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Authors affiliation
Associate Professor and Head
Department of Political Science
Agra College, Dr BRA University,
Agra- 282002
Uttar Pradesh

Reprints requests
Arunoday Bajpai, 20, Huntley
House, Agra College, Agra (U.P.)
PIN-282010.
E-mail:
arunodaybajpai@gmail.com

Understanding Religious Identities and Public Sphere in India

Arunoday Bajpai

Abstract

The important role of religious identities in Indian political process is traced to the rise of nationalism through religious symbols, partition of the country and post-independence politico-religious mobilization. In the debate on religion-politics interface, the inner complexity of religious identities is largely ignored by scholars and the debate is focused on the secularism vs. communalism.

This paper departs from this tradition and proceeds on the assumptions: (a) that the articulation and expression of religious identities display marked difference among minorities and majority community, and (b) that the articulation and expression of identities is largely shaped by the perception of the socio-political crisis, and the objectives to be achieved. Hence, its political expression is not equally shared by and uniform among the members of same religious community.

These assumptions may be tested on the basis of categorization of religious identities into three ideal types: 1. Primordial Religious Identity, largely shaped by historical and cultural claims of religious primacy, irrespective of secular constitutional scheme. 2. Crisis-Generated Religious Identity, which emerges in response to a socio-political crisis and aims at certain higher national goals. The religious nationalism of 19th century and partition politics are the example of this identity. 3. Reactionary Religious Identity, which emerges as a reaction to the perceive fear of dominance of or discrimination by another community. Also, the one form of religious identity may be transformed into another form. Using this framework, this paper throws new light on the interface between religion and politics in India.

Introduction

India is the largest democracy in the world. In spite of many deviations, India has managed to sustain a democratic constitutional structure throughout the length and width of multi-cultural nation. Deviations are equally glaring. Indian constitution, framed in the wake of painful partition of the country on religious ground, abhors all forms ascribed distinctions and discriminations and implicitly recognizes every Indian as a citizen of India. Thus, constitution proceeds on the assumption that the individuals should leave behind their narrow identities and assume identity as citizens of Indian State. However, the major deviation of Indian democracy lies in the fact that it failed to evolve the identity of citizenship in public sphere. Narrow and ascribed identities of caste, religion, language or region dominate the interface between individual and public sphere. It is not to suggest that identity of individuals a citizen in not relevant in India. It is relevant, but largely confined to legal domain, when citizens are claiming rights against State or performing legal duties with respect to State. But legal domain is a small part of public sphere. Public sphere is distinct from and exclusive to private affair. It is a discursive space of social life in which individuals and groups

congregate to discuss matters of common interest and, where possible, to reach a common judgment (Hauser: 86). In Indian democracy, the political process constitutes the major part of public sphere.

Besides being a functioning democracy, India is a multi-religious society. It is in this context that the question of religious identity and its role in the public sphere becomes relevant to functioning of public institutions and democracy in India. The question of religious identity is closely linked with the notion of secularism. Secularism is a European concept, which originated from the French word 'seculare' meaning to 'keep apart' religion from politics or public sphere. It is a post-renaissance development in Europe. However, in view of an unequal size of religious communities in the multi-religious society of India, the idea of secularism was given a distinct connotation. The textbook meaning of Indian brand of secularism is 'equality of religions or 'Sarva Dharm Sambhava'. However, in Indian public discourse and political process, the word 'secularism' has become a much abused term, with no consensus on its meaning and scope. Any action ranging from outright opposition to religious identity to active appeasement of religious communities may be justified as 'secular'. And whatever is not secular is assumed to be communal. This has crystallized as prototype debate on secularism Vs communalism in India, without due regard to the process of formation of religious identities and their complex interplay in the public sphere. The process of secularization is based on the gradual weakening of religious identities in the political process, but India presents a contrary experience. Religious identities, if anything, have become stronger over the period of time in the post-independent India.

Identity and Public Sphere

Identity refers to the self-identification of individuals and groups on the basis of certain social categories like religion, caste, language or similar other categories. According to Yamin (2008), 'Identity may be defined as one's consciousness of one's self and other's perception of one's individuality'. The identities of social groups or individuals are formed around an ensemble of certain definitional absolutes. These shared symbols may be those of religion, language, ethnicity, culture, sexual preferences, caste positions, religion, tribe, etc. According to William Conolly (2002: 64), 'An identity is established in relation to a series of differences that have become socially recognized. These differences are essential

to its being. If they did not coexist as differences, it would not exist in its distinctness and solidity. Entrenched in this indispensable relation is a second set of tendencies, themselves in need of exploration, to conceal established identities into fixed forms, thought and lived as if their structure expressed the true order of things. When these pressures prevail, the maintenance of one identity (or field of identities) involves the conversion of some differences into otherness, into evil, or one of its numerous surrogates. Identity requires differences in order to be, and it converts difference into otherness in order to secure its own self-certainty.' Thus, identity, at the same time, emphasizes on the inclusive similarities within a group and the exclusive differences in relation to other groups.

Religious identities are formed around religious faith, symbols and practices, which are exclusive to certain groups or individuals. Recognition of such symbols and practices and their appropriation are the preconditions for the formation of religious identities. According to Anthony (2012: 01), 'religious identity refers to a religion's self-interpretation as recognized by a supportive audience'. Thus, we speak of a person's religious identity or a religious community's identity because of one's recognition and appropriation of religious concern. Certain beliefs and practices are deemed significant to the extent that one labels oneself as religious individual or community. The identification may be total but generally, identity is partial, contingent, temporary, relative or vague. The notion of recognition and appropriation reflects a dynamic process in which religious data in the form of rituals, values, norms, symbols and like are evaluated and related to concerns of everyday life. There they are 'believed' and 'practiced' as significant and insignificant ways of self-referral. Distinctions may depend upon the agent or the issue at stake. The agent may be a person, a group or an institution. Since religious faith and practices are primordial social categories, found in all societies, evolution and articulation of religious identities has been a pervasive phenomenon for ages. National or sub-national or group interests have been articulated and asserted the fulcrum of religious identities.

The role of identities in public sphere, whether based on religion or other social categories, takes the form of identity politics, which has emerged as the dominant feature of democratic process in India. Scholarly discourse on identity politics is relatively new development, which began to take shape in 1970s in the light of the emergence of large-scale political movements–second wave feminism, Black

Civil Rights in the U.S., gay and lesbian liberation, and the American Indian movements in USA. These social movements encouraged the emergence of a body of literature, which was mainly concerned with the nature, origin and futures of the identities being defended. Later the same analysis was deployed to capture the similar experience in other parts of the world. The identity politics is more pronounced in the liberal democratic process. However, Marxists abhor the notion of identity politics as it obscures the nature of capitalist exploitation in a society.

According to Stanford Encyclopedia of Philosophy (2002), 'identity politics has come to signify a wide range of political activity and theorizing founded in the shared experiences of injustice of members of certain social groups. Rather than organizing solely around belief systems, programmatic manifestos, or party affiliation, identity political formations typically aim to secure the political freedom of a specific constituency marginalized within its larger context. Members of that constituency assert or reclaim ways of understanding their distinctiveness that challenge dominant oppressive characterizations, with the goal of greater self-determination'.

Thus, identity politics refers to *a wide range of political activities and theorizing founded in the shared experiences of injustice of members of certain social groups.* Thus, politics of identity involves two components:

1.   Its articulation in the form of distinct social formulation on the basis of shared symbols in the form of common culture, religion, language, ethnic background etc. and;

2.   Its political expression takes various forms to make certain claims. Both the articulation and expression of identity is contingent on the specific socio-economic and political configuration of a given society.

