

Making Sense of Democracy

'We the people of India', that is how the Constitution of India begins. It is the people who lend life and legitimacy to democracy. Democracy is all about freedom with responsibility, freedom from fear, freedom from want and freedom of association, expression and belief. Democracy also encompasses the responsibility to govern in a responsive, accountable and transparent manner. The sovereignty of the State is derived from the sovereignty of its citizens to exercise their rights and responsibilities. Citizens have a responsibility to participate in the process of governance and to seek accountability and transparency from the government, as the legitimacy of the government is derived from the people.

In a liberal democracy, citizens are supposed to determine the boundaries of the State, and the State is supposed to determine the boundaries of the market. With the advent of neo-liberal policy frame and unbridled marketisation, the process seems to have reversed. The market forces increasingly seek to redraw the boundaries of state, through market-driven policy regime and legislative framework in consonance with the hegemony of the Brettonwood institutions and the WTO. While the market forces seek to determine the boundaries of the state, the state increasingly tends to determine and restrict the freedom of citizens. As a result, citizens are less and less considered the owners of the State and are increasingly reshaped as consumers of government services and public goods. This leads to erosion of Citizens' Rights and undermines freedom and democracy. Hence, there is a need to exercise the rights as citizens and to seek accountability and transparency from each and every public institution and organ of the State.

Making sense of democracy involves development of the most marginalised section and the development of the nation. Freedom is the connecting link between development and democracy. Poverty is the denial of right to live with dignity and the deprivation of basic needs such as food, health, shelter, education and livelihood. Development is the presence of socio-economic conditions wherein every person's right to live with dignity is realised, and freedom from want and freedom from fear are guaranteed. Human rights, Civil, Political, Economic, Social and Cultural, become the core principles and legal framework that lend universal validity and legitimacy to both democracy and development.

Democracy and development can only be achieved through deliberate policy interventions and adequate public expenditure to make the dream of a world without poverty real. The principles of equity, participation and distributive justice need to get incorporated into every arena of governance and policy-making process. India has one of the largest number of poor people in the world. A large number of the marginalised, particularly the adivasis, dalits and landless poor, are still outside the ambit of the so-called national development. Mere projection of economic growth, without equity or distribution, will lead to further social and political fragmentation, which would undermine the connecting threads of Indian democracy. Thus development with equity, justice, distribution and participation is a prerequisite to the survival and growth of Indian democracy.

The eight Millennium Development Goals (MDGs), adopted by the UN General Assembly in 2000, seek to achieve quantifiable and monitorable targets to measure the progress towards development and poverty eradication. A recent analysis of the trend towards achieving the MDG clearly indicates that India is far behind in achieving many of the MDGs by 2015. India is lagging behind many of the countries in addressing the MDGs due to the lack of adequate budgetary commitments and the lack of affirmative policy framework. The privatisation of public services and the marketisation of development reduce the bargaining capacity of citizens, making them mere consumers of public goods and services.

Along with such a pretentious policy environment and more rhetoric and less commitment, the lack of effective right to information and of public transparency and accountability degenerate democracy and perpetuate development deprivation.

