest potential and, as such, must be classed as child workers, whether or not they are recognized as child labour'<sup>2</sup>. This broad definition encompasses all the deprived children, working full time or part time, inside family or outside and even those who are neither working nor studying in the schools, whom D. P. Choudhary rightly calls 'nowhere children'<sup>3</sup>. D.P. Choudhary classifies that many children were enrolled in schools but later dropped out due to family compulsion or incapacity of the schools to retain them. Actually the proportion of boys from the poorest households who dropped out is 396 per

thousand compared to 94 per thousand among boys from richer households. Thus, in his view, the problem of dropouts in rural schools may be attributed mainly to the poor quality education a supply side problem. Similarly the PROBE also found that because of the poor quality of education imparted in govt. schools the enrolled children from poor families are dropping out and thus immediately joining the group of child labourers or becoming potential child labourers<sup>4</sup>. Shanta Sinha and her M.V. Foundation, Rangareddy, (Andhra Pradesh), engaged in the eradication of child labour since 1992, take the most comprehensive definition encompassing denial of child's full development and rightly propound five postulates about child labour which are as follows<sup>5</sup>:

- (a) Every child not going to schools is child labourer;
- (b) Whether a child gets wages or not, works at his family or under others, works in hazardous conditions or non-hazardous' conditions, works on daily basis or piece rate, he work as a child labourer;
- (c) To eradicate child labour from India, the only way is to remove child labour system in rural areas;
- (d) Every work is harmful to child because it affects his development;
- (e) Different logics like family's difficulties, poverty, child's earning as additional income to family, family's disinterestedness in sending child to school, school being boring to children and education being unhelpful in providing employment are against the holistic development of the child.

Thus I tend to agree with the last comprehensive and activist definition of child labour. This definition is 'from below', hence it encompasses both actual and potential child labourers on the one hand and, on the other hand, it tends to actually go beyond the realm of academics, and attempt to eradicate the problem of child labour. That is why she and her organisation have been fully involved in identifying the child labourers, motivating them, involving the community, engaging them in 'bridge course' and finally enrolling them in formal mainstream schools.

### **Issue of Child Labour at International Level**

From the very beginning International Labour Organisation (ILO) is concerned with combating of child labour in the world, especially ensuring

the minimum age for employment, conditions of work, and worst forms of employment. It is notable that Article 2 of I.L.O. Convention 138 (1993) clearly mentions that the nation - states need to set a (general) minimum age at 15 years which under specified conditions may be set at 14 years. Its Article 7 mentions that nations-states should also 'set a minimum age for light work at 13 years or at 12 years in the State with a minimum general age of 14 years'. Further its Article 3 specifies that nation-states should 'not allow work that is likely to jeopardise the health, safety or morals of young persons to be performed by persons below the age of 18 years with the possibility to set this age at 16 years of the health, safety and morals of those persons of 16 and 17 are fully protected'<sup>6</sup>. From these three provisions it transpires that I.L.O. wants uniformity in the minimum age at fifteen years in general but in some exceptions it may be fixed at 14 years with specific conditions. Second, for petty works of light kind, the minimum age may be fixed by the nation-states at 13 years. Third, and the most significant, it is mandatory on the part of the nation -states to ensure that in no case the children below 18 years (not 14 years as given in Article 2) be allowed to work in hazardous industrial processes, occupations and other activities which may affect their health, safety or morals. Thus children are to be saved from prostitution, war and other types of conflicts. I.L.O. convention 138 has been ratified by 116 nation-states, whereas the UN Convention on Rights of the Child (CRC) 1989 is ratified by 191 nation-states. Needless to say that I.L.O. convention 138 was remarkable in that it replaced earlier conventions regarding the minimum age of employment which concerned with only some specified sector, e.g., industrial employment non-industrial employment, agriculture, maritime employment/fishing, underground work in mines, employment as trimmers/stokers. That is why the very first Article of ILO convention 138 says that the nation-states have to make a national policy to effectively eliminate child labour and, therefore, to raise the minimum age for employment consistent with the fullest mental and physical development of young persons. Earlier following ILO Conventions prohibited work for child below 18 years in dangerous works:

- (a) Night work of young persons (industry ) convention 6 (1919);
- (b) While Lead (Painting) convention 13 (1921);
- (c) Night work of young persons (Non-Industrial occupations) convention 79 (1946);

- (d) Revised light work of young persons (Industry) convention 90 (1948)
- (e) Radiation Protection convention 115 (1960);
- (f) Maximum weight convention 127(1967);
- (g) Benzene convention 136 (1971).

Further fitness by medical examination is required for certain works for persons below 18 years (as per some ILO conventions) in employment at sea (convention 6 of 1921), in industry (convention 77 of 1948), in non-industrial occupations (convention 78 of 1946) and in underground work (convention 124 of 1965). Later Occupational Safety and Health (Dock Work) convention 152 (1979) was also passed. The comprehensiveness of ILO convention 138 is reflected in its Article 2 which clearly provides the following:

- The ratifying member is to specify a minimum age for employment within its territory as well as on means of transport in its territory;
- Each member has to notify the Director General of ILO that it has specified a minimum age higher than that previously specified;
- Such minimum age shall not be less than the age of completion of compulsory schooling and in no case be less than 15 years;
- If the economy of member nation-state is poor and educational facilities are insufficiently developed, it may consult the organisations of employers and employees and then initially specify a minimum age of 14 years;
- In case a member nation-state specifies 14 years as minimum age of employment, it has to report to ILO the existing reason for it or its renouncing the right to avail of the said provision as from a specified date.

Further Article 6 of ILO convention 138 mentions that the works, done by students (upto 18 years) in schools or training institutions, would be exception. However, it is provided that such work should not be harmful to their health and development and, secondly, it should not prejudice their attendance in school, their participation in vocational training approved by the competent authority or their capacity to benefit from such instruction (Article 7). It is further notable that, on the one hand, Article 9 of the ILO convention 138 clearly mentions that the member nation-states have to take all measures to ensure effective implementation of the convention including

penalties, regulations, maintaining of records of youngs employed, on the other hand Article 7 (3) provides that children 'shall not be employed in such work as would deprive them of the full benefit of their education' and Article 7 (4) provides that the members have to ensure that working hours of persons under 16 years of age 'shall not be employed in such work as would deprive them of the full benefit of their education' and Article 7 (4) provides that the members have to ensure that working hours of persons under 16 years of age 'shall be limited in accordance with the needs of their development, and particularly with their need for vocational training'.

Further ILO's convention 182 of 1999 (17th June) was concerned with the Prohibition and Immediate Action for the Elimination of the Worst forms of child labour. It has been ratified by 131 member nations. Article 1 of convention 182 clearly mentions that the member nations are bound to take immediate and effective measures for prohibition and elimination of the worst forms of child labour as a matter of urgency and according to its Article 2, it applies to all persons below the age of 18. According to Article 7 the member nations have to take measures relating to prevention, removal of children from worst forms of child labour, rehabilitation, social integration, access to free basic education and vocational training, identification and reach out to children at risk, and measures to take into account the special situation of girls. There should also be provision for penalty and other sanctions. Further, as per Article 8 of the convention 182, the member nations should take measures to enhance international cooperation and assistance, inducing support for socio-economic development, poverty eradication and universal education. But the question arises as to what are considered as worst forms of child labour. According to Article 3 of the convention 182, these are as follows<sup>7</sup>:

- (a) all forms of slavery or practices similar to slavery, such as sale and trafficking, debt bondage, serfdom, forced labour, and forced or compulsory retirement of children for use in armed conflict;
- (b) child prostitution and child pornography;
- (c) criminal exploitation of children, including the use of children in drug production and trafficking;
- (d) work which is likely to harm the health, safety or morals children.



Hence Article 7 of the convention 182 focuses on following effective and time-bound measures to remove these worst forms of child labour:

- i. prevention of worst forms of child labour;
- ii. removal of children from the worst forms of child labour and their rehabilitation and social integration;
- iii. ensuring access to free basic education or vocational training; and iv. attention on children at special risk and the special situation of girls.

Regarding child labour another important international convention is 1989 UN Convention on the Rights of the Child (CRC), which was adopted on 20 November 1989 and came into force on September 2, 1990. Its Article 32 clearly states<sup>8</sup>:

- (1) “States Parties shall recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to be child’s health or physical, mental, spiritual, moral or social development.
- (2) “States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States parties shall in particular:
  - (a) provide for a minimum age, or minimum ages for admission to employment;
  - (b) provide for appropriate regulation of the hours and conditions of employment;
  - (c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.”

Further this convention’s Article 33 is related to the use of children in drug production and trafficking, Article 34 to the sexual exploitation of children, Article 35 to the sale, trafficking and education of children (which is reconnected to Article 32 concerning economic exploitation as sale of and trafficking in children occurs for economic exploitation) and Article 36 obliges the member nations to protect the child against all other forms of exploitation prejudicial to any aspect of child welfare. Moreover, the Article 39 clearly states that member nations shall take all appropriate measures to

promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation or abuse, torture or other form of cruel, inhuman or degrading treatment, or punishment, or armed conflicts. Such recovery and re-integration is to take place in an environment which fosters the health, self-respect and dignity of the child. Thus this Article is also closely related to article 32 regarding economic exploitation of the child.

However, it remains a fact that CRC did not define the term 'economic exploitation'. But G. Van Bueren explains that this term connotes the following features<sup>9</sup>:

- (a) child labour is exploitative if it threatens the physical, mental, emotional or social development of the child
- (b) if financial remuneration of the services in kind are less than that which is paid to adults;
- (c) if work is undertaken at too young an age and is detrimental to the well-being of the child;
- (d) if the child is deprived of educational entitlement and vocational training.
- (e) If the child is deprived of 'self progress' for the future.
- (f) It is not the work per se, which is the focus of international law, but its abuse.

The above explanation removes all kinds of doubt about what the economic exploitation means. Further Article 32 of CRC clearly refers to children at work in both formal and informal sectors, hence the measures suggested also cover both formal and informal sectors (including domestic servants, agriculture and family activities). Further, Article 31 of CRC recognises the right of the child to rest and leisure, along with the rights to play and take part in recreational cultural and art activities. Further there is provision (Article 28, 24) for taking measures to ensure child's right to education, highest attainable standard of health, recovery and social re-integration. Thus the CRC is quite comprehensive and we tend to agree with Sharon Detrick: "While the CRC may not be the last – or complete – word on children's rights, it is the first universal instrument of a legally binding nature to address those rights". In addition to the efforts of ILO and UN, as discussed above, following major international treaties have also made due provisions

for child rights in general and for prevention and eradication of child labour in particular:

- (a) Universal Declaration of Human Rights, 1948
- (b) International Covenant on Economic, Social and Cultural Rights, 1966
- (c) International Covenant on Civil and Political Rights 1966
- (d) African Charter on Human and People's Rights, 1981
- (e) American Convention on Human Rights, 1969
- (f) Additional Protocol to American Convention on Human Rights in the Area of Economic Social and cultural Rights, 1988 (Protocol of San Salvador)
- (g) European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
- (h) European Social Charter, 1961.