The expression of identity politics signifies a body of political projects that attempts a recovery from perceived exclusion and denigration of groups hitherto marginalized on the basis of differences based on their shared symbols. In the process, identity politics attempts to attain recognition of social groups as well as their empowerment and representation. This is done by asserting the very same symbols that distinguished and differentiated them from the others and imparted a distinct identity to the concerned group. Thus identity politics may be viewed as an assertion of selfhood and identity based on *difference* rather than *equality*. Iris M. Young (1990) has described the process of identity formation and expression of identity politics as he suggests that identity politics as a mode of organizing is intimately connected to the idea that some social groups are oppressed; that is, that one's identity as a member of religious group, or as a woman, for example, makes one peculiarly vulnerable to cultural imperialism, violence, exploitation, marginalization, or powerlessness. Identity politics starts from analyses of oppression to recommend, variously, the reclaiming, re-description, or transformation of previously stigmatized accounts of group membership. Rather than accepting the negative scripts offered by a dominant culture about one's own inferiority, one transforms one's own sense of self and community, often through consciousness-raising A related question is how identity politics should be viewed with respect to democracy as reactions to identity politics are articulated on the basis of perceptions formed about the relationship between the democracy and identity politics. A noted scholar K. N. Panikkar (2011) has discussed the rise of identity politics in South Asian nations and has concluded that identity politics is anti-democratic as it does not address the interests of collective, which goes by the name of community of caste or religion. This conclusion appears to be based on the very nature of identity formulation, which emphasizes on difference and selfhood rather than equality with others. However, this conclusion is one sided. In the long term perspective, the resort to identity politics is the natural outcome of multi-cultural society. In such societies, in the long run, the articulation and subsequent accommodation of the interests of various identity based groups is the precondition for the success and maturity of democracy.

Religious Communities of India

India is a multi religious society. As per the 2001 Census data, Hindus constitute 80.4 percent, Muslims 13.4 percent, Christians 2.3 percent, Buddhists 1.8 percent, Sikhs 0.77 percent, Jain 0.41 percent and others and animists constitute 0.72 percent of the total population. There is a noticeable variation in the proportion of different religious communities during the period 1961-2001. While the total percentage of Hindus and Christians have come down from 83.4 percent to 80.4 percent and from 2.4 to 2.3 percent respectively, the percentage of Muslims have gone up from 10.6 to 13.4 percent during the same period. Certain broad observations about India's religious communities are required to understand the process of identity formation.

1. The religious diversity of India is the result of mingling, evolution, incorporation of various

religious faiths and sects for thousands of years. The religions of India fall into two categories: indigenous and exogenous. Hinduism, Buddhism, Jainism, Sikhism and various forms of animism and their sub-sects are indigenous religions, which originated in India. While Buddhism and Jainism originated as protest movements against classical Hinduism in 6th century BC, Sikhism originated from the teachings of Saint Guru Nanak in 15th century in the state of Punjab. Buddhism is a pan Asian religion as it is equally popular in East Asian societies Myanmar, Thailand, South Korea, Japan and others. It is the majority religion in Sri Lanka, which is a southern neighbor of India.

Islam, Christianity, Judaism and Zoroastrianism are exogenous as they originated outside India and were subsequently brought in India. Islam and Christianity were brought in India from outside. In the process of identity formation, the exogenous religious communities have the option of identifying with their larger religious communities outside the country. Islam was introduced in India in 7th century by the Arab traders and subsequently spread to other parts of India with the establishment of Muslim rule. The time of introduction of Christianity is not clear, though majority of scholars believe that it was introduced in the 6th century AD. However, it was largely propagated in India during the early phase of British rule.

2. The demographic distribution of religious groups is not even in India. While Hindus, the majority community is nearly distributed throughout the country, Muslims, the largest minority is more concentrated in certain central and eastern regions of country like Uttar Pradesh (18.5%), Bihar (16.5%), West Bengal (25.2%), Assam (30.9%) and southern state of Kerala (24.7%). Muslim population is more concentrated in urban areas in comparison to rural areas. Muslims are in majority (60 percent) in the northern state of Jammu and Kashmir and the Union Territory of Lakshadweep in west coast of India. Christians are largely concentrated in the urban areas of western, southern and north-eastern parts of India. Christianity has emerged as the major religion in three North-eastern states, namely, Nagaland, Mizoram, and Meghalaya. Among other States/UTs, Manipur (34.0%), Goa (26.7%), Andaman & Nicobar Islands (21.7%), Kerala (19.0%), and Arunachal Pradesh

(18.7%) have considerable percentage of Christian population to the total population of the State/UT (Census of India: 2001). Sikhs are concentrated in the state of Punjab in the north-west of India. Tribal communities, with their distinct religious practices are largely concentrated in some pockets of central and eastern India and largely in north-eastern parts of the country. This demographic distribution of India's religious communities has close bearing in their identity formation and its expression in public sphere.

3. Hinduism, the majority religion, is not merely a way of worship and beliefs but it is a social code of conduct for individuals and groups in society. The English word '*Religion*' is usually translated for Indian word '*Dharma*', but it does not convey the real essence of *Dharma*. The notion of *Dharma* (A Sanskrit word meaning '*to hold on*') refers to a moral code of conduct, which is to be adhered to by all individuals in society at every phase of their life. Among Hindus, the religious beliefs are deeply entrenched and religious code has been a guiding principle in all forms of social interaction of a person since his birth till his death and even after. Also, Hinduism, instead of being a centralized religion is a way of life. It is eclectic, diversified and accommodative in nature. Perhaps, it is the only religion, which does not have any prescribed mechanism to convert people of other religious faiths into Hinduism. It is also observed that the hold of *Dharma* is also weakening in the modern society.

One of the main characteristics of Hindu society is that it is stratified into hierarchically organizes Caste groups and sub-Castes, with distinct privileges and disadvantages attached to them and sanctioned by *Dharma*. In modern society, this religious aspect of caste system is on decline, but the caste identities are dominant in the political sphere. Caste identities are so strong in the democratic process of India that they override the formation and expression of religious identities. This fact is very significant in understanding the religious identities of Hindus in the public sphere of India. Dipankar Gupta (2000:108-114) observes that the caste system is slowly dying, but caste identities are still strong. Democracy and urbanization have destroyed caste system and let loose political mobilization and social competition based on caste identities. Thus eclectic and diversified nature of

Table 1: Religious Communities of India (Percentage in total Population) [1]

Religious Community	1961 Census	2001 Census
Hindu	83.45	80.46
Muslim	10.69	13.43
Christian	2.44	2.34
Buddhist	1.79	1.87
Sikhs	0.74	0.77
Animists/others	0.43	0.72
Jain	0.46	0.41

Hinduism, its confidence as majority community, and predominance of Caste identities in Hindu society act as barrier against aggressive religious identity and mass mobilization on sustained basis in non-crisis situations.

Formation of Religious Identities

The political process revolving around religious identities is a common feature of all South Asian nations due to their diverse demographic composition. Every country presents a mosaic of social and cultural diversities. India is a home of many religions big and small, further divided into sects and sub-sects. In fact, India is a great laboratory for experimenting in the formation of religious identities. The formation of religious identities is contingent on two set of factors:

First, the formation of religious identities is not uniform across different religious communities and also across different period of time within a single religious community. This is because identity formation does not take place in vacuum but it operates within a given set of social, political and economic conditions. The perceived or real change in these conditions by a religious group may affect the nature of religious identity of that group. For example, after the partition of India and formation of Pakistan and India as two separate states and Hindus and Muslims respectively became minorities over night, this led to the hardening of their religious identities.

Second, the available space for expression of identity or the opportunity of mass mobilization or lack of it has decisive impact on the formation and expression of religious identities. For example during heyday of Mughal rule in India in 15th and 16th century, Hindu community found herself divided and suppressed and there was no scope for mass mobilization. This suffocating environment led to the emergence of *Bhakti* Movement (Devotional sect of India) formed around secular and reformatory credentials of Hindu religious traditions. This was a subdued expression of liberal religious identity in a non-democratic environment. On the contrary, in the modern India, democratic process provides ample scope for the mass mobilization, which facilitates the formation and expression of religious identities.

On the basis of genesis of identity formation or the rationale imbibed in the expression of religious identity, we find three ideal types of religious identities: Primordial religious identity; Crisis-generated religious identity; and reactionary religious identity. These three identities are ideal types and may overlap with each other in actual practice. In mixed form, it has to be characterized as per the dominant element. One form of identity may assume another form with change in the context of its formation and expression.