Millennium Development Goals		
S. No	Development Goals	Indicators for Measurement
Goal 1 Eradicate extreme poverty and hunger	<ul style="list-style-type: none"> ● Halve, between 1990 and 2015, the proportion of people whose income is less than \$1 a day ● Halve, between 1990 and 2015, the proportion of people who suffer from hunger 	<ul style="list-style-type: none"> ● Proportion of population below \$1 a day ● Poverty gap ratio (<i>incidence x depth of poverty</i>) ● Share of poorest quintile in national consumption ● Prevalence of underweight in children (under five years of age) ● Proportion of population below minimum level of dietary energy consumption
Goal 2 Achieve universal primary education	Ensure that, by 2015, children everywhere, boys and girls alike, will be able to complete a full course of primary schooling	<ul style="list-style-type: none"> ● Net enrolment ratio in primary education ● Proportion of pupils starting grade 1 who reach grade 5 ● Literacy rate of 15 to 24-year-olds
Goal 3 Promote gender equality and empower women	Eliminate gender disparity in primary and secondary education preferably by 2005 and in all levels of education no later than 2015	<ul style="list-style-type: none"> ● Ratio of girls to boys in primary, secondary, and tertiary education ● Ratio of literate females to males among 15 to 24-year-olds ● Share of women in wage employment in the non-agricultural sector ● Proportion of seats held by women in national parliament
Goal 4 Reduce child mortality	Reduce by two-thirds, between 1990 and 2015, the under-five mortality rate	<ul style="list-style-type: none"> ● Under-five mortality rate ● Infant mortality rate ● Proportion of one-year-old children immunised against measles
Goal 5 Improve maternal health	Reduce by three-quarters, between 1990 and 2015, the maternal mortality ratio	<ul style="list-style-type: none"> ● Maternal mortality ratio ● Proportion of births attended by skilled health personnel
Goal 6 Combat HIV/AIDS, malaria, and other diseases	<ul style="list-style-type: none"> ● Have halted by 2015 and begun to reverse the spread of HIV/AIDS ● Have halted by 2015 and begun to reverse the incidence of malaria and other major diseases 	<ul style="list-style-type: none"> ● HIV prevalence among 15 to 24-year-old pregnant women ● Contraceptive prevalence rate and number of children orphaned by HIV/AIDS ● Prevalence and death rates associated with malaria, proportion of population in malaria-risk areas using effective malaria prevention and treatment measures ● Prevalence and death rates associated with tuberculosis and proportion of TB cases detected and cured under DOTS

Contd... Millennium Development Goals

S. No	Development Goals	Indicators for Measurement
Goal 7 Ensure environmental sustainability	<ul style="list-style-type: none"> ● Integrate the principles of sustainable development into country policies and program and reverse the loss of environmental resources ● Halve, by 2015, the proportion of people without sustainable access to safe drinking water ● Have achieved, by 2020, a significant improvement in the lives of at least 100 million slum dwellers 	<ul style="list-style-type: none"> ● Change in land area covered by forest ● Land area protected to maintain biological diversity ● GDP per unit of energy use ● Carbon dioxide emissions (per capita) ● Proportion of population with sustainable access to an improved water source ● Proportion of population with access to improved sanitation ● Proportion of population with access to secure tenure [Urban/rural disaggregation of several of the above indicators may be relevant for monitoring improvement in the lives of slum dwellers]
Goal 8 Develop a global partnership for development	Develop further an open, rule-based, predictable, nondiscriminatory trading and financial system (includes a commitment to good governance, development, and poverty reduction—both nationally and internationally)	<ul style="list-style-type: none"> ● Net ODA as a percentage of DAC donors' gross national income ● Proportion of ODA to basic social services (basic education, primary health care, nutrition, safe water, and sanitation) ● Proportion of ODA that is untied ● Proportion of ODA for environment in small island developing states ● Proportion of ODA for the transport sector in landlocked countries

Note: Some indicators, particularly for goals 7 and 8, remain under discussion. Additions or revisions to the list may be made in the future.

Sources: http://www.developmentgoals.org/About_the_goals.htm

The first Citizens Report on Governance and Development is an initiative to strengthen the process of democracy and development, to ensure citizen participation at every level of governance and to equip citizens to ask informed questions to their elected representatives as well as public officials/servants. In a country where there are about 700 legislators (including MLAs, MLCs and MPs) with criminal records, citizens increasingly feel insecure as well as helpless. It has been reported that the top four candidates in many of the constituencies spend between Rs 8 to 10 million during the Lok Sabha election. As per the latest Human Development Report, large corporations provided 80 per cent of funding for the major political parties in India during the 1996 elections. The criminalisation and marketisation of politics undermine the values of democracy enshrined in the very preamble of our Constitution. It is in this context that citizens and civil society need to play a crucial role in resisting the vulgarisation of politics and governance. This requires constructive and proactive initiative to revitalise democracy and development at grassroot level and critical engagement with institutions of governance at various levels.