For instance, Article 10 (3) of International Covenant on Economic, Social and Cultural Rights, 1966 talks of protection of children from social and economic exploitation<sup>11</sup>. Special measure of protection and assistance, therefore, should be taken on behalf of all children and young persons without any discrimination for reasons for parentage or other conditions. Further their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by a law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law. Similarly Article 7 of European Social Charter 1961 makes following provisions.

- i) to provide that 'a higher minimum age of admission to employment shall be fixed with respect to prescribed occupations regarded as dangerous or unhealthy;
- ii) to recognise the right of young workers and apprentices to a fair wage at other appropriate allowances;
- iii) it provides that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
- iv) to provide that employed person below 18 years shall be entitled to not less than 3 weeks annual holiday with pay;

- v) to provide that person below 18 years employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
- vi) to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

### **Issue of Child Labour at National Level**

During 1920's in colonial India also the issue of child labour was raised both officially and unofficially. For instance, in 1929, the Royal Commission on Labour in India was established and it submitted its report in 1931 in which the pathetic status of child labourers was described in terms of taking work for long period (10-12 hours), prevalence of the condition of almost slavery, bondage and forced labour, corporal punishment for petty mistakes, pledging of children by their parents to some employers, nexus of moneylenders, landholders and factory owners in multiple exploitation of child labourers, no food, no interval, no weekly holidays and no leisure. It had noted the practice of pledging of children by their parents to employers, especially in carpet and beedi-making tasks, particularly in Amritsar and Ahmedabad. On the other hand, in 1931, at the Karachi session of Indian National Congress, a resolution was passed for the protection of the labourers, including child labourers, which specifically emitted that the children of school-going age should not be employed in hazardous works like factories and mines. Consequently Labour Sub-Committee of Indian National Congress included following points in its report submitted in 1940:

- i) work and life conditions (including work hours) could be regulated;
- ii) correlating with the education system, the minimum age of employment should be slowly raised to 15 years;
- iii) Work hours should be limited to 9 in a day and 48 in a week;
- iv) Such a method of wage fixation should be used so that the labourer may get living wage and minimum wage.

Needless to mention here that the political guru of Mahatma Gandhi, Gopal Krishna Gokhale, in the capacity of the President of Indian National Congress, had appealed in early twentieth century to the British Govt. for free and compulsory education of all the children so that they may not be deprived of

the golden opportunity of getting knowledge and may not suffer as child laborers. However, the British govt. had already made a law - Factories Act 1881 – wherein it was provided that the children below seven years could not work in factories. Further children were not allowed to work in two factories and/or to work for more than nine hours. For the first time this law provided four days leave in a month but this law was applicable only in those factories where there were one hundred or more labourers. Further law had narrowly defined the children as those below seven years of very tender age whereas most of the child labourers start working after 7 years. To be fair, in the light of the recommendations of Royal Commission on Labour in India (1931), the British govt. made the first significant law in favour of child labour in 1933, known as Children (pledging of labour) Act 1933. This law clearly declared the pledging of child laborers by their parents to some employers through written bonds by taking some advances from the latter as illegal. It defined young person below 15 years as child labour.

Later another law, known as Children's Employment Act 1938, was made by the British govt. It fixed 14 years as the minimum age for employment in carriage of passengers at railways and holding of luggage at port, beedi-making, carpet-weaving, cement-manufacturing, cloth-printing, dyeing and weaving, making of match boxes, cutting of mica and tanning works. Their age certificate was made compulsory in such employment but unfortunately the term child labour was not defined in this Act, rather it allowed the children above 14 years but below 17 years to work in prohibited category of works/industrial processes/occupations. After independence a central law, known as, Children's Employment (Amendment) Act, 1951 prohibited the children of the age of 15-17 years to work at night a railways and ports. Secondly, it made mandatory for the employers to maintain registers regarding the young persons below 17 years employed by them. Again Children's Employment (Amendment) Act 1978 was made by the govt of India where the children below fifteen years of age were prohibited to pick up coal and clean cinders in railway complexes, to work in construction works, catering establishment, and work near railways lines or between two railway lines. But this law, too, was not comprehensive. Later, in 1986, government of India legislated Child Labour (Prohibition and Regulation) Act 1986. It has defined child as a young person of 14 years of age but it, too, did not define the term 'child labour'. Its salient features are as follows:

- (a) Maximum work hours can not exceed six;
- (b) Half an hour's rest in between 6 hours is to be given;
- (c) Children are not allowed to work from 7 PM to 8 AM;
- (d) prohibition to take work for more than three hours at a stretch;
- (e) One weekly holiday;
- (f) To maintain a register for children employed and in case of any dispute regarding age a certificate is to be issued by a competent medical officer;
- (g) The competent government (Central or State) to make rules regarding sanitation, health care and facilities for labourers;
- (h) In case of violation of the provisions of the Act, the employers of child labourers will be punished – minimum three months' imprisonment and maximum one years' imprisonment or minimum 10,000/- rupees as fine and maximum 20000/- rupees as fine or both for the first time offenders; for second time offence minimum 6 months' and maximum two years' imprisonment;
- (i) The Act (as amended till now) prohibits the employment of children below 14 years of age in 16 occupations and 65 industrial processes.

However, the Child Labour (Prohibition and Regulation ) Act 1986 does have following lacunae:

- (a) under section 2 (x) the definition of 'workshop' does not include those complexes given under section 67 of Factories Act 1948. Therefore the employers take undue benefit of this loophole.
- (b) Under section 2 (5) there is a pretty scope that an employer may employ his family's children even in hazardous works. Actually some employers, who run their economic activities at their residences, employ child labourers there but claim that they are their family members. The Employment of Children Act 1938 was stronger than this Act in this regard as that law provided that without hiring children from outside only family children could be employed.
- (c) This act is not applicable to Govt schools and govt aided /recognised schools; thus many private schools engage child labourers in taking the undue advantage of this provision.
- (d) Under section 2 (x) 'Industrial Process' is mentioned but it is not as comprehensive as any production process since the latter also includes non-industrial productive processes.

- (e) Under section 7 it should be added that the children can not be employed at piece rate, so that the employer is bound to pay the minimum wages to child labourers like adult labour.
- (f) Under this act simply regulation of certain works/processes is not sufficient because any work due to which the child labourers are deprived of their education, play and childhood, becomes hazardous for them.
- (g) regarding the medical certification of age it is quite probable that given the prevalent corruption the medical officer will act as per whims of the rich employers. Instead, there should be provision that the onus for age proof should be on the employer, that too, before the employment of the children. Age certificate produced must have been issued by the Registrar of Birth and Deaths or schools.
- (h) Under this Act there is no provision for imposing tax on the employers for creation of national Child Labour Welfare Fund, so that it may be utilized for children working in regulated activities.
- (i) The biggest failure of this Act is that it is not applicable to informal activities wherein 90% of child labour is engaged.
- (j) Under this Act the term 'child labour' has not been defined; only child has been defined as a young person below 14 years. Further as per ILO conventions and UN convention of 1989 (CRC) as well as some national laws (Motor Vehicle Act, Merchant Shipping Act, etc), this age should be raised up to 18 years because only then a person becomes adult and till then one may get at least 10-12 years of schooling. .
- (k) Under the Act the definition of 'place of work' is very narrow, it should include agricultural activities, fishery activities, afforestation, process of domestic production, micro enterprises operated by family members and the like.
- (l) Earlier the Employment of Children Act 1938 duly provided that it was compulsory for the employer to inform the labour/factory inspector before starting any industry of prohibited processes for children, but unfortunately Child Labour Act 1986 does not have such provision, hence the employers take undue advantage of this loophole. (m) The act should have a provision to publicise all the hazardous occupations and production processes for children, so that common people may be aware of these and do the needful in case of their violation.

- (n) The penal provision should be made more tough and both the fine and imprisonment should be enhanced to 50000/- rupees and two years for the first offence and its double for the subsequent offence.
- (o) In addition to labour/factory inspectors, a panel of the recognised trade unions, accredited journalists and NGOs should also be allowed to check whether child laborers work in an enterprise or not. They should then report the matter to the concerned labour/factory inspectors or superior officials.

Now we need to discuss about the constitutional provisions regarding child labour. In part III of Indian constitution fundamental rights to citizens are provided and therein Article 24 clearly provides that any child below 14 years would not be employed in a factory or mines or other hazardous employment. This provision is mandatory and therefore any aggrieved person may move to High/Supreme Court for its implementation in case of any violation. However, there, too, the term 'hazardous' has not been defined. Hence its undue advantage is taken by the employers. On the other hand, in Part IV of the constitution, Directive Principles of State Policy also have some provisions in this regard. For instance, under Article 39 (E) the State has to ensure that children's tender age is not misused and any Indian citizen should not work under compulsion such tasks/occupations which are against his age or strength. Similarly Article 39 (F) provides that State should provide such facilities and opportunities so that the children may development with freedom, dignity and in a healthy way and their childhood and adulthood should not suffer physically and morally. Further Article 45 clearly says that State shall endeavor to provide free and compulsory education to all children below 14 years within ten years from the date of the enforcement of the constitution. Our constitution came into effect on 26th January 1950 and by 26 January 1960 all children should have been given free and compulsory education. But it did not happen and still about 1/3 rd of our population is illiterate (literacy being 65% only). Actually in the light of this Article there was no national law (and rules) legislated by the Parliament. Now our constitution has been amended and under Article 21A educating has been made a fundamental right and the law has come into effect since April 2010. But Supreme Court in K.P. Unnikrishnan Versus Union of India declared free and compulsory education a fundamental right by extending



the Article 45 way back in 1993. Moreover, under Article 47 of Indian constitution the state should take steps, as its primary duty, to provide nutrition, raise standard of living and improve the public health of the citizens. With the increasing literacy, mass awareness, and public pressure, the State is bound to pay heed to these directive principles in course of time.

From the above analysis, we may draw following conclusions:

First, the various international and national laws are full of loopholes, hence these should be removed in the interest of the children in general and child labour in particular.

Second, our goal should be the eradication of child labor, hence any law that provides for merely regulation is not acceptable because child labour is not regulatable at all considering the vast area, huge population, loopholes in laws, dishonesty of employers and prevailing corruption among law enforcing authorities.

Third, child labour is to be seen in the broadest sense as any kind of deprivation or denial of full development of the child must be construed as child labour, hence to be removed.

Fourth, merely legislation, how much progressive it may be, is not sufficient for eradication of child labour. Actually along with full and regular enforcement of labor laws, it is urgently required that labour officials, prosecution and judicial officials should be sensitizes towards child labourers' woes.

Finally, a genuine mass awareness drive should be launched by the proactive voluntary organisations and citizens to bring all child labourers to schools, public or private.

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# Human Values in Man Management and Administration

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Management is getting people to do what needs to be done. Leadership is getting people want to do what needs to be done. Managers push, leaders pull. Managers command people, leaders communicate with people. It is here that values play an important role because both leadership and management have got to be people centered. We should know how people are. Most of the problems in administration in a democracy arise because many managers do not have leadership virtues and traits and those who are mostly not liked or tolerated by the leaders.

## **Categorising mankind – To know people better**

People in this world can be broadly divided into four categories. Those belonging to the first category only survive.