Primordial Religious Identity

The primordial religious identity is formed around the faith in and commitment to religious beliefs and practices. It is a pure form of religious identity and shuns non-religious objectives. The propagation of religion, religious charity work, missionaries activities, spiritual attainment through religious practices and saintly behavior etc are the forms of expression of primordial religious identity. In India, the rise of Jainism and Buddhism in 6th century BC as a protest against Hindu superstition and rigidity of religious customs was, in fact, expression of another primordial religious identity with emphasis on religious reforms. However, in its extreme forms, this identity may take the form of fundamentalism and fanaticism. The demolition of Hindu temples an imposition of Jazia (A form of religious tax imposed on Hindus during Muslim ruler Aurangzeb's rule in India in 17th century). Expression may take different forms but promotion of one's religious primacy is the real objective behind such identity. There is a fundamental difference between fundamentalism and communalism as former aims at religious objectives, whereas latter aims at non-religious objectives through religious mobilization. In Modern times many fanatic religious groups in different parts of the world espouse primordial religious identity. The aggressive and violent expression of primordial religious identity is dangerous for a multi-religious and multi-cultural society. Huntington's formulation of 'clash of civilizations' hypothesis is based on the assumption of aggressive expression of such primordial identities.

Crisis-Generated Religious Identity

This type of identity formation is the product of given socio-economic or political crisis and perception of the religious community that it is victim of such crisis and/or it may form the part of solution to such crisis. The establishment of British rule in India and the subsequent perception of natives about their exploitation and racial inferiority gave rise to national awakening and social and religious reforms movements across country. The glorious past of Indian civilization was summoned to strengthen the emerging national identity. Outdated and non-modern religious and social practices were

challenged and reformed. The message was that the ancient Indian cultural tradition was pure and got corrupted during alien rule of medieval period. This new found religio-cultural identity forms the bedrock of emerging Indian nationalism in 19th century. Political unity and the development of modern means of communication, brought about by the British government, provided a nationwide audience to this identity. This was the first expression of religious and cultural identity in the modern sense of the term. Panikkar (2011) observes that the identity politics has a long history in India, which goes back to the early phase of colonialism. The search for cultural sources for national awakening in the context of colonial hegemonization or oppression invariably reaches out to religious traditions, among both Hindus and Muslims. While cultural and historical symbols provided a base for identity formation, it was institutionalized in the form of Muslim League or Hindu Mahasabha.

Muslims, the former ruling classes of India, were deeply hurt due to loss of political power. They did not appreciate the Indian brand of nationalism as espoused by the leaders of the Congress. AR Desai (1946: 396) observes that the Hindu ideology in which Pal, Ghosh and other leaders clothed in the new phase could not appeal to the politically conscious Muslim middle classes. Encouraged by the British, they gradually went for articulating their separate identity as a nation. A section of Hindus and Muslims both went presenting a communal and selective interpretation of Indian history, which also fueled the distinct religious identities among two communities. T K Oommen (2000:06) remarks, that 'For both Jinnah and Golwalkar national reconstruction meant re-appropriation of an appropriate past. For the Hindus this meant ancient Indian culture and civilization, with the Gupta age has been regarded as the golden age of India..... For the Muslims, the golden age was the medieval period, when they had been the rulers of India.' Even today, his perception prevails among the communalist elements of the two communities. Reetz (1993) terms Indian nationalism as 'religious nationalism', which emerged as an efficient tool for mass mobilization in entire South Asia.

Though national secular leadership was hard pressed to claim secular moorings of Indian nationalism, it could not be retrieved from its religio-cultural foundations. This nationalism formed the basis of national liberation movement and the goal of national freedom justified the expression of new identity. Mahatma Gandhi tried his best to salvage mass mobilization from religious tracks with secular symbols like *Khadi* (Indian cotton cloth), *Charakha* (spinning wheel) and salt civil disobedience, but he could not prevent Muslim community's contrary perception of the nature of Congress led national movement. Also, nomenclature of Gandhi's future polity as *Ramrajya* (Reign Lord Rama, the popular Hindu God King) evoked mixed reactions among secular minds. Thus, Muslim community could not be convinced about the secular credentials of Indian nationalism. Here lies the genesis of two-nation theory of Jinnah based on the distinct religious identities of Hindus and Muslims. The hardening of religious identity with political goals led to the partition of the country in 1947. British rule may be blamed for the partition of the country, but the roots of religious identities of both Hindus and Muslim lie deep in the history and society of India. Crisis-generated religious identity is transient in nature, as it lasts till the crisis lasts and changes its forms and mode of expression thereafter.

Reactionary Religious Identity

The reactionary religious identity is the result of reaction against perceived or real marginalization or victimization by a religious community due to the actions or dominance of another religious community. Such religious community perceives its marginalization in the religious terms. Minorities in India are prone to reactionary identity formation. The rise of Sikh identity and militant agitation for separate homeland (*Khalistan)* in early 1980s was the result of perceived not real marginalization of Sikh community. The Union government, led by the Prime Minister Indira Gandhi took military action (Operation Blue Star) against Sikh militants holed in the Golden Temple, Amritsar (the sacred most religious place of Sikhs), which hurt the religious feelings of Sikhs. As a matter of revenge, her Sikh body guards killed Indira Gandhi on 31 Oct 1984, which as a counter reaction resulted in large scale anti-Sikhs riots by Hindus in Delhi and other places. It took many years to heal the wounds of hatred and suspicion between Sikhs and Hindus. The identity formation among Muslim minority community in post-independent India also falls into this category, which is discussed in detail in latter part.

The independence and partition of India in 1947 brought two fundamental changes in the context of identity formation in India, which continue to define the contour of religious identities and their expression.

1. The partition of country on religious basis converted Muslims in India and Hindus in Pakistan as minority communities. The communal holocaust,

violence and mental trauma of partition still linger on the psyche of two communities. The minority status gives a natural sense of insecurity and fear among Muslims. Such fear and insecurity is not prevalent among other minorities like Buddhists, Jains or Sikhs as these groups have some ethical affinity with majority religion and are indigenous in origin. This is a cultural and psychological factor and nothing to do with legal status of minorities in India. Muslims, as minority community are additionally handicapped as their notional link with Pakistan, which has been in competitive and tense relationship with India since her birth in 1947.

2. The new constitution of free India based on the principles of secularism, welfare state, and competitive democratic polity with universal adult franchise, freedom of press, independent judiciary etc has provided new context for the formation and expression of religious identities. The democratic process has thrown open the opportunities for mass mobilization and effective expression of religious identities. The Indian brand of secularism as enshrined in the constitution is characterized by religious freedom; equality of religions; no state religion; and special constitutional provisions for the protection of cultural and educational interests of religious and linguistic minorities. The special provision for minorities is a form of policy of positive discrimination, but it has given rise to two contradictory outcomes: as a policy of accommodation, adjustment and integration of minority identity interests in the domain of public policy; and as an undeclared tactics of minority appeasement and symbolic politics in the larger domain of democratic politics.

Indian public policy towards the claims of religious identities has been one of accommodation and protection of valid interests of concerned ethnic and religious groups. The various mechanisms used are: special constitutional measures to protect the interest of minorities, recognition of their cultural and educational rights, appointment of minority commission as statutory body, special schemes for their promotion and so on. There are special provisions given in the 5th and 6th Schedule of the Constitution for the protection and advancement of ethnic groups in north-east region. However, this has been done within the broad framework of the constitutional provisions and unity and integrity of India. Rajni Kothari (1970:302) highlights the practical aspects of Indian approach to socio-cultural identities and notes that the two main characteristics of Indian approach have been the growth and consolidation of unitary processes through the penetration of authoritative structures of government and the dominant party; and a process of accommodation of diverse interests and pluralities, which are acknowledged as legitimate constituents of slowly crystallizing centre. Sunil Khilnani (1997:166-175) analyses ideational inputs of Indian approach and observes that India has adopted a mid way approach towards cultural identities between the one adopted by liberalists and the other by ethnic nationalists. On the one hand, it avoids the liberal presumption that individuals could transcend their cultural inheritance and moves away from the perception of ethnic nationalists that cultures are self enclosed wholes, on the other. John Zavos and others (2004:8) note that Indian insight into the experience of identities enabled her to engineer a state which was able to accommodate a multiplicity of identities whilst maintaining a unity of purpose. In this way the political significance of cultural and religious identities was not denied, but at the same time the cultural integrity of the nation was not challenged. However, when this public policy of cultural integration mediates through the rough terrain of electoral politics, it is the latter which dominates the scene.