This Report on Governance and Development is an initiative to look at the key institutions of governance and pillars of democracy and discuss their performance in the year 2002. Each institution of governance has a distinct role to play, and the fulfilment of such roles and responsibilities make democracy work. It is

the responsibility of the citizens to be constantly vigilant about the roles, responsibility and functions of such institutions and to point out aberrations so that there will be a constant attempt to take corrective measures to live up to the constitutional guarantees and obligations. This Report seeks to discuss the performance of four key arenas of governance viz., the Parliament, the Public Policy (the Executive), the Supreme Court and the local self-government. This Report also seeks to provide a coherent information based on each of these arenas so that there will be an informed public discourse on the state of governance, development and democracy in India.

Seeking Accountability: Performance of the Parliament

The performance of the Parliament in 2002 is discussed in Part I of this report. Being the apex law-making body and centre of governance in India, the performance of the Parliament is of interest to the citizens of the country. The observations on the performance of the Parliament are:

- In 2000-01, the budget allocation for the two Houses of the Parliament was Rs 1,730.90 million. It is estimated that in the same year the per minute cost in the Lok Sabha was Rs 15,700.
- A total of 86 Bills were passed by the Parliament during the year 2002 (34 Bills in the Budget Session, 10 Bills in the Monsoon Session and 42 Bills in the Winter Session).
- The number of sittings of both the Houses of Parliament has declined over the years. Now there is an average of 80 sittings in a year. As a result, the time available for debating matters of public concern is reduced.
- A lot of time was wasted due to disruptions and pandemonium in the Houses (slogan shouting, storming the well of the House, adjournments, disorderly behaviour of the members, etc.). In the Lok Sabha, during the year, a total of 100 hours and 49 minutes were lost during the three Sessions, and in Rajya Sabha, a total of 85 hours were lost only during the first two Sessions.
- The questions asked during the Question Hour are repetitive, and questions are asked for which information is already available or published.
- The Houses continued to function even when there is lack of quorum. The Presiding Officers of both Houses do not take suo moto cognisance of a lack of quorum.
- There is declining interest in budget discussions in the Houses. For example, between 1952 and 1979, the Lok Sabha devoted an average 23 per cent to discussing the budget. This has now declined to about 10 per cent.
- There is poor attendance in the Parliamentary Committee Meetings. In 2002, the average percentage of attendance by members of the Committee ranged from 65 per cent (Committees on Technology and Defence) to 36 per cent (Committee on External Affairs). What is even more disconcerting is the fact that the Committees that deal with social sectors and issues that directly affect common man/woman have the lowest percentage of attendance by members.

Rhetoric and Reality: Policy Performance

In Part II of the Report, the current policies of the Government regarding health, education and poverty alleviation were reviewed to understand the government's commitment to ensure and safeguard the livelihood and basic rights of the citizens. It is observed that people, especially the marginalised, have become victims of multidimensional deprivations; and a step-motherly treatment is given to Social Sectors as against Economic Sectors.

Health: In the realm of health, the government took three new policy initiatives namely, The National Health Policy, 2002; The Drug (Pharmaceutical) Policy, 2002; and The Patents (Amendment) Bill, 2002. But it has been observed that:

- There is considerable amount of time lapse between policy pronouncement and policy implementation, and policy pronouncements are made without proper budgetary allocations.
- Both in urban and rural areas, the health infrastructure is far from adequate by any acceptable standards.