The second category consists of those who exist and live.

The third category consists of those who live happily.

Only a microscopic number belonging to the fourth category go beyond living happily. They outlive life. They try to make others live happily.

A person who breathes, moves and eats only survives. He remains busy with his own living only.

Those who exist and live belong to the category of the plain and the simple. Only some of them are clever. Some are corrupt. Many are honest and some are both clever and corrupt.

Those who actually live happily are the wise and the successful both in achieving a reasonably good standard of living and in living a life of quality.

## **Outliving life**

The fourth category which are the fewest in number not only remain happy themselves in all circumstances but believe in distributing joy and happiness

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all around themselves. They influence the lives of those who come in contact with them in a positive way. They outlive life.

The difference between a school and the life is that in a school you get educated first and then you are tested and examined. In life the examination comes first and you are educated thereby and may be thereafter. The question is how to remain prepared for the examination of life. Formal education does not prepare you much for these examinations. You have to live a full life to remain in preparedness.

### **Life is what you make of it**

What wise men have learnt out of experience have to be treasured, remembered and put to practice. Some of them are as have been prescribed by Dale Carnegie in his book “How to win friends and influence people” back in 1936.

- Criticism puts a person on the defensive. Insult wounds a person's precious pride, bursts his sense of importance and arouses resentment. He builds a wall around himself. It leads to demoralization and may end in futility. An animal rewarded for good behaviour will learn much more rapidly and retain what it learns than an animal punished for bad behaviour. A great man shows his greatness by the way he treats little men. So, don't criticize, condemn or complain.
- The deepest urge in human nature is the desire to be great and important. This desire makes a man different from an animal. It makes great men and makes criminals also. So give honest and sincere appreciation first and then go to finding the fault if you must. You should be hearty in your approbation and lavish in your praise.
- If you want to be a successful manager in administration you have to become genuinely interested in other people. To appear interested you have to be a good listener and encourage others to talk about themselves. You have to be sympathetic with the other persons' ideas and desires. Deeply listen to them. Listening truly is the highest compliment to pay to him who talks. Talk in terms of the other persons interests so that you make him feel important and do it sincerely. By showing respect for the other man's opinions and avoiding to say that they are wrong you win them to your side. If you are wrong admit it unequivocally, the sooner the better, be it before your superiors, colleagues or subordinates.

- A good leader and manager should not destroy the ego of his employees and junior colleagues and make them lose face even when they are evidently wrong and the boss is right. No one should be cornered to such an extent in public so that his dignity and self esteem is hurt. Make the fault appear easy to correct by appropriate encouragement and behavioural connections.

Practice the art of happy living, so that you make others happy.

It depends whether you are a part of the problem or a part of the solution. If we want to be a part of the solution, we have to learn the art of happy living. To learn the art, you have to practice the art. There is no other way of learning.

Life is your best teacher. In matters of learning in life and from life, there are four categories of persons :

- (i) A wise man learns from the mistakes of other people.
- (ii) A less wise man learns only from his own mistakes.
- (iii) The fool never learns from the mistakes of others and
- (iv) The biggest fool is he who does not even learn from his own mistakes.

Learning is not a one time operation. It is a continuous process.

### **Knowing is alone not doing**

There are many administrators who always say “I know”, “I knew it before”, “I said so”. They tell before their leaders exactly the opposite, “You know all this Sir”, “you had said it long ago”. Neither of these traits is a virtue of any value.

It is not enough to learn because knowing is not doing. Doing is doing. For this we have to face life squarely as it comes. If we complain, grumble and try to escape then we do not move forward. For confronting problems and hurdles we have to keep smiling both inside and outside. When one avoids facing problems or runs away from it, he learns nothing and goes nowhere. Admit ignorance with a smile and not a grumbling face.

### **Have a dream, achieve it yourself**

Those who either exist, survive or only live do not have a dream in life or a target to achieve. They often do not understand or accept that they have to live their own life. If one is not prepared to bear the burden of his own life he cannot empower or improve himself. One should not always expect external help nor should one volunteer always to help others making them dependent. Some leaders and administrators find it easy to dupe people who always

depend upon external help. Leaders should have their own dreams and they should teach people to have their own dreams.

### **Receive help and help others**

Our ego often prevents us from asking for or receiving help even when it is necessary. Therefore, reducing our ego is the first principle of happy living. Helping others when they are in need is the most critical foundation stone of a happy society consisting of happy individuals. A happy society with happy individuals provides leaders and administrators from the masses, for the masses. Refusing help when it is forthcoming on grounds of ego alone is not a human value conducive to leadership.

### **Attitude towards success**

#### **Four categories**

As regards attitude towards success men can be divided into four categories. The first category believes that only the fortunate, the lucky and the blessed few achieve success. Others are doomed to failure. There are others who believe that success can be had only with higher contacts, wealth, external influence and rarely by merit alone. These two belong to a category which thinks that either they are not fit to be successful or the society does not value or appreciate their capabilities. In either way they do not make good leaders.

The third category of people strongly believe that man has a right to succeed and they must succeed. Who then becomes successful? He who believes that man is born to succeed has a right to succeed he can also succeed.

The fourth category feel that success of whatever type does not matter at all for living and for survival. This category is not worth discussion.

It is this third category of people that throws managers and leaders into the society. Robin Sharma, the internationally acclaimed leadership guru has the following findings about virtues of leadership material in management and administration.

- Visionary leaders care more about doing what is right than appearing right or intelligent. People who feel superb about themselves generate superb results. The ultimate task of the visionary leader is to dignity and honour the lives of those he leads by allowing them to manifest their highest potential through the work they do. The greatest privilege of leadership is the chance to elevate lives all around.
- One of the hallmarks of visionary leadership lies in the translation of positive intention by the leaders into tangible results. They do not expect

others to become anything more than they are willing to become themselves. They lead by examples rather than by precepts.

- Leaders know that awareness must precede change. The shop floor conditions, the grass root realities must be seen to be believed and acted upon. They know that the job of every leader is to define reality for his people.
- Every visionary leader masters the practice of connecting deeply to his followers. To enhance the leadership he enriches the relationship. Every visionary leader has to be consistently compassionate, blending humanity with courage. While he has to manage by mind he has to lead by heart.
- Great managers are great teachers and great coaches. They recognize and reward employees regularly. By giving genuine appreciation they always get more than what they reward.
- The visionary leader and manager develops the discipline of managing the unexpected and champions constant intellectual development and skills improvement. He acknowledges that without change there is no progress and therefore, he finds joy in change. He also inspires positive attitudes in others to the opportunities that change presents. He understands that if you don't lead your time, it will lead you.
- A leader does not settle for mediocrity in any thing, for he knows that anything less than a conscious commitment to peak personal performance is an unconscious commitment to weak personal performance.
- A leader sees what all see. He thinks what none thinks.
- A leader should always remember that the purpose of life is a life of purpose. Leaders try to leave a foot print and make a difference. The greatness of leadership comes by beginning something that does not end with you.

### **You are not limited**

Unless you know and believe that human birth is special you shall not have an inner urge to succeed. Believing oneself to be limited and incapable of great achievement is the strongest shackle on the path of self improvement and success. You cannot make values the basis of your life if you have a complex that you have limitations to success.

Like freedom, improvement is also our birth right and it is not enjoyed by begging. It has to be fought and won like freedom.

## **Tips for a value based life**

For living a life with values the following tips are important.

- Set your goal for each role in life without forgetting the ultimate goal of getting happiness. Nobody has or should have a goal of being miserable. This has got to be entrenched deep also in the minds of the employees so that they hate being miserable, thinking miserable and talking miserable.
- Harmonize your goals and prioritize them to see that neither the means to achieve these goals nor the goals themselves conflict with each other or cancel each other. The individual goals should be harmonized with the goals of the Organisation and prioritization should be effected and implemented, the earlier the better.
- Liberate your mind from ignorance of all kinds. To know is to be empowered. Knowledge succeeds. Ignorance fails. Ignorance not only bars your climb upwards, it drags you down the ladder.
- Depend on the dependable and put up your best. You can do that if you give up the ego in you and work with a team spirit of total dedication to the Organisation. When you have succeeded, say that “we” and not “I” have achieved it. That is true human value in leadership in any field.
- Remember that where the going gets tough the tough gets going. Tell your team like Swami Vivekananda “to arise, awake and stop not till the goal is reached”. When you value your values you get all the strength to achieve the results. Values you cherish must stand out from the conduct of all of your employees.
- You have heard it said often that great men do not do different things. They do the same thing differently. So, never give up. All that you require is self confidence and patience which are two eminent human values. We can, we must. A leader should both have self confidence and patience in ample measure and he should reward these qualities in his team.

## **One step enough for me at a time**

Go step by step, you can surely change yourself and your team.

- Develop your thoughts and gradually take them to a higher plane. Keep the cover of your can of thoughts open, so that the new ideas come in and stale air goes out. Your whole team should know that you are open to new ideas and ways to perform and succeed. Have an open mind, the doors of all gates would be open for you.



- Approach every problem with faith and every person with love. The work is half done and the problem is half solved if you only have love and faith on your side. Exercise of power and administrative functions in any team without love is dry and fruitless. It has a very weak base. It does not produce sustainable results. Love is God and God is love. There is no moral virtue higher than love.
- Before taking any political or management decision, strive at getting the right information. Make sure that the information received is correct before acting on it. Cross check it if possible. Jumping to decisions with half information, no information or wrong information is bound to lead to disaster. Never hurry, never act in haste and repent in leisure.
- Have a broad and steady mind. Small men do not achieve big things. If you think small you would act small and remain small. Make your team feel that they can aim big, think big, act big and achieve big. If it takes time, does not matter.
- Respond to a situation with calm and poise. Do not react. Reacting complicates matters for both parties. Respond you must but react you never. Large hearted men respond. Small hearted man react. Chose what you would like to become. Your team should cultivate the habit of responding and not reacting. Calmness and poise are high moral values praised in Gita as Daibi Sampatti.
- What can not be cured has to be endured, but it can be overcome through a by-pass. So no point wasting time confronting it head-long. Take time to work out a bypass. Ask your colleagues and employees to suggest a way out.
- Go above praise and rebuke, short term respect and disrespect. What you do not accept does not stick to you. Only a wholesome individual can have a harmonious personality. A leader always goes above small irritants. Make your team mature enough to live with criticism and even work in a fault finding environment.
- Strike the golden mean between the extremes, all works and no rest on the one side and all rest and no work on the other. Thoughtless hasty action can be as dangerous and negatively rewarding as thoughts without any action or action less thinking.
- Brooding over the past and worrying for the future, both act as the surest formula for sorrow and recipe for failure. Give up both and live in the present. Make your team develop it as a habit.