Politics of Religious Identities in Contemporary India

The political mobilization on the ground of religious and other is a regular feature of the democratic process in contemporary India. The assertion of religious identities has shifted from religious and cultural domain to political domain and has taken the form of communalism. Communalism is a belief held by religious groups that they have shared economic and political interests also because they have shared religious practices. It is the belief that in India Hindus, Muslims, Christians, and Sikhs form distinct communities, which are independently and separately structured. Such belief of these religious groups, consolidates a sense of identity based on religion, i.e., religion has to become the basis of their basic social identity and the determinant of their basic social relationships (Chandra: 1987: 01). The decentralization of political process through democratic decentralization in 1992 (by empowering local bodies by 73rd and 74th Constitutional Amendments, 1992) and the growth of mass media have provided vertical and horizontal space for mass mobilization on the basis of religious identity.

The politics of religious identity since 1990s has been characterized by certain dominant tendencies.

First, it was expressed in the form of protection and advancement of minority rights, often termed as policy of minority appeasement or 'vote bank politics'. Second, there was a resurgence of Hindu nationalism, more active since 1990s articulated around the idea of cultural nationalism. Third, it generated a renewed debate on the nature of Indian secularism and scrutiny of secular practices and behavior of political parties in India. Each party blamed other for communalism or fake secularism. Those parties (Congress, Communist Parties and Samajwadi Party) which claimed to champion the cause of minorities declared BJP as communalist party and the latter declared them espousing 'pseudo secularism. However, the behavior of none was above the board as all parties have deviated from the path of secularism, due to political exigencies.

The minority identity politics Muslims is in the state of flux. Traditionally, Muslim community has been the supporter of Congress party, but in the wake of Communal tension of 1992 and demolition of Babri Mosque by Hindus mobilized by Bhartiya Janata Party (BJP) and its allied organizations, they shifted their allegiance to regional parties at least in the states (like UP and Bihar), where regional parties were in position to challenge BJP. This was because the Congress party was the ruling party at the centre when mosque was demolished. However, in other parts of the countries, where they did not have credible option against BJP, they continued to support Congress party. Their open and declared hostility to BJP has been exploited by regional parties to the core. This gave rise to treating Muslims as vote banks and politics of symbolic appeasement. The Muslim support was mobilized around such issues as promotion of Urdu language, making noise for job reservation, opposing ban on SIMI (a Muslim students' militant organization), opposing implementation of Uniform Civil Code [2] and abolition of Article 370 of the constitution, which special status to Muslim majority state of Jammu and Kashmir and so on. None of these issues relates to their social and economic welfare and development. Even the recommendations of Sachchar Committee (2006) accepted way back by the Union government for the socio-economic improvement of minorities, were not implemented fully by the ruling Congress party.

The social and educational status of Muslim community is also responsible for this state of affairs. There is a marked absence of sizable middle class in Muslim community due to lack education, public employment and economic development. This has obstructed the rise of enlightened leadership among Muslims and opportunity to Muslim religious leaders to mediate between the Muslim community and political process. Since 1990s, the religious identity of Muslim has become more rigid and their opposition to BJP so intense that they resort to tactical voting (voting for a candidate who is in position to defeat the candidate of BJP). This form of minority identity politics is likely to continue in near future also.

Since independence, the political mobilization among Hindus was largely done on the basis of their caste identities with few exceptions. However, in early 1990s, the Hindu religious identity also witnessed some unusual upsurge leading to unprecedented communal tensions in different parts of the country. This upsurge was led by a national political party Bhartiya Janata party and its affiliate organizations like Vishva Hindu Parishad, Rastriya Swamsevak Sangth (RSS), Bajrang Dal etc. This resulted in the mass Hindu mobilization across northern and western parts of India and demolition of Babri Mosque [3] on 6 Dec. 1992. This was the most wide and intense expression of Hindu religious identity since independence of India. It communalized political sphere and generated a new sense of fear and need of articulation among Muslim community. This issue dominated political agenda for many years and its reverberations were felt in the new communal riots [3] in Gujarat state of India in 2002.

This religious upsurge among Hindus was the result of number of social, political and economic factors. First, the ruling coalition government at the centre was in crisis in 1990.The BJP withdrew her support and in reaction ruling Janata Dal party decided to mobilize the support of other backward classes by implementing reservation scheme for them. In reaction, the BJP went for mobilization of Hindus on the basis of Babri mosque issue. Second, there was a reaction against the minority appeasement policy of ruling congress party at the centre. Otherwise also the Congress was on decline and the BJP was ready to fill the gap. Thirdly, it was a time when India was also facing a deep financial crisis with declining growth rate and employment, discredited public sector, crisis of foreign exchange etc, which generated a feeling of resentment against the Congress and people, mostly the youth, joined the BJP bandwagon.

Thus the contemporary upsurge in the Hindu religious identity is the result of peculiar circumstances and at best may be describe as counter reactionary religious identity (reaction to another reaction appeasement of minority) The visible rigidity in Muslim identity is the outcome of sense of increased insecurity and perceived threat to existential identity. The recent Hindu-Muslim communal riots in Muzaffarnagar district of western Uttar Pradesh in north India in 2013 exposed the dirty

face of the communal politics. Political parties were divided on taking sides as per the calculation of their electoral gain or loss. Though in parliamentary elections of 2014, the charisma of Narendra Modi, the Prime Ministerial candidate of BJP was the main factor, observers feel, there was a hidden current of Hindu mobilization in certain states like UP as a reaction to minority appeasement and recent communal riots. The BJP Prime Minister Narendra Modi may have come to power on the assurance of good and corruption free governance, India's Muslim community is apprehensive due to her past experience as well as rigid articulation of her religious identity. Yet there is marked difference in the nature of identities of majority and minority religious communities. The intensified expression of Hindu religious identity in politics is casual, transient, non-pervasive and disorganized. Political parties and their communal agenda have only limited success to gain political power by invoking Hindu religious identity or mass mobilization on religious grounds. Majority communal agenda cannot ensure electoral victory on regular basis [4]. Muslims, being a minority, perceive greater sense of loss, insecurity and fear. Hence, the expression of Muslim identity is more organized, intense, regular and always in search of further consolidation. Chhibber and Sekhon (2013) also note similar difference between Hindus and Muslims in the expression of their religious identities: 'Hindus do not express greater confidence in politicians using Hindu religious symbols. This is true even for observant Hindus residing in areas with high levels of communal strife. Muslims, on the other hand, are more likely to express confidence in a leader who uses Muslim religious symbols than one who does not'. They concluded that Muslims, unlike Hindus, are responsive to co-religious appeals even in a state where the party system is not divided along communal lines.

Conclusion

The story of intense articulation and expression of religious identities by Hindus and Muslims in the recent past may suggest that India is not a secular country or communalism is a dominant mode of thought of Indian people or majority communalism is the reliable tool to gain political power. These suggestions need scrutiny. Communal agenda may be employed by certain political groups and formations, but majority of Indian people have not so far espoused the ideology of communalism. The ideology of communalism, in spite of causing tensions and hatred among different communities on many occasions, largely remains on the fringe of vast public

sphere of India. It is brought in the centre stage by certain interested groups and sections but without much success. A noted scholar on the subject Bipin Chandra (1999: 443) concludes, 'India still has a basically healthy secular society. Even though communalism is perhaps the most serious challenge of Indian society and polity, it is not yet the dominant mode of thought of the Indian people......the believers of communal ideology constitute a fringe....In no part of the country, an aggressive majority arranged against a beleaguered minority.' The rising popular consciousness is aligned against communal overtones. However, India is a secular country; not because its political parties and elites are secular; no even because India's Constitution declares India to be so; but only because majority of Indian people are still not prone to communal manipulation. And India is a functional democracy, where people voice matters.

Notes

1. These figure are taken from the Census of India (2001) *Religion*, Ministry of Home Affairs, Government of India. Available At: *http://censusindia.gov.in/ Census_And_You/religion.aspx*
The head count of India's religion was undertaken in the latest Census of 2011. However, the figures of religious communities were not published due to political reasons. Many observers allege that in the 2011 census, the percentage of Hindus has come down to less than 80 per cent and that of Muslims have gone up more than 14 per cent. This disclosure may be a sensitive issue in religious identity ridden politics of India. The growth rate among Muslim population, in comparison to other communities, has been high as because of religious reasons they do not adopt population control measures. This demographic change may become a cause of communal tension in Indian political process.