- Curative care facilities are almost non-existent in rural areas.
- Morbidity and mortality rates are still high.
- The level of public expenditure in health sector is the lowest in the world. 83 per cent of aggregate expenditure on health is private spending, and 43 per cent of the poor depend on public sector hospitals for care.
- The Indian health system is the most privatised health system in the world. Privatisation and deregulation of the health system has resulted in rising drug prices.
- As regards health, there are still marked disparities between states, between rural and urban, between the marginalised and the mainstream, and between men and women.
- The new National Health Policy, 2002 is riddled with confusions and contradictions. It legitimises the ongoing privatisation of health.
- The new Drug (Pharmaceutical) Policy, 2002 is biased towards urban-specialist-based health care.
- The public health expenditure, which is currently below 1 per cent of GDP, is far below the 5 per cent of GDP recommended by the World Health Organisation.
- The year 2002 witnessed a continuation of anti-people, but pro-market policies in the health sector.

Education: As regards education, the government passed the Constitution 86th Amendment Act, 2002 to make elementary education a fundamental right. Also the government introduced the National School Curriculum Framework. A major scheme known as the Sarva Shiksha Abhiyan (SSA) or the National Programme for Universalisation of Elementary Education was launched in November 2000 and continued in 2002. It is observed in the Report that the overall performance is disappointing.

- In spite of the fact that the literacy rate has risen from 18 per cent in 1951 to 65 per cent in 2001, every third illiterate in the world is an Indian.
- Out of approximately 200 million children in the age group 6-14 years, only 120 million are enrolled.
- Inadequate budget allocation, dismal school infrastructure in rural areas, high dropouts, caste-bias, gender-bias, etc. are the hallmarks of our education system.
- There is increase in budget allocation for elementary education, but with a decline in higher and technical education.
- The year marked the open and public saffronisation of the education system imposing fundamentalist vision of Hindutva in the education system of the country with the National School Curriculum Framework.
- Under Sarva Shiksha Abhiyan, a total of Rs 5 billion in 2001-02 and of Rs 15.12 billion in 2002-03 was allocated. What has been achieved? There is a serious concern raised on the implementation of the scheme.
- The Constitution 86th Amendment Act, 2002 has lots of ambiguities, and absolutely, there was no reference to this Act nor was there any budget allocation in the Budget 2003-04 presented in the Lok Sabha on February 28, 2003.

Poverty Alleviation: For years, poverty alleviation has been a major concern of the government. Year after year programmes were launched to eradicate poverty. In 2002, the Tenth Five Year Plan (2002-07) document reiterated the policy direction of the government towards poverty alleviation stating the need for 'expanding and reinvigorating the ongoing poverty alleviation programmes to improve quantitatively the economic conditions of SCs/STs/OBCs/Minorities, through specially designed activities in the programmes best suited to their skills and requirements.' Also the government introduced the National Water Policy, 2002. A review of the performance of the government reveals the following:

- The lower sections of the society still lack access to assets.
- Land reform has been given a silent burial, and there is increase in landlessness among the poor.
- People continue to be displaced, their human rights are violated, and their livelihood resources are denied.

- The Tenth Five Year Plan document places greater reliance on the private sector to contribute to poverty alleviation. It has reversed the land reform agenda, and seems to recommend market as a substitute for the state.
- The National Water Policy, 2002 calls for 'private sector participation in planning, development and management of water resources', a clear signal towards privatisation of water services.
- Increase in unemployment, casualisation of labour and increase in starvation deaths and suicides are some of the indicators of deepening poverty situation in India.
- Nothing substantial was done to address the draught, and the government was abdicating its responsibilities towards the people, particularly the poor.

Access to Justice: Performance of the Supreme Court

In Part III, the performance of the Supreme Court is reviewed. The Supreme Court delivered a number of landmark judgements during the year. The prominent among them are:

- Disclosure by candidates contesting election of their criminal antecedents, which the voters had a right to know.
- Ensuring compliance by government authorities to adhere to orders passed by the Court by filing Action-Taken-Reports or Compliance Reports.
- In a radical decision with far-reaching social consequences, the Supreme Court heard a Public Interest Litigation and decided that non-Brahmins can perform puja in Hindu temples. Also the Court came heavily on the misuse of Public Interest Litigation.
- The Court also expressed its reluctance to step into matters of economic policies unless it was shown to be violative of fundamental rights or patently mala fide.
- The Court took suo moto cognisance of the conditions prevailing in mental asylums from a newspaper report and issued a sweeping set of directions to ameliorate the conditions of the inmates in the asylums.
- The Court reiterated the independence of the Election Commission in the conduct of elections and that the government cannot interfere in the manner of holding elections.
- The Court held Arundhati Roy guilty of contempt of court saying that the freedom of speech and expression and the freedom of the press are one and the same thing and are subject to the same restrictions.
- The Court upheld the Constitutional validity of the Legal Services Authorities (Amendment) Act, 2002 in a landmark judgement.
- On the role of the subordinate judiciary, filling vacancies and developing infrastructure, the Court held that it is the obligation of the state governments to mobilise funds. Directions were issued to the state governments in this regard.
- The Supreme Court also increased the scope of review of its own decisions.
- In the realm of labour and service laws, the Supreme Court said that the courts have the power to interfere in appointments, selection process, compensation, etc. if there are any irregularities.
- The Court upheld the right of the state government to make a law preventing the misuse of school administration to make profits, especially by private schools.
- As regards reservations in education, the Court held that reservations are permissible in educational institutions at the lowest levels. However, at the higher levels, it should be withdrawn in the interest of achieving the goal of excellence in education.
- The Supreme Court maintained a strong and sustained pro-environment stand. The Court passed a series of orders emphasising environmental protection.
- The Court reiterated that the right to speedy trial is part of Article 21 of the Constitution (the right to life).

Since the citizens have lost hope in the Legislature and the Executive, they have some confidence in the judiciary. Public confidence is built when the judiciary is accountable, accessible, responsive, effective and efficient. But the following observations tell the other side of the story.

- In 2002, 37,780 cases were filed in the Supreme Court. 85 per cent of the cases were disposed or dismissed.
- The pending cases reduced from 1,04,936 in December 31, 1991 to 23,012 in May 31, 2002.
- In the High Courts, as on November 28, 2002, 3,640,870 cases are pending.
- In the subordinate courts, 20 million cases are pending.
- The total budget of the Supreme Court for 2001-02 was Rs 299,300,000 (i.e. almost 300 million).
- The function of the courts is to deliver justice expeditiously and economically. Do the poor have access to justice in the Supreme Court?

Grassroot Democracy: A Distant Dream?

Part IV of this Report gives an overview of grassroot democracy in India through the Panchayati Raj Institutions. It is observed that:

- The 73rd Constitutional Amendment reflects the political will in favour of decentralisation.
- It has enabled the participation of women, dalits and adivasis in local governance. This has challenged the existing power centres at the local level.
- It has provided the marginalised opportunities to participate in decision making, to strengthen their capacities, to seek accountability, to play their role in competitive politics, etc.

But on the other hand:

- Devolution of power, funds, functions and responsibilities, and functionaries have not taken place.
- In a number of states, there has been promotion of parallel structures/committees at the local, district and state levels by undermining the Panchayati Raj Institutions.
- It has been found that the marginalised, such as dalits and adivasis are, largely unacceptable to the upper castes and class forces. They are insulted in the Gram Sabha and block and district level meetings.
- Certain regulations such as the two-child norm for Panchayat representatives in Madhya Pradesh has led to harassment of elected representatives, humiliation by officials, labelling them as illiterate, demotivating them, etc.
- The contribution of revenue from states per se has declined.
- Sometimes, the elected representatives at the block and district levels function like their MLAs and MPs.
- It has also been observed that agrarian economic relationships and feudal social practices and attitudes are the greatest impediments for decentralised and participatory governance.

This Report is a modest attempt to review governance performance at the Centre. In future the review will be more broad-based taking into consideration the performance of the States. It is expected that this initiative will generate discourse on people-centred governance, strengthen the role of civil society and promote citizens' participation in governance, democracy and development.