- Only a strong mind can think and work out a tactics or a strategy. You can not change the world but surely you can try to change yourself first and then your team. Therefore, do your best and leave the rest.
- Respect. Do not suspect. This is the secret of being positive and achieving results in a team work. Remember, love rules, mistrust fails and is ruled. Trust builds up lasting bonds, suspicion breaks the bonds. Trust succeeds. Mistrust fails. Humility succeeds. Develop trust as a team habit.
- Remember – values are invaluable things both for you and your team. To uphold values you can compromise and sacrifice and that would not dwarf you or your team. Never feel small in sticking to a value though the results may not be immediately rewarding. One who values privileges and quick gains more than principles soon loses both.
- Take charge of your team in full. Perform to potential of yourself and that of the whole team. Bring harmony in goals and relationships and, last but not the least, mind your mind first and then see that minds of others in the team are taken care of. Leadership is idealism in action.

### **It is not enough to manage – You must lead**

A leader stands out from managers in the following ways, according to Warren Bennis –

- The manager administers, the leader innovates.
- The manager is a copy, the leader is an original.
- The manager maintains, the leader develops.
- The manager focuses on systems and structure, the leader focuses on the people.
- The manager relies on control, the leader inspires trusts.
- The manager has a short range view, the leader has a long range perspective.
- Manager asks how and when, leader asks what and why.
- The manager imitates, the leader originates.
- The manager accepts the status quo, the leader changes it.
- The managers do things right. Leaders do the right thing.

### **What are the five most important human values for a team leader ?**

- Adherence to Truth. Standing for faithfulness, constancy and conformity to reality and other truth related virtues.

- Control of the senses, inward feeling and impressions arising out of subjective consciousness that stand for purification of mind.
- Samata or equanimity, in prosperity and adversity for which evenness of mind and temper is critical.
- Forbearance, exercise of patience or restraint is essential for leadership.
- Compassion is the feeling of sorrow or pity for the suffering of another with a desire to alleviate it. This makes a leader respected and honoured in the team.

### **Who can be called a Leader ?**

A person who has all the following five major virtues is a leader.

- |         |  |
|---------|--|
| Satya-  | 1) He should be truthful.  |
| Dharma- | 2) He should be righteous i.e. just, upright and supported by a moral stand point. |
| Prema - | 3) He should be loving his fellow men.   |
| Shanti- | 4) He should have a peaceful disposition and not a fickle or a disturbed one.      |
| Ahimsa- | 5) He should practice objective non-violence, both in spirit and action.           |

### **Make and keep promises. Involve people in the problem for working out solutions together.**

In this regard the following is worth knowing –

The Seven Habits of Highly Effective People as described by Stephen R. Covey lay down the moral code for success in management and leadership. The first habit is being proactive and not merely taking initiative. A leader has to be an agent of change rather than a victim of it. A victim is reactive and blames others. Blaming others is not a good human virtue or value.

A leader and Manager must have a clear purpose and objective in mind and commit himself to principles in achieving that purpose and objective.

Organising and executing around your most important priorities is putting first things first, not urgent agendas and forces surrounding you but principles you value most should decide your priorities.

Believing that you will win along with others in the team, organization and society through mutual benefit and mutual respect is a most important value

system you should build up. Apportion credit but accept the blame – should be the true spirit of a leader.

A leader should seek first to understand and then try to be understood. Respecting the other view point is what requires consideration and relationship building. Respect, Value and celebrate one another's differences and work them out. Without highlighting individual weaknesses one must optimize and run with strengths.

Physical, social mental and spiritual renewal should be constant exercises for the leader and the team.

### **Human values provide the yardstick to measure good relationship in an organization and society**

Management is a very useful tool in the hands of a leader. One can be a good manager without being a leader but one cannot be a good leader without being a good manager. Management is doing things right, leadership is doing the right things. Here comes the question of values i.e. to decide which are the right things. Management efficiency is in climbing the ladder of success. Leadership determines whether the ladder is leaning against the right wall. It is here that human values plays the prominent role. A man with wrong set of values cannot choose the right wall on which he should lean his ladder. It is in this sense that leadership is a byproduct of spirituality.

What are the values specific for building of a good leadership ? Sacrifice, selflessness and renunciation of self interest enables a leader to achieve even the impossible. Mahatma Gandhi provided such a leadership. To be spiritual is not to be religious. An atheist can also be spiritual and a successful leader but not a negativist. What is required is mutual respect, mutual understanding and creative cooperation.

### **Value based leadership**

All successful leaders have two things in common.

- (a) They are all persons of character.
- (b) They have an inner structure that is composed of certain universal qualities, which are as follows:
  - Honesty and selflessness.
  - Sense of commitment to duties, obligations and responsibilities which is integrity.
  - A strong will power, self discipline and restraint from irresponsible conduct.

- Giving others their dues, readiness and willingness to sacrifice when necessary.
- Consideration and empathy for fellow workers.
- Loyalty to the organization as well as to the cause for which the Organisation stands.
- Equipoise in success and failures.
- Initiative and courage which is readiness to take charge and lead.
- Willingness to admit mistakes and sharing the blame.

An individual of character is a person who practices the above human values.

### **Which value does what ?**

Courage gives you the mental make up to take decisions, the ability to meet unpleasant situations and willingness to take risks. Selflessness based on vision and right conduct gives you integrity which is acting according to what is expected of me in my position with open mindedness and capacity for abstract objective thought. Positive vision and knowledge of job provides you with ambition, curiosity, enthusiasm, analytical ability, astuteness of imagination and ability to administer effectively. Will power gives you the mental strength to work hard for long hours, ability to stick to a project and a decision with single mindedness. Dealing with people with a broad mind and an openness gives you the capacity of understanding others, capacity to speak and explain lucidly and put your ideas in writing. Initiative gives you the ability to spot opportunities, the ability to adapt quickly to change, the ability to be enterprising.

### **Ask value based questions**

In order to put to test your own position as regards possessing and acting on human values, the following questions may be put to yourself and answered with honesty.

- Are my thoughts, words and actions always pure? Do I keep my words when I say that I will do something?
- Am I a person of integrity which is honesty plus acting according to what is expected of me in my position? Do I never cheat, steal or tell a lie? Do I work diligently even when I am not watched?
- Am I loyal or does my loyalty change with my self interest?

- Do I have a motive higher than my self interest ?
- Do I have the courage to take decisions knowing that these can turn out to be wrong ?
- Do I give up when faced with difficulties or out of laziness or I have the patience and perseverance to complete a task?
- Do I take initiative or I like to respond to other's initiatives?
- Have I updated my knowledge to achieve excellence and continue to operate at that level? Or am I comfortable with my mediocrity?
- Do I know my own strengths and weaknesses?
- Do I occasionally feel that people are jealous of me and won't cooperate with me if I stick out my neck ?

The greatest service anyone can do to this world is to mind his or her own business and change him or herself first. If we do what we have to do with sincerity and pleasure then one day we will be able to do what we want to do.

No man is an island, least of all yourself. We have to live in peace and harmony with the world around. Unpleasant actions and decisions contrary to harmony may have to be made but these can be done without hatred or any ill feeling.

Life in the universe has a rhythm and a basic discipline. Hear the echo and do not create stress for the sake of being different. Only mediocres try to show off appearing different not in substance but in the outer cover.

## **Who lead well**

Those who have the appropriate human values stand out in the following aspects and become leaders.

They realize that there will never be a better time to be the best than today. They do not build up invisible fences around them of negative beliefs, false assumption and sabotaging fears from the world around them. They know that success will come from simplicity. They trust that life is always fair at the end. They do not curse the darkness. They light a candle and show us the way as a leader should. In their value system it is better to die standing than live your whole life on your knees. A leader knows that leadership occurs in moments of change and challenge, not during the moments of ease. They know that nothing happens until you actually move. Problems do not solve

themselves. They ignore the critics who have always laughed at the visions of bold thinkers and remarkable visionaries.

Opinions of others do not matter- Being true to yourself matters. They know that conflict is nothing more than an opportunity for greater growth. They want to accomplish things in life. They do not mind who gets the credits. They know that to transcend the rest they have to be the most optimistic and helping person in the room. It is not enough that you are optimistic but as a leader you should make the pessimists around you optimists.

A leader knows that one of the things that separates leaders from followers is that those who lead, speak openly, honestly and courageously.

Leaders make their team mates feel special and not dwarfed.

### **What Gita tells us**

The virtues, qualities and values that Lord Krishna has described as Divine Properties are the very same which the modern gurus of management nearly six thousand years after the Mahabharat prescribe for managers and leaders.

Abhayam or fearlessness is the first such quality which every manager or leader must have. One who is afraid of people, obstacles and decision making can neither be a manager nor a leader.

Purity of heart (Chitta Pavitrata) meaning transparency to truth is the second such human value which is essential for any leader of men. Truthfulness begets trust and who can be a manager or leader in whom people have no trust?

Steadfastness in seeking wisdom and conducting one self by right reason and sound perception without dithering is a quality everyone expects from one's leader.

Unselfishness and generosity which come out of a compassionate heart gives rise to 'daya' and 'dana', charity which is a divine property amongst virtues and values. This makes a leader great and adds to his effectiveness.

A leader and a manager must be in full control of his senses and should not succumb to temptations. This makes self restraint a great virtue for a leader or manager.

Constant renewal of ourselves in the four basic areas of life physical/ social/ emotional / mental and spiritual has been described and recommended to be a habit or highly effective people by Stephen R. Covey. Self learning or

Swadhyaya which is the seventh divine property is exactly this renewal which would also cover self discipline including training the body and mind to attain self discipline.

Arjavam is a quality of honourable men who put highest values, straight forwardness and sincerity. A leader should always be free from guile and crookedness. Men and civilization stand or fall according to their attitude towards truth (satya) which is the foundation stone of the universe. Ninety per cent of leadership failures are character failures. Truth and trust are the sand cement combination that is the glue of the organizations. Competence and character are blended together in persons and organizations so that wisdom and judgement rule.

Absence of wrath (Akrodha), engaging in actions without desire for their fruit (Tayaga), Peace meaning tranquility in spirit, absence of fault finding and calumny, absence of greed, gentleness, modesty, absence of restlessness, radiance of character, forgiveness, patience, purity of body and mind, non-hatred, lack of conceit are the other qualities and virtues which constitute man's spiritual wealth described as divine properties in the Bhagawat Gita.

Success is all about being in the process of joyfully creating a life that reflects your highest values, your deepest beliefs and your greatest dreams. The unfortunate part of the story is that a majority of the leaders who lead the world today have neither the values, nor the right beliefs nor any noble dream. They shun the divine and embrace the demonic. It has to be remembered that at the end of our lives the only thing that endures is

(i) who we became, the difference we made and the love we gave.

Greatness comes when you create something with your life that is not only bigger than you but out lasts you. Values outlast organizations. A nation which values its values outlasts civilizations and survives history. Others perish.



# Index for Performance evaluation in MNREGA implementation

Rohan Chand Thakur\*

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## Executive Summary

The Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA) is the first scheme which has made the right to work a legal entitlement. A plethora of studies have been conducted on its impact. However, there have been few to actually compare the performance between different administrative zones. The central idea of this article is to develop an Index for the Performance Evaluation of administrators and implementers of this scheme. It can then be used to compare and track performance across different states, districts, blocks and Panchayats. The different procedures and functionaries associated with the implementation of the scheme in the state of Himachal Pradesh are outlined. Then parameters which could act as proxy indicators of functionaries' performance have been identified, assigned weights and an index constructed. The practical construction of the index has been demonstrated for the six blocks of District Sirmaur in Himachal Pradesh. With the Index being a trade off between scope and ease of construction, limitations are present which have also been clearly spelt out in the end.