2. Under Article 44 of the Indian Constitution, the State is required to implement a common civil code for all religious communities of India. This code refers to common family laws with respect to marriage and divorce and maintenance of divorcee for all communities. The code is intended to ameliorate the status of women and protection of their rights. At present, in these matters Muslim community is regulated by their religious laws (Sharia), which go against the rights of women. The government has not implemented this code for Muslims so far because of political consideration as Muslims oppose this code on the ground that it interferes in their religious affairs.

3. Babri Mosque-Ramjanmbhoomi (Birth place of Lord Rama) controversy is the most important communal issue in Indian politics. The Babri Mosque

was constructed by the first Mughal emperor Babur 1527 in Ayodhya (Faizabad District of State of UP in north India). Hindus believe that it was constructed after modification of a temple on the birth place of Lord Rama (Hindu God). Both communities laid claim for the place for long time and the temple was sealed by the court orders. However, the doors of the temple were reopened in 1986 by the court order. The BJP demanded the construction of Ram Temple and its senior leader LK Advani organized a march (Rath Yatra) to Ayodhya in Sep. 1990 to mobilize Hindus for this cause. Finally, on 06 Dec 1992, some 150000 Hindu volunteers gathered at Ayodhya and demolished Babri Mosque. This was followed by large scale Hindu-Muslim riots in different parts of the country. However, the Hindu organizations could not construct Rama temple so far and the dispute is yet to be settled. The BJP also has distanced itself from this issue during 2014 elections. This issue resurfaced in the form of communal riots of Gujarat in 2002. A train carrying Hindu volunteers coming back from Ayodhya was put on fire by some Muslim miscreants on 27 Feb 2002 in Godhara (Gujarat) railway station, in which 59 Hindus were killed. This incident sparked off riots in Ahmadabad and other city of Gujarat, the western province of India. In these riots 790 Muslims and 254 Hindus were killed.

4. The Bhartiya Janata Party (BJP): Originally founded as Bhartiya Jan Sangh in 1951, it espoused the cause of cultural nationalism of India or '*Hindutva*'. It could not score any major success in elections during 1951-77. It merged with newly formed opposition party -Janata Party in 1977 in the wake of National Emergency. The Janata Party government fell in 1979 and Jan Sangh left the party. It was reorganized as Bhartiya Janata Party in 1980. It won just 02 seats in 1984, 89 seats in 1989, 120 seats in 1991, 161 seats in 1996, 182 seats in 1998, 138 seats in 2004, and 116 seats in 2009 General Elections to the House of People. In fact, its popular vote share fell down from 25 percent in 1998 to 18 percent in 2009. During 2014 General Elections, the party did not raise the *Hundutva* issue and laid emphasis on good governance, clean administration and development achievements of its leader Narendra Modi. Thus, without going for *Hindutva* agenda, the party scored 282 seats in House of People (highest so far), with 31 percent popular votes and formed the government in the centre in 2014. Therefore, its mixed electoral performance in General Elections since 1984 till 2014 did not attest the thesis that it *Hindutva* agenda is a viable tool for the mass mobilization of Hindus on the basis of their religious identity.

References

1.   Connolly, William; *Identity Difference: Democratic Negotiations of Political Paradox*. Minneapolis: University of Minnesota Press, 2002.

2.   Panikkar, K M (2011) Identity Politics, Frontline, Available at: *www.hindu.com/thehindu/thscrip/print.pl?file=2011052028.htm&date=fl2810/&prd=final&* May 7-10, 2011; 28.

3.   Young, Iris Marion; *Justice and the Politics of Difference*. Princeton: Princeton University Press, 1990.

4.   Chandra, Bipin; *Communalism in Modern India* (second edition). New Delhi: Vikas Publishing House, 1987.

5.   Chandra, Bipin et al (1999) *India After Independence 1947-2000*. New Delhi: Penguin Books India.

6.   Chhibber Pradeep and Jasjit S Sekhon (2013) Asymmetric Role of Religious Appeals in India. Available At: *http://sekhon.berkeley.edu/papers/ChhibberSekhon_identities.pdf*

7.   Stanford Encyclopedia of Philosophy (2002), *Identity Politics*. Available at: *http://plato.stanford.edu/entries/identity-politics/*

8.   Zavos, John et al (2004) "Deconstructing the Nation: Politics and Cultural Mobilization in India", in John Zavos et al eds, '*The Politics of Cultural Mobilization in India*', New Delhi: Oxford University Press.

9.   Oommen, T K (2000) ''Conceptualizing Nation and Nationality in South Asia''. In S. L. Sharma and T. K. Oommen (eds) *Nation and National Identity in South Asia*. New Delhi: Orient Longman Limited.

10.   Khilnani, Sunil (1997) *Idea of India*, London: Penguin Publications.

11.   Kothari, Rajni (1970) *Politics in India*, New Delhi: Orient Longman Pvt, Ltd.

12.   Gupta, Dipankar (2000) *Mistaken Modernity: India between words*, New Delhi: HarperCollins publishers India.

13.   Desai, A R (1946) *Social Background of Indian Nationalism*. Bombay: Popular Prakashan.

14.   Hauser, Gerard (1998) *Vernacular Dialogue and the Rhetoricality of Public Opinion*. Communication Monographs. 1998; 65(3): 83-107.

15.   Reetz, Dietrich (1993) Ethnic and religious Identities in Colonial India (1920s-1930s): A Conceptual Debate. *Contemporary South Asia*. 1993; 2(2) 109-122.

16.   Anthony, Francis Vincent and Hans-Georg Zeibertz eds (2012) *Religious Identities and national Heritage*. Leiden: Koninklijke Brill NV.p.1.

17.   Census of India (2001) Religion. Ministry of Home Affairs, Government of India. Available At: *http://censusindia.gov.in/Census_And_You/religion.aspx*

18.   Yamin, Saira (2008) Understanding Religious Identity and the Causes of Religious Violence. *South Asian Journal of Peace building*, Available At: *http://www.wiscomp.org/peaceprints.htm.*

Authors affiliation
Assistant Professor, Department of Public Policy, Law and Governance, Central University of Rajasthan, Rajasthan, India

Reprints requests
C. Jeevan Kumar, Assistant Professor, Department of Public Policy, Law and Governance, Central University of Rajasthan, Bandarsindri, Kishangarh-305 801, Ajmer District, Rajasthan, India.

Email: jeevan_pplg@curaj.ac.in

Civil Service Reforms in India: Policy and Perspectives

Cheruku Jeevan Kumar

Abstract

Civil Service Reforms (CSR) mean different things to different stakeholders in India. There has been a dearth of studies on CSR from a holistic perspective. This study attempts to fill this gap by ascertaining views of stakeholders on CSR in India. It adopted purposive and convenient sampling. Primary data was collected from a sample of 27 respondents that includes civil servants, civil service aspirants, member of a Civil Society Organisation (CSO), member of Union Public Service Commission (UPSC), former member of the Second Administrative Reforms Commission (ARC) and policy expert. Secondary data was collected from the relevant books on CSR, articles in peer reviewed journals and web sources. Thematic analysis was adopted for data analysis through Axial Coding. Major findings of the study: Civil service in India came under the increasing pressure to adapt itself from being a 'commander' of the public services to that of 'partner' with CSOs and private sector; and from being 'generalist' to that of 'specialist'. Yet, it is not able to cope with these demands. On the other hand, State's policy on CSR has been incremental. The study finds gaps between policy on CSR and expectations of stakeholders.

Keywords: Civil service reforms; Stakeholders; Perspective; Thematic analysis; Transformative.

Introduction

Civil service is one of the most admired as well as criticised institutions of governance in public administration. It played the role of a 'social guardian' representing universal interest of the state by exhibiting its organisational leadership (Das, 1998). However, it has come under intense scrutiny by public administration scholars in recent times. It has been viewed as self-interested and inefficient; and more as a problem than a solution. Moreover, it was argued that its inefficiency is responsible for poor implementation of development projects both in developed countries as well as developing countries (World Bank, 1989).