## MNREGA: Need for comparison

MNREGA is a flagship scheme of the ruling national coalition government, the United Progressive Alliance. It was started in 130 districts of the country in 2005 but by 2009 it was felt by the policy makers that its benefits were large enough to justify the implementation of the scheme in all the districts of the country.

The main objectives of the scheme were livelihood security and construction

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of durable community assets. The main features of this scheme which marked a break from others schemes in the past are as follows

- It provided a legal framework within which people can actually demand upto 100 days of unskilled manual work every year
- Work has to be provided within 15 days of application for work failing which the applicants will have to be paid an unemployment allowance
- Wages also have to be paid to beneficiaries within fifteen days of them having worked
- The shelves of works are to be prepared by Gram Sabhas, Panchayat Samitis and Zila Parishad so that people have a say in deciding which schemes they want
- A major feature of this scheme is inclusion. 33% of the beneficiaries should be women and 50% should be minorities.
- Contractors are totally and strictly banned in doing these works
- 60:40 ratio should be maintained between expenditure on labour and material components of the scheme

There are many other features as well, but from an administrator's viewpoint these are the main ones which have to be adhered to. With the scheme completing five years of its implementation in 2011 here have been various analytical studies by academicians and policy advocates on the impact NREGA has had on the local economy and livelihood security. However, similar studies on comparisons of performance of different Panchayats, Blocks or even Districts and States with each other or spatially with themselves have been fewer.

The question this raises is whether comparison is at all needed and what purpose does it serve if done at all. This could be answered simply by saying that the efficiency and efficacy with which a particular scheme gets executed is dependent, to a large degree, on the people administering it. If the scheme is achieving certain desired, cherished objectives (say, enhanced women's participation, asset creation, etc) in a certain area better it could become a role model for the others. Thus, comparison could become the first platform on which areas (panchayats, blocks, districts, states) could learn from each other. The second explanation is that it helps us get a more balanced and holistic picture of the performance of the scheme. This could be best explained by the way the scheme is often summarily reviewed on the basis of

the total expenditure incurred in an area. This is not only outdated to the extent of it being a throwback to the outdated input oriented approach of development administration but could also give a rather misleading and incomplete picture which is totally violative of the objectives of the scheme. An excellent example of this kind is when works get sanctioned in mass, get started but never get a regular enough supply of labour so as to actually create the desired asset. The works remain in an incomplete state though they may have provided labour employment and hence expenditure. The third explanation could simply be that for performance evaluation of different Panchayats, blocks and districts and maybe even states there has to be a common denominator, which could track performance spatially, over time, as well.

### **The central idea**

The central idea of this article is to try to evolve a MNREGA performance index which aims at capturing, through a single figure, the performance of a particular administrative zone in the execution of this scheme. However at this juncture, I feel it is important to point out an added dimension i.e. analysing the scheme from an administrator's point of view. For an academician or policy advocate what matters are the outcomes. For an administrator too, it is the dominant theme. However, an administrator also has to consider the aspect of procedure related outcomes. By this we mean, the performance of the plethora of players in the implementing of the scheme need to be captured. An example of this relates to the aspect of the Work completion formalities in the Management Information Systems (MIS). For a policy advocate or academician it would be important to know how many assets have been created (actually), on the ground, in a particular panchayat in a year. It would not concern them so much if the number of works being reflected on the MIS is less than what have been created actually on the ground. However, from an administrator's point of view the importance of adhering to the procedural indicators is equally important. In this case the importance of data cannot be under stated. It is important that the Gram Rozgar Sevaks (GRS), who have been exclusively appointed, for this scheme are actually uploading the data on the MIS server accurately and punctually. Thus, the index we create has to use parameters which capture the efficiency of all the functionaries for the tasks they have been assigned. In order to evolve the index we need to keep in mind the two main objectives of this scheme – First, livelihood security by providing employment and

second, creation of durable assets. Thus, we need to identify key parameters and critically analyse what objective of the scheme they represent and also which player's efficiency they capture. At the same time, we need to keep the index simple to use so that it can be easily calculated and be used extensively in reviewing the performance of the scheme at various levels of implementation.

### **Procedure and Players**

In order to do this we must summarily describe the procedure of initiating work, getting labour to execute it, timely assessment of the same, payment of wages and finally, completion of all the MIS related formalities. Once the shelf of works prepared by the Gram Panchayat, Panchayat Samiti and The Zila Parishad have been accorded the requisite administrative approval and expenditure sanction by the District Programme Officer (DPO) the gram panchayats can start getting their works executed. This is done by passing a resolution in the gram panchayat asking the Block Programme Officer (the charge of which is held by the BDO<sup>1</sup>) to release funds for the works to the gram panchayat. However, before doing this the technical staff is asked to accord the technical sanction number to each work. It is only after this that a formal work order is issued to the gram panchayat subsequent to which the first instalment is released. During the course of the work, as each muster roll cycle of fifteen days elapses a technical assistant/ junior engineer assesses the work on the basis of which the payment is made by the gram panchayat. Upon the completion of the work, all the bill vouchers (pertaining to material) are sought from the vendors which are then entered onto the MIS by the GRS. It is only after this that works gets formally shown as completed. Thus, we observe in this entire cycle the main players with their roles are chalked<sup>2</sup> out below:

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<sup>1</sup> In some states a special Block Program officer (BPO) has also been appointed to monitor the execution of MNREGA. The Act prescribes the appointment of a BPO although in Himachal Pradesh it is the Block Development Officer himself who has been entrusted this task.

<sup>2</sup> These roles are discussed as observed in practice. In addition to the functions mentioned above, there could be others in their job chart as well. Also a question does arise whether the roles of these functionaries are same across different states e.g. A panchayat secretary does not do the same role everywhere. In some places he does more than simply looking after the functioning of panchayat's developmental activities. I was told in Gujarat a panchayat secretary looks after the revenue functions in addition to all the developmental activity. However, there is some functionary at the grass root levels doing the role which the panchayat secretary is doing in HP. However, going by the NREGA operational guidelines (3rd edition) it is quite clear that functions of the GRS are meant to be common, at least in theory. For the BPO or BDO (In places where they are entrusted with MNREGA) roles are similar. For the village elected members like pradhan and ward members, spreading awareness of the scheme and getting people to work and create durable community assets is a pointer to their success as leaders! In other states I am sure there will be a demarcation of roles on paper. In practice demarcation depends a lot on other extraneous factors e.g. terrain, manpower availability, etc

**1. Gram Pradhan/ Elected members:** It is the gram pradhans who get the formal work orders approved by the BPO. Also, it has been observed that the bulk of the task of getting labour together, motivating them and consciously trying to improve upon indicators like women participation is mostly done by the elected members of the panchayat.

**2. Panchayat Secretary:** The key job of the panchayat secretary is to ensure that payments are made within the mandatory period of fifteen days. He/she also maintains the accounts. However, secretaries are also to play a major role in spreading awareness, motivation, deciding which works are to be taken up to meet the objectives of the scheme. The secretary is the major facilitator of the scheme at the panchayat level. Also since, he is the major record keeper of payments the responsibility to maintain the 60:40 ratio between labour and material expenditure is shared by him with the Gram Pradhan/ Elected body.

**3. Gram Rozgar Sevak:** The key job is to keep the MIS updated. The task of actually reflecting the expenditures on the scheme and also doing all necessary formalities relating to completion of works. Their job chart also includes the aspect of spreading awareness of the scheme but this aspect is usually covered by the elected members of the Panchayat.

**4. Technical Staff:** Their main job is to ensure that timely assessment<sup>3</sup> of works created is done and also ensure that solid durable assets of acceptable quality get created. Proactive technical staff is also to raise the alarm if they feel that that the right mix of works is not being executed e.g. in the violation of mandated 60:40 ratio.

**5. Block Office:** The block office is the nodal agency for implementing the scheme at the block level. Its key role is of a facilitating and monitoring nature. This would involve doing all the activities to keep scheme's machinery well lubricated. This would involve giving adequate work sanctions, ensuring that there is no shortage of funds for wage payments,

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<sup>3</sup> A question does arise of which assessment system is being used – time rate or piece rate system. In HP, workers have to work for eight hours from nine to five. However that does not assure them their Rs 120. Every fifteen days the works get assessed depending on which their daily wage gets decided. If as per assessment their work done is not commensurate to the man days on the muster rolls they still get docked! What would one call this? It's a mixture of time rate and piece rate. I don't think there is any work done through rural development scheme where workers get paid purely on the number of hours, without any link to output.

having constant reviews with panchayat level teams, inspecting quality of works, etc. In other words, the block is the first stop for all the scheme related issues for the panchayats. Thus, the performance of the block is the aggregation of the outcomes in all the panchayats put together. Similarly, the performance of the district is the aggregation of the outcomes in all the blocks put together.

## The Key Constituents of the Index

With the role of the main players chalked out we propose the following indicators for the construction of the performance index along with the arguments for the weights assigned to them.

**1. Work days completed (As on MIS)/ per job card<sup>4</sup> :** The key objectives of the scheme are livelihood security through employment provision and creation of durable assets, both of which get covered partially by this parameter. It is important to clarify that by taking per job card figures, comparisons across different sized units can be done. Also, it should be taken as a percentage of total possible work days per capita which is capped by an upper limit of 100 days per job card. This parameter covers the role to be played by the pradhan/ elected panchayat member, panchayat secretary and other block officials from line departments in providing employment<sup>5</sup>. It is a reflection of the awareness of existence of scheme and of most registration procedures needed to get job card; not necessarily aspects of scheme. It also covers the role of the GRS in actually uploading the expenditure data on which several gaps are found if their activities are not regularly monitored. Thus expenditure for this parameter (From the MIS, as opposed to the

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<sup>4</sup> We have to call it expenditure per job card because different generations get issued different cards though they might belong to the same household

<sup>5</sup> Here, a point often raised is that this herding of the people by the Pradhan or other functionaries militates against the demand driven concept of the scheme. Yes this is absolutely right. This goes totally against the concept of MNREGA and thus its orientation to states like Himachal should be tweaked. There is a sizeable chunk of opinion who feel our state does need MNREGA but not for the reasons it is given in say, Bihar and Jharkhand. Here it is not to give livelihood security. People have enough to live comfortably without MNREGA. There is no flood of migration from Himachal to other parts of the country. Of course people go and work outside the state but then MNREGA's lollypop of 12000 Rs is not enough to hold them back. They go as Taxi drivers and hospitality staff but not as construction workers like people from Bihar or Orissa. Thus, I feel for our state the centre should tweak it from MNREGA to MNACS (National Asset creation scheme), which calls for a separate discussion.

expenditure on panchayat's cash books<sup>6</sup>) covers several aspects of the scheme but leaves out certain issues of 'inclusion', 'creation of durable assets' and also 'nature of works' taken up. High expenditure on MIS does not tell whether the most deprived sections like women or minorities are being included. It does not tell us whether wages are being paid for works which are actually seeing the light of day i.e. being completed or not. Also, is the high expenditure being paid for procurement of cement and bricks or for paying wages? Thus, the issue of adherence to the 60:40 wage material ratio, one of the key features of this scheme, remains uncovered from this parameter. Thus, for the time being it deserves a maximum of 50% weight which could go down in the coming years. This is expected if the scheme starts running on its own steam due to more awareness and also because it is expected and hoped that over time people's dependence on the schemes of this size and scope goes down or the scheme becomes more targeted.\*<sup>7</sup>

Block	Total Mandays	Total Job Cards	%	Score
Nahan	322998	11456	28.19%	0.141
Pachad	316589	11018	28.73%	0.144
Poanta Sahib	354149	21593	16.40%	0.082
Rajgarh	234539	8311	28.22%	0.141
Sangrah	262822	12124	21.68%	0.108
Shillai	319752	9982	32.03%	0.160

A look at the table above shows data for the six blocks of district Sirmaur of Himachal Pradesh reflected in March 2012. If we go purely by total mandays figures Poanta (354149) and Shilai (319752) seem to be way ahead of the rest.