During 1980s, search for better governance in both the developed as well as developing countries including in Latin America, Sub-Saharan Africa and Asia led to the reorientation of roles of state and civil service across the countries. For instance, World Bank in its Report entitled: '*The State in a Changing World*' *(1997)* reiterates that an effective state is essential for sustainable development of a country. Further, it argues that state can no longer act as sole provider, rather it should act as a facilitator and regulator. The report identifies 'civil service' as one of the key institutions and suggests improving its capability by re-engineering public institutions (World Bank, 1997). State and civil service have been affected by both external and internal factors. Externally, globalisation and neoliberal policies brought fundamental shifts in state along with civil service. Internally, increased expectations from citizens and Information Communication and Technology (ICT) revolution altered the manner in which civil service delivers

services. It is not exaggerating to say that no other institution in the twenty-first century has undergone as many changes as civil service underwent (Peters and Wright, 1998).

CSR in India can be located in the context of globalisation and governance reforms. CSR were introduced under the auspices of donor agencies like World Bank (WB) and International Monetary Fund (IMF) that gave inputs to orient civil services towards market economy. Government of India (GoI) responded positively to the agenda of good governance promoted by these agencies. India had to introduce Structural Adjustment Program (SAP) in the early 1990s under the guidance of the WB, to overcome the economic crisis impending due to Balance of Payment problems. Under the influence of the managerial approach advocated by these agencies, India introduced cut back management in public sector. These reforms aimed at managing the public sector by avoiding unnecessary subsidies, which will have huge bearing on the economy. For instance, Fifth Pay Commission and Subsidies Committee recommended downsizing and improving the efficiency of civil service. The Chief Ministers' Conference in 1997 emphasised a SMART (Simple, Moral, Accountable, Responsive and Transparent) governance. Several states [1] also introduced governance reforms, notably in the United Andhra Pradesh.

Besides, GoI's documents such as National Human Development Report of 2001 (GoI, 2002) and Tenth Five Year Plan (2002-07) underscored significance of governance for sustainable human development (Choudhary, 2007). Subsequently, governance occupied significance in the party manifestos in the parliamentary election of 2004. Congress led United Progressive Alliance (UPA-I) included 'the institutional reforms' as the underlying theme in its National Common Minimum Program (NCMP) (GoI, 2004 a), and fought elections on a promise of good governance in the country. Under governance reforms, it was emphasised to enhance efficiency, effectiveness, transparency and accountability of civil service. In economic domain, the reforms included the 'rolling back of the state' from its commitment towards welfare of the citizens, through distribution of goods. Further, civil service reforms got momentum as they have been given legitimacy through setting up of Second ARC in 2005.

Problem

Since mid-1970s, public image of civil servants in India began to change, particularly in terms of their adherence to the ideals of civil service, such as impartiality, neutrality and integrity. There has been an increasing politicisation and the discontent of citizens with civil servants as they failed to improve service delivery (Seminar, 1973). Rao & Ali (1990) located decadence of civil service values in the emerging trends in administrative culture of India. They explicate that India has several bureaucracies working side by side with apparent hostility. According to them, some of the ambitious civil servants who are loyal to the political leadership became closer to the political power structure. Resultantly, the selection of competent senior officers for the highest positions of responsibility has suffered. The officers who have traditional bureaucratic commitment were relegated to the lower levels of administration and got demoralised.

The changing administrative culture had its roots in Mrs. Indira Gandhi's rule in the end of 1960s. It was reported that during her rule, civil service was unable to implement socialist goals of the Congress Party after its split in 1969 [2]. It was perceived by the Congress party that the neutral civil service can't meet the requirements of social and economic change along socialist lines envisaged by it. Mrs. Gandhi saw civil service as a hindrance to meet the political goals of the government. Under these circumstances, she was compelled to call for a 'committed civil service'. This has been interpreted as call for commitment of civil service to the political party that is in power [3]. Resultantly, civil service gained political image despite the fact that civil servants offered only professional advice (Mathur, 2008). The shift in civil service, that is from being professional to loyal, has been considered a watershed in the trajectory of civil service. Singh (1998) outlines that politicisation of civil service has eroded the qualities of independent thinking and expression of free, frank and fair views by civil servants. Civil servants had to succumb to political pressures and it was taken advantage by the politicians for their personal gains.

The need to reform civil service was articulated by scholars in the 1990s. According to Paranjape (1996), civil servants, by and large, remain the same-hierarchical, insensitive, sluggish and monopolistic despite the changes that took place in most business and professionals. They failed to emerge as an agent of change in the changing socio-economic scenario. Following the British legacy, civil servants in India, as Paranjape argues, maintained **distance** with the public **by** following elaborate rules and regulations scrupulously. This **discouraged** the honest and conscientious civil servants from genuinely

committing themselves to the goals of development and social welfare-areas where discretionary powers need to be exercised rather than just a strict implementation of rules and regulations.

Sundaram (1997) added that credibility of civil service among the public has been eroding due to growing unholy nexus between politicians, civil servants and criminals. Besides, there has been low level of honesty, transparency and accessibility to administration. The honest and committed civil servants are outnumbered by officials characterised by indifference to public, undue emphasis on procedures and regulations, lack of quality and promptitude, tendency to corruption, and lack of accountability for results. This is further being aggravated by the age-old legal and regulatory systems governing decision making, sanction of funds, award of tenders, approval for expenditure and creation of posts, civil service systems. On the other hand, demoralisation and lack of incentives, political interference and poor work environment failed civil servants at different levels in ensuring proper and responsive performance of assigned functions, and adherence to the law.

Singh (2000) explicates the changing needs of citizens are not served due to traditional work-culture. In addition to this, the out-dated and out-of-place assumption behind Weber's model does not stand confrontation with reality on the ground in Indian Context. With all these conditions, the public image of the bureaucracy in India has been below expectations. A survey conducted as part of the National Election Study 1996, reveals that the bureaucracy was relegated to the last two positions in the index of popular trust in institutions [4] (Agrawal & Vittal, 2005). This survey portrays civil service in poor light.

Rao (2002) cited that rewards for high performance are not available to civil servants, which de-motivates the honest, hard working and meritorious officers. He contends that punishments mechanism for erring officials has become inoperative as Article 311 of the 'constitution of india' provides high degree of protection. This purportedly led to the lethargy among civil servants. The prescribed procedures are lengthy and time consuming and weighed heavily in favour of the official proceeded against. During the proceedings the erring officials can approach the administrative tribunals which can and do grant stay orders. The disciplinary authority has to defend itself in these forums; therefore it tends to avoid getting embroiled in such complicated processes. As a result there has been hardly any penalty for non-performance and dereliction of duty. This proves to be advantageous to a large extent with the erring official.

Amidst this background, the role of civil service in India has come under scrutiny. Several attempts were made by the different governments to rectify these aspects. Problems in civil service have become a major impetus for the government to initiate CSR. Several committees have been appointed to study the problems in civil service and suggest recommendations. Major attempt among them is the setting up of First Administrative Reforms Commission (ARC) in 1966. Civil service reforms aim to generate positive qualities in civil service, such as efficiency, effectiveness, dynamism, innovativeness and forward looking character (Dubhashi, 1985). However, the impact of reforms has been incremental. For instance, the analysis of administrative problems is confined to structural aspects of administration. For instance, the structure of administration processes and procedures of work have remained still intact, except that cosmetic changes have been made here and there. Moreover, the outlook of civil service in dealing with citizens had little impact on the lives of the common citizens (Mathur, as cited in Mehta 2000).

In tune with the inputs given by donor agencies, Fifth Central Pay Commission (1994-97) recommended cutting the existing central government staff by 30 percent (Maheswari, 2005). BN Yugandhar committee (GoI, 2003) made an important observation that training imparted to the officers was inadequate. The committee observed that the incentive structure in government is identified to be weak and insufficient; and promotion is not largely used for motivation. The Second Administrative Reforms Commission (ARC) was appointed in 2005 under the United Progress Alliance (UPA-I) regime. It was given the mandate to identify the required changes in civil service. Second ARC suggested replacing the hierarchies with team work and introducing Key Performance Targets. It also suggested a shift from output to outcome mode so as to make civil servants to be held accountable for the provision of outputs (Second ARC, 2007a).