<sup>6</sup> How are MIS and Cash book expenditures different? The cash book entry is the one done by the Secretary in his books. This is done as the payment is made. However, the muster rolls against which the payment is made for labour and other bills vouchers (cement, sand, other material etc) need to be uploaded onto the MNREGA website. It is these numbers which reflect on this site which get considered credible and get reviewed at the district, state and National level. All the planning which happens for subsequent years happens on the basis of numbers uploaded on this website. Hence if the GRS's are not monitored properly and constant reviews not done there is a possibility of a gap between the actual expenditure done by the panchayat and what is reflecting on the website. In some states like Andhra Pradesh where the Panchayat are connected with Internet, all cash book entries are done online, so as to reflect simultaneous updation of the MIS. This is solution for the future.

<sup>7</sup> It is felt that at sometime in the future increasing expenditure may not be a healthy sign meaning that people's dependence on government is actually going up. This is a tricky and contentious question which we keep for later.

However, if we use our Parameter of Mandays per Job as a percentage of Total possible expenditure we realise Poanta Sahib (16.40%) is at the bottom of the table. Shilai (32.03%) is a consistent performer with highest score on this parameter. Nahan (28.19%) and Pachad (28.73%) are ahead of Rajgarh (28.22%) Sangrah (21.68%).

**2. Women Participation:** The issue of inclusion can be captured by taking into account the percentage contribution of women, SCs, STs and other minority groups. However, the percentage of all these groups (except women) varies sharply from one place to another making comparison on these parameters difficult. Women, as a percentage of total population vary across regions as well but the range is much lesser making comparison more fair. Since women's participation is a figure that can vary between zero to 100, significant differences between areas and time periods are possible. **A weight of 20%** is a fair allocation to it. This could be best explained by first saying that women participation is one part of total expenditure, which is captured in Parameter 1 above. Thus, this parameter can be influenced significantly by local customs, traditions as well as demographic factors. Regions with better gender equity could have a major advantage over regions with more patriarchal set-ups which take years to disturb or break down. Thus despite more efforts in Information, Education and Communication (IEC), results could be slow to show. Thus weight could be increased in the future but right now it is felt that results on this parameter may not be linked as strongly to efforts. Also, this parameter covers the efforts of lesser number of players as compared to Parameter 1<sup>8</sup>. Another example would be that of demographic factors. District Kangra has an extremely high women's participation.

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<sup>8</sup> A question related to Statistical method is whether a component of the Index could cover only part the universe i.e. only women. We need to capture the performance of scheme on 'inclusion'. I don't see any harm of reserving a 20 percent component for this. Within a state I see no problem but yes, how do you compare states which have different demographic compositions. Say, in HP we have no significant religious minorities but in a state like UP where minorities might be as high as 20%, we might have to keep a certain component within this 20% for them. Maybe, for interstate comparisons we could keep 10% component for women and another 10% for SC/ST participation. Here my objection is that there is only one group which constitutes an equal percentage across all states, districts, blocks, etc. That is women. Hence, for purposes of simplicity, ease of calculation and standardisation I restricted the entire 20% to women only.



Block	Total Mandays	Woman Days	%	Score
Nahan	322998	76585	0.237	0.047
Pachad	316589	67914	0.215	0.043
Poanta Sahib	354149	73599	0.208	0.042
Rajgarh	234539	60220	0.257	0.051
Sangrah	262822	61840	0.235	0.047
Shillai	319752	92469	0.289	0.058

despite a more patriarchal set up than in places like Shimla and Kinnaur due to the fact that most men have migrated out to the plains in search of work, leading to what was termed the ‘money order’ economy. A look at the table above shows the employment generated for women and SCs. However, we have only included women in the indexed score. On this parameter the entire district has a very poor percentage that impacts Sirmour’s performance in the State level comparison with other districts. Here again Shilai is the top performer (28.9%) and Poanta is at the bottom of the table (20.8%).

**3. Completion Rate:** The completion rate shows the number of assets which were actually completed and reflected as so in the MIS. A weight of 20% (0.2) will be given to this parameter. Often assets get created on the ground but the necessary closure formalities to close them on the MIS get held up due to various reasons. This includes delays in final assessments by the technical staff, time lags in preparation of final accounts by the panchayat secretary and uploading of such data by the gram rozgar sevak. This is best handled by tightening administrative control through frequent reviews at the block level. However, another reason why a high weight needs to be given to this aspect of completion is that many works often never get finished on the ground, which is a far more serious problem. This often happens when there is a change in a panchayat body. A new body takes over

Block	Completed Works	Ongoing works	%	Score
Nahan	605	182	0.769	0.154
Pachad	1219	768	0.613	0.123
Poanta Sahib	436	485	0.473	0.095
Rajgarh	426	298	0.588	0.118
Sangrah	566	744	0.432	0.086
Shillai	1188	549	0.684	0.137

and is often reluctant to take over works of the previous body. Also, it has been observed in some cases that incumbent panchayat pradhans often get a huge number of works sanctioned immediately before the elections' model code of conduct comes into play. These works remain incomplete even after the elections are a bad reflection on the overall management of the scheme. In these schemes employment has been generated but no durable asset has got created. A look at the table above reveals that the completion rate in Nahan (76.9%) leads the way followed by Shilai (68.4%). This means that within the financial year every second sanction is actually resulting in the creation of an asset. In Sangrah this percentage is the lowest at 43%.

**4. 60:40 wage material ratio:** This is one of the key features of the scheme which reflected the main objective of the scheme i.e. creating durable assets, yet giving the main priority to livelihood security. Thus, the scheme does not want to encourage an expenditure higher<sup>9</sup> than 40% on the material component. This is important because with the payment of wages directly into the bank accounts of the workers, the main leakages of the scheme happen in the material component<sup>10</sup>. It can also be said that greater the material component of the scheme greater are associated leakages and aspects of corruption. Thus this 60:40 ratio has to be considered sacrosanct. It has been argued that creation of durable assets becomes a challenge in the absence of a higher material component. This is true especially in the context of hilly areas but it can be managed by striking the right balance between different kinds of works. This is a reflection of how well the shelf has been prepared and how actively the pradhans, Panchayat secretaries (at panchayat level) and the Block/ District Program officer keep a tab (at the block and district level) on the execution of different works. Thus, we feel any panchayat or block which has expenditure on material less than 40%

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<sup>9</sup> The district makes an annual labour budget which is usually a certain percentage increase over the previous year's budget. A district gets funds, from the state on the basis of its utilisation of funds of what it has received. This utilisation is calculated on the basis of the expenditure reflecting on the MIS (A task done by the GRS). Thus, a huge labour budget is made of which only 60-70 % is ever consumed, mostly even less.

<sup>10</sup> In HP there is 100% financial inclusion for MNREGA workers. Hence, this index is going by the general trend of more payments being done through bank accounts. Of course, this does not mean that leakages are not happening with regard to labour payments. However, those are lesser in quantum and require cooperation among a larger set of people, thereby making it a less preferred option for siphoning of funds.

should be given the maximum score of 5% failing which it should be given a zero<sup>11</sup>. This zero one rule needs to be applied to his parameter to emphasise on this delicate balance which needs to be maintained between the primary objectives of livelihood security and asset creation. The table shows that on this parameter four blocks meet the required norm to get the maximum score of 0.05 or 5%.

**5. Fund utilisation:** The scheme has been extended to all districts of the country in 2008 and thus involves huge layouts. Thus, it is most important that we make full use of whatever funds are allocated to a panchayat or block. The rate at which funds should be utilised, as depicted by being reflected in the MIS, should be as high as possible. In other words, idle funds at any level are not desirable. Funds get released from the Govt of India to the state based on the utilisation rate. The same principle applies from the state to the districts and then to the blocks. The funds in transit need to be minimised. This parameter reflected the working of the Panchayat team and also its coordination with the block office. The same applies to the block office and the District headquarters. An allocation of 10% (0.1) is apt for this parameter. A look at the table below shows the range varies as much as 17% between Pachad (96%) and Sangrah (79%)

Block	Funds Available	Funds utilised	%	Score
Nahan	681.83	613.83	90.03%	0.0090
Pachad	626.85	602.79	96.16%	0.0096
Poanta Sahib	962.3	787.5	81.84%	0.0082
Rajgarh	462.68	429.68	92.87%	0.0093
Sangrah	659.86	519.33	78.70%	0.0079
Shillai	720.7	672.19	93.27%	0.0093

**6. Administrative Expenses:** The scheme guidelines have prescribed a 6% limit for administrative expenditure. This included expenditure on salaries, equipment and various miscellaneous bills. This parameter is akin to the labour material ratio. If the this limit is exceeded it shows that overhead costs are not being justified by the level of expenditure in the scheme. An

<sup>11</sup> Why is 0-1 pattern being adopted for this parameter? My thinking is that sufficient cushion should be there to insure that the material ratio never exceeds 40%. I start worrying if my ratio falls below 64-65%. This does make the creation of durable assets difficult but could be the stepping stone to convergence of government schemes. Hence, a strict approach

allocation of 5% (0.05) to this parameter is apt. If the 6% limit is not crossed 0.05 will be awarded, else zero.

Block	Admin Exp	Funds utilised	%	Score
Nahan	26.14	613.83	0.0426	0.050
Pachad	18.56	602.79	0.0308	0.050
Poanta Sahib	32.54	787.5	0.0413	0.050
Rajgarh	22.71	429.68	0.0529	0.050
Sangrah	27.17	519.33	0.0523	0.050
Shillai	26.69	672.19	0.0397	0.050

to this parameter is a must since higher material expenditures are also the reason for increased leakages and pilferage in the scheme, making the 60:40 ratio sacrosanct.

### Gross Indexed Score

On summing up the indexed score across these six parameters we obtain the Gross Indexed Score. It is observed that Shilai aggregates the highest indicating that on the selected parameters it is performing the best. Poanta and Sangrah are trailing the rest of pack showing that certain aspects of the scheme need to be monitored better.

Block	Gross Score
Nahan	0.451
Pachad	0.419
Poanta Sahib	0.276
Rajgarh	0.419
Sangrah	0.300
Shillai	0.464

### Negative scores

With these four parameters constituting the index questions may be asked about other aspects like 'Delayed Payment', 'Cases of unemployment Allowance', etc which have been not been considered in these aspects. Since these are cases of "Donts" of the schemes, a certain punitive measure has to be attached to them. Thus, the total amount of wages paid which are Delayed payments need to be calculated as a percentage of total wages paid. The same can be done for unemployment allowance although it is rarely recorded. If somebody makes a legal claim for it, they are usually cajoled by the Pradhan

or secretary into withdrawing their claim. However, the amount paid as unemployment allowance could be added to the Delayed payment amount which could then be calculated as a percentage of total wages paid. This percentage score needs to be deducted from the total index score. However by doing so a very high weightage would be given to this measure alone. Thus, for measures of moderation, the total percentage of delayed payments will be multiplied by 0.2 (1/5) to arrive at its weighted score which will then be deducted from total score. From the table below we observe that Sangrah and Shillai have unusually high percentage of delays. In Shillai, for every Rs 100 paid as wages, close to Rs 70 are not paid within the fifteen days mandatory period. This is extremely alarming and shows that there is some problem in the execution of the scheme despite high levels of expenditure and asset creation (in Shillai's case). On the other hand in Pachad, delayed payments are negligible which points to the better execution of this aspect of the scheme there.

Block	% delayed payment	Score
Nahan	0.072	0.0144
Pachad	0.001	0.0002
Poanta Sahib	0.101	0.0202
Rajgarh	0.145	0.029
Sangrah	0.933	0.1866
Shillai	0.693	0.1386

### Net Indexed Score

On deducting the negative score of delayed payments from the Gross indexed score we obtain the Total net score on the basis of which the overall performance of these schemes can be ranked. In the table we observe that when the negative scores are added, the ranking of the blocks changes. Pachad benefits due to its low negative scores. Shillai slips from 1st to 4th position. The top position is bagged by Nahan Block. Comparisons can be made in this way among Districts and states as well.

Block	Gross Score	Negative Score	Net Score
Nahan	0.451	0.0144	0.437
Pachad	0.419	0.0002	0.419
Poanta Sal	0.276	0.0202	0.256
Rajgarh	0.419	0.029	0.390
Sangrah	0.300	0.1866	0.113
Shillai	0.464	0.1386	0.326

**Limitations**

This index is definitely not all inclusive because it does not cover the issue of priorities of the scheme. The Scheme has certain works to which it gives higher priority (Water conservation, afforestation, land development) as compared to others (rural connectivity). This aspect needs to be considered for evaluation of performance. However, this becomes more difficult to do when local problems are taken into account. Each area has different kinds of needs which often cannot be compared to each other. In some areas road connectivity is already good enough. In such areas water conservation would lead to increased productivity. However, in areas with poor market connectivity increased productivity would be only be worth it if good market connectivity is created. This index does not consider the time taken in completion of assets. Also, we are not considering the issue of grievance redressal i.e. how many complaints were received and effectively dealt with. The importance of these parameters notwithstanding, it has been observed that it could make the construction of the index a cumbersome exercise. We should not lose sight of the fact that these scheme reviews are to happen at the block, district and state level where officials are constrained by time in making computations for a complex yet all inclusive index. The issue of quality of assets also does not get covered by the index.

**Conclusion**

It would be important to state in the conclusion that these parameters are not set in stone.

Inclusion need not only be measured by women’s participation alone. If we

want to compare two zones with proportionately equal SC population we could also include SC participation. This index analyses at the primary level. A next level of analysis and comparison could extend to priorities of the scheme and quality of works. Suitable proxies will have to be found for them.

Dimension	Parameter	Weight
Utility	Exp/Job Card	0.5
Inclusion	Woman participation	0.2
Asset creation	Completion rate	0.2
Adherence to scheme guidelines	Labour Material Ratio	0.05
Beneficiary friendliness	Delayed payment %	-0.2
Fund management	Utilisation rate	0.1
Cost Management	Administrative expenses	0.05

A snap shot of the index: Key dimensions, their proxy parameters and the assigned weights.



## Facets of Indian Corruption – Do we need Jan Lokpal ?

Dr. D.C. Srivastava\*

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Although corruption has been one of the main concerns in the country, but after Anna Hazares' movement it occupied the centre of attention and has since been widely debated and discussed in media and other forums. The response that the movement received from the general public was natural and spontaneous since the corruption has pervaded every field of our life and has spread over in geometric progression. Hardly any institution and organization can claim to be transparent and honest. A study conducted by Transparency International in India in 2005 found that more than 45% of Indians had firsthand experience of paying bribes or use political and bureaucratic pressure to get jobs done in public offices successfully. It is also a fact that not only Government institutions are inflicted by corruption but it is equally rampant in private organizations, although the nature and form of corruption will be different in private sectors. Surprisingly quite a large number of NGO's who actively associated themselves with the movement are themselves fake and have been established with the sole objective of promoting the fortunes and self interest of the founders. Similarly it has also become a fashion on the part of some of the Govt. officers to loudly speak about the corruption after their retirement, some of them even after occupying constitutional posts, while they might not have taken any action to root out the corruption in the departments and organizations which they might have headed during their service career.

India has got the constitutional and representative democracy and despite several weaknesses it is still functional for the last six decades. We have got detailed written constitution with clear cut demarcation of functions between legislature, executive and judiciary. Parliament and legislative

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assemblies are responsible for framing the laws and carry out legislative functions. At the outset Govt. should not have succumb to the pressure and incorporated the members of the civil society for framing the Lokpal bill. It has setup wrong precedents and goes against the constitutional norms. Howsoever important issues may be, the hunger strike and Dharnas should not be allowed to be used as pressure tactics' to force the legislatures to frame specific laws or the judiciary to deliver the particular verdict and dilute their constitutional responsibilities. Further, how do the five members of the civil society claim to represent the opinion of the entire country having the population of 120 crores? No one is opposed to strong anti corruption laws but these laws should be rational, practical and in conformity with the provisions of the constitution.

Besides, Lokpal Bill fails to address itself to the root of corruption problem in the country and will not have any significant dent on corruption unless preceded by few strong measures. However, since Govt. is committed to introduce the Lokpal Bill, after having detailed consultation with different political parties, in the parliament, the following points should be taken into account while giving final shape to the bill.

As mentioned above legislative, judiciary and executive are the pillars of our constitution and the proposed bill should in no way be allowed to supersede the above three wings of the constitution. Bringing Prime Minister and higher judiciary under the jurisdiction of Lokpal will do no good but will seriously damage the basic tenants of our constitution and make them dysfunctional. The basic character of the constitution should not be changed or restructured while framing the bill. Lokpal should not assume the character of an extra-constitutional body.

Second, it is a fact that bill in no way will prove to be panacea for the evils of the corruption and cannot act as a magic stick to eliminate the corruption from the country. Factually there are already hosts of anti-corruption laws and regulations at all the levels of administration in the country. For instance we have CBI, CVC, Vigilance wing in every ministry and public sector companies, and anti corruption bureau at the state level. If these laws are properly and effectively executed in letter and spirit, there will be distinct impact on corruption and hence there should be no need to bring out another law on the subject. It has been proposed by the civil society that the

anti corruption wing of CBI, CVC and vigilance wings of the public corporations should be merged with the Lokpal. One fails to understand as to how it will make the difference in improving its delivery system. Till such time the personnel implementing the laws and regulations are the same, there will not be any visible improvement in curbing the corruption in the country. It will simply be tantamount to old wine in the new bottle. What is the guarantee that Lokpal and Lok ayukta offices will be free from the corruption and will not fall in tune with other organizations? Who will guard the guard? Some of the regulatory bodies and ombudsman being set up have fallen in the same trap. The problem with our country had been that we could be graded amongst the topmost country in the world in framing the best of laws but could land up at the bottom while implementing these laws. The delivery system has been deplorably poor which needs to be improved and strengthened in order to have real impact of these laws. The same has been true in respect of hosts of anti poverty programs in the country.

Third, the Lokpal bill should not assume the character of dictatorial and draconian law without any accountability. The civil society has proposed that Lokpal should be vested with the power to sue- mote search, investigate and prosecute the person on public complaint. It has also been suggested that it should have the powers to register FIR and assume police powers. In that case it may adversely affect the entire decision making process in the government. At times certain commercial decisions are taken with good intentions to expedite the projects and complete them within given time frame without cost escalation. In case, based on few public complaints, these officers are subjected to prosecution, the decision making process will come to a grinding halt and decisions will keep on pending for a long time. That will negatively affect economic growth of the country and the plan to sustain eight to nine percent growth rate may get shattered. For instance it is quite likely that for timely completion of metro project Sridharan may have violated certain laid down procedures in tendering the quotations but in case he is charge sheeted for such aberrations, based on public complaint, it will create fear phobia amongst the decision makers least they are subjected to harassment and humiliation.

The powers of Lokpal should be limited to filing a charge sheet and the rest should be left to the judiciary to take the decision and deliver the judgment.

Govt. may fix certain time limit for judiciary to complete these cases so that they do not linger on for a long time.

As stated earlier Lokpal Bill will be one another law to fight the corruption but in no way will it provide sole solution to this multifaceted problem. It is a vicious circle and holistic approach is required to have a significant impact on it. Some of the measures that should be taken and which will go a long way in curbing the menace of corruption in the country are discussed below.

One of the foremost evil which breeds corruption in the country is the entry of criminals in politics. During 1960s' politicians used to take help of these criminals during election period but over a period of time these criminals themselves have started contesting the election. The present law allows a person to contest the election even if he is convicted by the lower court but he is on trial and his appeal from earlier conviction is pending for disposal before the higher judiciary. Since it takes long time, may be more than a decade, for the final verdict by the higher judiciary, these criminals have freely entered into politics and have become Members of Parliament and Legislative assemblies. As per the report of National Election Watch 153 elected MPs in the 2009 Lok Sabha election had criminal cases pending against them. Amongst these 73 MPs were facing serious criminal charges. The Election Commissioner had reported that 700 members of State Assemblies had criminal past.

There have been large numbers of cases when these criminals have contested the election from the prison and have won. Quite few of them have been occupying the ministerial berths as well. The crimes committed by these politicians range from extortion, abduction, rape, ransom, obstructing the Govt. servants in discharge of their duties, kidnapping to murder and attempt to murder. The present law is absolutely insufficient and has failed to prevent the entry of these criminals in politics. It not only germinates corruption but is also weakening the basic foundations of our democracy. In particular, these criminally tainted politicians indulge in all sort of illegal business, share the booty from goons and anti-social and meddle in the allotment of Govt. construction and contracts. They also actively interfere in the administrative functioning at all the levels more so at the district level. But for these politicians the bureaucracy would be in a position to control crimes and corruption to a large extent provided they are

given free hand to take actions within the framework of existing laws and regulations. Some of most idealistic, upright officers who joined the higher civil services with the sole objective of serving the nation with whom I interacted during my tenure at the Academy in Mussoorie have, by force of circumstances, changed and fallen prey to the corrupt system. Political crimes and corruption are interlinked and positively correlated.