Civil service as an instrument of implementation of public policies, appears to have not yet adjusted to the new paradigm of governance and continues to act in a mode reminiscent of an era gone by. Despite constituting several committees and implementing reforms performance of civil servants has not im-proved. A study by Hong Kong-based Political and Economic Risk Consultancy Limited, in 2009 revealed that working with Indian civil service is a 'slow and painful process. Another study by same organisation in 2012, ranked civil servants in India high on the 'red tape', that is, 9.21 points out of 10 (Times of In-

dia, 2009). Besides, the raising level of corruption among civil servants has become a major concern. India has been ranked 94 in the Transparency International's Corruption Perceptions Index for the year 2012 (Transparency International, 2013). Increasing level of corruption and indecisive civil servants seemed to have led to low growth rates and 'policy paralysis' (The Hindu, May 2013).

Innumerable committees and commissions have been constituted to reform civil service, yet it remained where it was. CSR are envisaged to rectify the anomalies in civil service. They aim to protect the autonomy of civil service in its functioning and freeing it from the clutches of political leaders. But reforming civil service remained as one of the foremost challenges of good governance in India today (Das, 2010). Despite the commissioning of several committees to reform civil service in India, its efficiency and capacity to deliver services appear to be minimal. Reforms mean different things to different stakeholders. Studies were held by civil servants (Das, 1998) and Government of India (GoI, 2010) to ascertain the views of civil servants on the CSR. Studies on civil service reforms by the Government, both ARCs adopted a single perspective (top-down); and appear to miss a holistic perspective that comprises of views of the diverse perspectives of

stakeholders. In this study I attempted to examine CSR from the perspective of diverse stakeholders in India. I examined the changing role of civil service in post-globalised era and its implications for implementation of CSR.

Method

Participants

Researcher adopted purposive and convenient sampling. Sample was drawn from Assam, Chhattisgarh, Delhi, Himachal Pradesh, Karnataka, Maharashtra, Rajasthan, Telangana, and Uttar Pradesh. The researcher collected data from the sample respondents based on their accessibility (Marshall, p.523). They fit into purposeful sampling in the sense that they were selected to fulfil the objectives of the study. These samples were selected to elicit the in-depth information (Schatzman and Strauss, 1971 and Patton 1990 as cited in Coyne, 1997, p.624). There is no agreement on scholars about the required sample for qualitative sampling. For instance, Croswell (as cited in Marshall et al, 2013) recommended at least 20 to 30 interviews for qualitative research study. Initially a sample of 58

Table 1: Respondents' Characteristics

Sample No.	Name*	Age	Gender	Category	Duration (minutes)
1	Laxman	30	Male	IAS Trainee	35
2	Vikrant	29	Male	IAS Trainee	30
3	Sudhakar	27	Male	IAS Trainee	25
4	Subba Rao	50	Male	IAS	25
5	Samson	61	Male	IAS	50
6	Nikhil Chakraborty	31	Male	IAS	40
7	Aparna	29	Female	IAS	30
8	Ramanamurthy	35	Male	IAS	20
9	Sourabh	67	Male	Retired IAS	20
10	Chakradhar	74	Male	Retired IAS	45
11	Shankar	76	Male	Retired IAS	55
12	Gurucharan	32	Male	IPS	50
13	Sadanand	29	Male	IPS	45
14	Vikas	70	Male	Retired IFS	90
15	Kishore Babu	73	Male	Retired IFS	30
16	Bhubnesh	76	Male	Retired IFS	50
17	Susmita	31	Female	IFS	25
18	Abhinav	33	Male	IRTS	40
19	Surender	27	Male	CSA	35
20	Mohammad Hussain	27	Male	CSA	50
21	Harmand Khasria	24	Male	CSA	25
22	Ajitesh Gupta	28	Male	CSA	40
23	Arpit Chadda	31	Male	CSA	35
24	Anand	66	Male	Member of UPSC	55
25	Ajay Siswal	59	Male	Second ARC Member	25
26	Viswajit Dutta	52	Male	Civil Society Organization Member	50
27	Rajat Kumar	76	Male	Policy Expert	30

Note. IAS = Indian Administrative Service, IFS = Indian Foreign Service, IPS = Indian Police Service, IRTS =Indian Railways Traffic Service, CSA=Civil Service Aspirant
*All names are pseudonyms.

was planned, but only 27 respondents have agreed to be interviewed. Table 1 shows the participants' characteristics.

Interview

Primary data was collected by interviewing Indian Administrative Service (IAS) [5] officers and allied service officers, civil service aspirants, member of a Civil Society Organisation, member of Union Public Service Commission (UPSC) [6], former member of the Second ARC and policy expert. In-depth Interview was taken from respondents to get their detailed views on civil service and how to go about the reforms. Expert interview was carried with a prominent person who is well-informed about the CSR.

Data Analysis

The researcher adopted thematic analysis, a method by which data was read and re-read again. By the identification of words that are repeated analysis is attempted and the most important issues in relation to the objective of the study get tested using Open Coding. Analysis is done using Axial Coding (Braun & Clarke, 2006).

Results

Participants were well versed with the reforms in civil service. They offered researcher insights based on their experience. Several themes emerged over times as the data analysis proceeded. The Super-

Table 2: Super ordinate themes and their sub-themes with specific illustrative quotations

Superordinate Theme	Sub-theme	Illustrative quotations
Reengineering of civil services	Distancing from goals of welfare state	'Of late, civil service has drifted from the ideals of welfare state; and moved from being pro-poor to the pro-rich.'
	Status quo	'I have not observed any significant change in civil services ever since I joined....'
	Lack of accountability	'Over a period of time....civil servants have become risk averse and unaccountable.'
Selection Process of Civil Service	Inclination to Managerialism	'...UPSC is inclined to New Public Management in recruitment.'
	Lack of transparency	'...whole process of recruitment is a hoax. Nobody knows how a candidate is selected.'
	Ineffective method	'Current CSAT pattern tests the aptitude of a prospective civil servant, but not his/her mind set.'
	Social Inclusion	'...Constitutionally stipulated reservations will not affect the quality of civil service, therefore they should be continued.'
	Selection of the young candidates	'I think, young graduates should be recruited in civil service, for it is easier to induct them into service.'
Building the capacity of civil servants	Outdated and irrelevant Content	'Training at LBSNAA is a kind of punishment.'
		'Personally, I feel that best training should be provided to the trainees by the best faculty.'
	Formalism	'..There is a general disinterest among trainees towards any session of training ...'
		'Training period is taken as a paid holiday.'
	Lack of specialist orientation.	'The heyday of 'generalist' civil service is over.'

Superordinate Theme	Sub-theme	Illustrative quotations
Designing Performance Appraisal Mechanism	Delinking Promotion with performance	'I think, the career based civil service can no longer work.'
		'There is subjectivity in evaluating the performance of civil servant.'
	Absence of 360 degrees performance evaluation	'I feel that 360 degrees performance evaluation should be introduced in place of age-old Annual Confidential Reports (ACRs)...'
Politicisation of Civil Service	Violation of 'neutrality' principle	'Gone are days, a civil servant is neutral and impartial'.
	Transfers as a means of punishment	'...These politicians... use transfers to punish the honest and upright officers!'
Leading the reforms for change	Lack of Vision	'I don't think the political leaders do have any clear stand on reforms!'
	Resistance to Change	'How can implementation of reforms be successful when that responsibility is given to civil servants?'

ordinate themes that emerged are: re-engineering of civil services, selection process of civil services, building the capacity of civil servants, designing performance appraisal mechanism, politicisation of civil services, and leading the change. These super-ordinate themes with their respective sub themes are listed in Table 2.

Reengineering of civil services

All respondents portrayed civil servants in India in a manner unexpected from them. Some responses regarding civil servants are even shocking. They view that civil servants are lacking aptitude to serve the public, self-serving, *status quoist*, risk averse, dysfunctional, manipulative and poor in service delivery and implementation of public policies.

Distancing from the goals of welfare state

Majority of the respondents emphasised that the civil servants have distanced themselves from the goals of welfare state i.e. promotion of social and economic wellbeing of the citizens. It was striking to note an observation made by a respondent:

'Of late, civil service has drifted from the ideals of welfare state; and moved from being   pro-poor to the pro-rich.'