It may not be possible to have any significant dent on corruption unless The Representation of People Act 1951 is amended to ban the entry of criminals in politics. The proposed amended Law should debar a candidate from contesting elections and holding any political office if he has been convicted by any court for criminal offences or court has framed criminal charges against him. Further, any person convicted of heinous crime should permanently be debarred from contesting any political office. The Govt. should also set up special courts and benches for speedy trials for these candidates, so that these cases do not linger on far more than a year or so. Simultaneously section 8 of the Representative of People Act should be amended to empower the Election Commissioner to deal with criminally tainted politicians. Further, relevant portions of the Criminal Procedure may be amended to check the false complaints. Despite Minister of Law and Election Commissioner stating at different forums, that law will be framed to prevent the entry of the criminally tainted candidates in politics, no action has yet been taken in this direction. Unfortunately no one has come out with hunger strike for the law to prevent entry of criminals in politics.

Second, another major factor generating corruption in the country is the expenditure incurred on elections. The present limit of expenditure for parliamentary constituencies in bigger states like Bihar, UP, AP, and MP, as prescribed by Election commissioner, is Rs. 25 lacks and for assembly election it is Rs. 10 lacks. Although the former election commissioner Quraishi had recommended for the increase in the limit to Rs 40 lacks for parliament election and Rs. 16 lacks for assembly election, but that will still be a small drop in a big ocean. Further, the political party and anyone else can spend on a candidate contesting the election without any upper limit. Although the election commissioner has provided for compulsory auditing of accounts of both giver and receiver and of political parties but that works as eyewash and hardly any serious attempt has been made to monitor the

same. The actual expenditure is far in excess of the prescribed legal limit and is, therefore, illegal and illegitimate.

For instance after taking an average of 10 candidates contesting election from each constituency, the total expenditure should be Rs 1,350 crores. But the actual expenditure in 2009 parliament election is estimated to be RS. 10,000 crores which reflects upon the increasing role of money in these elections. This is in addition to Rs. 1,120 crores spent by the Govt. in 2009 parliament election. It has been estimated that on an average it is many times more than the prescribed ceiling. The election spending is considered to be an investment by these candidates and the interest on this investment is not confined in percentages but amounts to many times more than principal involved. The candidates lavishly spend on buying votes, bribing election officers, holding election rallies and hiring musclemen for booth capturing etc. Once they get elected, as mentioned by Derby, they create their own supply chains in the system. The recovery is through control of postings and transfer of Govt. servants, and taking bribes, cuts and kickbacks in the award of licenses and contracts, Govt. sponsored programs, games and schemes and routine services. It is also contributed by large business houses and businessmen. In this process civil servants either become helpless victims in discharging their duties or quite often willingly join their political bosses in this vicious circle of corruption.

Although there have been several recommendations on the issue by committees and commissions such as Goswami committee, Election Commission, Law commission, Indrajit Gupta committee. National commission but no concrete steps have been taken by the Govt. to curb this menace. Public financing and raising the limit of contribution from 5% of profit by the private companies are some of the suggestions in this regard. However, Govt. should evolve rational means and methods for electoral expenditure and strictly monitor and curb the unaccounted use of money in elections.

Third administrative reforms are equally important and linked up with political reforms and should be taken up in all earnest and with commitment if the Govt. is serious in rooting out the corruption from the country. The most disturbing factor is the corruption in the higher echelons of bureaucracy which has trickling down effect and percolates down to the

lowest level. Presently the upper age limit for entry into civil services is 30 and 35 years for general and reserved categories respectively. Quite few of the candidates entering in civil services at advanced age have pre determined goals and objectives and their value system, and attitude have already been shaped. Some of them might have already served in different offices under the umbrella of corrupt environment and practices. It is practically impossible to mould their values and mental set up during their probation period and motivate them to be honest and upright in discharging their duties. I recall at the Academy in Mussoorie, one of the probationers who had already served in Govt. offices for 7 to 8 years candidly stated “Sir, I have experience of working in various offices and I know as to how these offices function. I have joined the service with the sole objective of making my fortune.” How is it possible to mould the attitude of these officers and instill in them the fine values of serving the nation with honesty, purity and dedication? It is suggested that the entry to civil services may be reduced to 20 to 24, as was existing before the present enhancement. In fact the idlest will be to reduce it to 18 to 21 years and simultaneously increasing the probation cum training period to three years during which maximum focus should be in building their character, shaping their moral values, personalities and brainwashing them to serve the nation particularly the poorer sections of the society with full commitment, fervor and missinioray zeal. The bureaucracy, the backbone of good governance, should be made citizens’ friendly, accountable, ethical and transparent. Further, the faculty, both permanent and on deputation from different services, selected for these academies, should be from those who are rated as the best in their cadre, committed to training and dedicated to the cause of molding the young probationers into first rate officers proud of serving the nation with candor, honesty and integrity. The posting of officers to these academies whose sole objective is to be nearer to their home state or region and to avail the benefit of deputation period, since only half of the period spent on these academies is counted as part of central deputation, should be avoided.

Further, over a period of time there has been divergence of best of young talents to private sector owing to the lucrative pay packet and perks offered to them by these corporations. For overall welfare and growth of the country, it is but necessary that best of country’s talent is channelized to civil services. For which the overall perks, working conditions, and career prospects in civil

services will have to be improved as to bring them parallel to the private sector.

Another major focus on administrative reforms should be taking out the posting and transfer of civil servants from the ambit of political bosses. The officers should have minimum tenure of postings and result based management system should be introduced. For instance National Police Commission had submitted its report in 1981 and had made detailed recommendations about postings and transfer of police officers. The Supreme Court had also directed Central and State Govts. to implement these recommendations in September 2006 but all the political parties are united in opposing these recommendations. There has been complete lack of political will in introducing these reforms. One may recall that one of the young SSP of Siwan district who had initiated action against the known mafias and criminals of the district had to face unwarranted transfer from the district. The DGP of the state was also transferred for the same reason. It happened within a week of the address of the Prime Minister to the senior bureaucrats of the states that there should be minimum tenure of postings of senior officers at all the levels and particularly at the district level. Further in the police set up one of the sources of corruption has been at the level of recruitment of lower level functionaries in the states who interact with the general public on day to day basis. It is suggested that recruitment of these officers may be centralized by holding an all India competition through UPSC and allotting them to different states once the selection is done. Prior to allotment they should be given integrated and rigorous training at all India level for about two years. Similarly the top level bureaucratic transfer and postings should be taken out from the purview of political bosses, minimum tenures of officers may be fixed and result based management may be introduced. There have been host of suggestions and recommendations in this regard including the recommendation of Fifth Pay Commission for constitution of Civil Services Board and verdict of Supreme Court but all of them have seen the fate of dustbin. In case the officer heading an organization and service providing department is upright and honest and sincerely wants to root out corruption from the lower level functionaries, it should be possible to achieve the goal provided the political boss is also honest and gives free hand to the bureaucrat in discharging his duties.

As an example it may be worth mentioning the case of Bihar. Before 2005 the

state has plunged into anarchy and people had lost faith in Govt. as protector of life, property and human rights. Kidnapping, abduction and extortion for ransom had become the flourishing industry; rape, murder and heinous crimes were routine affairs and the rule of the day. Under the dynamic leadership of the present Chief Minister exhibiting the rare qualities of honesty, integrity, and commitment to root out crime and corruption and accelerating the growth rate of the state, the entire social and economic environment has undergone dramatic change. About 50,000 criminals have been put behind the bar. As a result the crime from the roaring bandits fell steadily from 1297 to 640 and kidnapping for ransom dropped from 411 to 66 between 2004 to 2008. Bihar special Court Bill 2008 has empowered the state to take possession of immovable property of public servants if there is prima facie evidence that his earnings have been through corrupt or illegal means. The bill also empowers the state to set up designated courts in the district to try corrupt officers. CM chose few upright and competent officers in his endeavor to change the face of the state. These officers have responded to the mission and aspirations of the CM. There are several success stories in the state. For instance Pratyay Kumar, the young IAS officer, as Secretary, Rural Construction Department (RCD) and MD of Bihar Bridge Construction Corporation Ltd. (BSBC) and Bihar State Road Corporation, has produced amazing and exemplary results in governance and governance delivery mechanism. As a result the state economy grew at an average rate of 11.35% per annum between 2004 to 2009 compared to 3.5% during the previous five years. It was just below the Gujrat State having the highest growth rate in the country amounting to 11.83%.

Similarly leaving aside as to what happened in Godhra and post- Godhra and without politicizing the facts and judging the events objectively without bias, it is candidly clear that Gujrat state, under the leadership of present honest and committed CM, has remarkably succeeded in reducing corruption, red tape to a large extent and has been able to encourage the higher bureaucracy to be proactive and committed to development of the state with the result that growth rate of the state has been highest in India amounting to 11.88%. Another success story meriting attention is the reduction in corruption and pilferage in Public Distribution System (PDS) in Chhattisgarh state which was possible owing to strong political and bureaucratic will power and needs to be replicated by other states.



It strongly vindicates that there are scores of competent and efficient officers who are capable of producing incredible results provided they are given complete freedom to function and discharge their duties within framework of given rules, regulations and law, without political interference and with their support and encouragement.

Fourth, the use of information technology for providing general public services will have significant dent on corruption when used in a strategic way. The Right to Information Act has had positive effect in curbing the corruption in the country. The help of technology for common services such as registration of property, power connection, installation of power and water meters, issue of ration cards and passports, filing of FIR, income tax and sales tax returns, public distribution system, subsidies to poorer sections of society, anti poverty alleviation programs such as NREGP etc. should increasingly be taken up to make these services transparent and citizens' friendly. Foolproof laws should be made so that there is no scope for discretion for politicians and bureaucrats. Manual processing should be replaced by computerization. Merely placing of these services on website may not prove to be effective unless the head of these departments take full stock of the on line applications received and take strict disciplinary actions against operational staff for non- compliance. For instance, despite online submission of application for renewal of passport and taking prior appointment, one has to shuttle between different counters which vindicates that unless the departmental head strictly monitor the system, use of technology will simply remain on paper without any visible impact on corruption.

To sum up fighting against the corruption needs multifaceted measures. Lokpal Bill in itself will not prove to be magical wand for the evils of corruption. In fact there are already hosts of existing laws and regulations to check the corruption and if these laws are sincerely and honestly implemented, there should not be any need to bring another law on the subject. However, while framing the Lokpal bill, precaution should be taken that it does not subvert the basic character of the constitution and is not shaped into draconian law. Lokpal should not assume extra- constitutional powers; should not be above the Prime Minister and higher judiciary and its accountability should be ensured. Along with the proposed bill, other extremely important steps required to be taken to have significant dent on

corruption includes banning the criminals from entering into politics and regularizing and monitoring election expenditures. Simultaneously there is urgent need to introduce administrative reforms such as reducing age limit to entry in civil services, taking away transfer and postings of higher bureaucracy from the purview of political bosses, fixing fix tenures of postings of officers, improving the service conditions and career prospects of civil servants, implementing police reforms, and constituting Civil Services Boards both at the centre and in the states. Simplification of laws and the introduction of information technology for providing public services will also have a lasting effect in reducing the corruption in the country.