Status quo

It was reiterated by all the respondents that civil servants have become outdated in contemporary times and they are not willing to adapt themselves to new changes in society. It was expressed that they work in an old fashion without realising the shift in their role from being commander to facilitator. It was said that civil servants rely excessively on paper work without taking advantage of ICTs. The pessimism expressed by a respondent about civil service is illustrated here:

'I have not observed any significant change in civil service ever since I joined it ....'

Lack of accountability

Majority of the respondents emphasised that civil servants do not have an aptitude to serve the public. They say it was reflected in the poor implementation of welfare programmes. Complacency, ineffective monitoring of their performance, pursuance of patron-client relations, self-seeking nature have been cited as critical factors contributing to the lack of accountability among civil servants.

'Over a period of time….civil servants have become status-quoist, risk averse and unaccountable'.

Selection Process of Civil Services

Majority of the young respondents were not confident of the selection process adopted by UPSC. They cited that selection method was ineffective, biased and unfair.

Inclination to managerialism

Majority of the respondents were of the view that UPSC adopts an approach that favors the candidates hailing from urban areas and the socially advantageous sections.

'…UPSC is inclined to follow New Public Management (NPM) in recruitment.'

Lack of transparency

The trainees who were part of the study were not confident of selection process of civil service. They responded firmly that UPSC is not transparent in conducting CSAT. They felt that exam pattern favours graduates from science and engineering streams and those who can speak English. One common apprehension among the young respondents is about unwanted secrecy maintained by UPSC. The exasperation of one respondent is given below:

'…whole process of UPSC recruitment is a hoax. Nobody knows how a candidate is selected for a service.'

Ineffective method

Against the popular notion, majority of the respondents said that current Civil Service Aptitude Test (CSAT) could not bring any change in the attitude of civil servants. According to them, this pattern tests the aptitude of the prospective civil servant, but not their mindset.

'Current CSAT pattern tests aptitude of the prospective civil servants, but not their mind set.'

Social Inclusion

Almost all the respondents supported the continuation of reservations in the selection of civil services. They firmly said that continuation of reservations 8. would expand the social base of civil service and play the level playing field for all the socially disadvantaged sections.

'…Constitutionally stipulated reservations will not affect the quality of civil service, and they should be continued'.

Selection of the young candidates

Majority of the respondents viewed that young candidates should be recruited between 21-24 years. It was justified on the ground that it is easier to mould and shape up the mind of the young recruitees than those who cross more than 24 years.

'I think, young graduates should be recruited in civil service, for it is easier to induct them into service'.

Building the Capacity of Civil Servants

Training is meant for both the individual and organisational growth. Majority of the respondents were dissatisfied with the current efforts made by the GoI towards building the capacity of civil servants. They felt that these efforts are not sufficient to address the problems, such as, outdated and irrelevant content, formalism, lack of specialist orientation. These sub-themes are discussed here:

Outdated and irrelevant content

Majority of the respondents explained that training imparted to civil service probationers at Lal Bahadur Shastri National Academy of Administration (LBSNAA) is not relevant in contemporary times. It is to be noted that young trainees found the contents of the training module is repetitive with more focus on theory than practice. They view that training modules should be updated. Besides they observed that the trainers (faculty at LBSNAA) are incompetent.

'Training at LBSNAA is a kind of punishment'.

'Personally, I feel that best training should be provided to the trainees by the best faculty.'

Formalism

In-service civil servants elaborated that civil servants do not take training seriously. It was due to lack of enthusiasm and aptitude for undergoing training.

'...There's a general disinterest among trainees towards any session of training…'

'Training period is taken as a paid holiday.'

Lack of specialist orientation

Majority of the respondents viewed that current training does not make civil servants specialists in their field. Moreover, it does not cater to the needs of citizens in contemporary society.

'The heyday of 'generalist' civil service is over.'

Designing Performance Appraisal Mechanism

Performance appraisal is a process tool by which contribution of an officer is assessed in a stipulated year. It has been revisited and is regarded as an important area of reform. De-linking performance with promotions, biased performance appraisal and absence of 360 degree performance are the areas that need intervention by the government. These subthemes are discussed under the super-ordinate themes as shown below.

De-linking performance with promotions

Majority of the respondents explained that promotions of civil servants are based on seniority, but not their performance. This, according to them, would discourage the hardworking civil servants. They see it as against the principle of meritorious civil service.

'I think, career based civil service can no longer work'

Absence of 360 degree performance

Surendranath Committee (GoI, 2003) outlines that performance and qualities of a civil servant must be evaluated by peers, subordinates and clients. This is known as 360 degrees evaluation. Majority of the respondents said that current performance appraisal does not have such mechanism. They also expressed that it is the tendency of reviewing officer to promote his/her subordinates based on their personal relations rather than their performance.

'There is subjectivity in evaluating the performance of civil servants.'

'I feel that 360 degrees performance evaluation should be introduced in place of age- old Annual Confidential Reports (ACRs)…'

Politicisation of Civil Services

Almost all the respondents have expressed that the incidence of politicization is high in civil services. It is a major area of reforms. Violation of 'neutrality' principle and transfers as a means of punishment have been cited as major factors contributing to such phenomenon. Discussion on these subthemes is figuring in separately.

Violation of principle of neutrality

Majority of the respondents viewed that constitutional principle of civil service, that is, neutrality underwent radical change. Civil servants, as they opined, are showing allegiance to a particular political party and its representatives in contemporary times. The blurring of role of civil servant between policymaking and policy implementation is a contributing factor.

'Gone are days, a civil servant is neutral and impartial'.

Transfers as a means of punishment

Most of the respondents explicated that the political executives use transfers as a means to intimidate the sincere officers. They are of the view that there is no objectivity in postings and transfers of civil servants as it is left to the whims and fancies of a political executive.

'…these politicians… use transfers to punish honest and upright officers!'

Leading the Change

Almost all the respondents explained that implementation of CSR in India has been slow and incremental. They attributed it to lack of vision and resistance to change from civil servants.

Lack of vision

Majority of the respondents reported that political leaders do not have a vision to implement CSR. They perceived that political parties do not have commitment towards reforming civil service.

'I don't think political leaders do have any clear stand on reforms!'

Resistance to change

Respondents have expressed that there has been resistance to change within civil service. It was attributed to the fact that reforms will affect the vested interests of civil servants.

Fig. 1: Perspectives on Civil Service Reforms

'How can we expect successful implementation of reforms when that responsibility is given to civil servants?'

Discussion

Discussion on the results can be diagrammatically explained as shown in the Figure 1. Respondents, some being civil servants, felt that civil servants departed from the welfare goals stipulated by the constitution of India. A common perception expressed by them is that people are alienated from the governance processes. A visible trend, as mentioned by them, is that civil servants do have a soft corner for the rich and business groups. This calls for revisiting the principles of civil service.

Majority of the respondents said that civil servants wield enormous power for self-perpetuation. They perceived civil servants to be resistant to change. Civil servants were criticised for carrying colonial mindset with "I know everything" attitude. They attribute this to their complacent nature due to permanent nature of job. They felt that civil servants' performance has to be assessed against the fixed targets, without which they should not be allowed to continue in service. With a lot of anguish, they expressed that a non-performing civil servant should be asked to take retirement or to take a break. Though Surendranath Committee (GoI, 2003) and Hota Committee (GoI, 2004 b) emphasised fixing targets, the government has not come up with a clear Performance Appraisal Mechanism to assess achievement of targets by civil servants.

A respondent who was the former UPSC member told that current pattern of CSAT is biased towards a particular stream of education, say, sciences, engineering and management. Some of civil service aspirants also said that it excludes candidates from the rural background and socially disadvantaged sections. This trend is against Kothari Committee's (GoI, 1976) observation which emphasises the need for rural bias for civil servants.

There was difference of views among the respondents on particular aspect of reform. While young respondents (both civil servants and civil service aspirants) are sceptical of recent reforms in the selection of civil servants, aged respondents including the senior civil servants consider selection process as appropriate. According to them, lack of efficiency in civil services is not due to selection method; rather it is due to the administrative culture that prevails. Good number of respondents felt that selection process can not bring positive changes in the attitude of civil servants as long as rigid structures and procedures remain unchanged. It was perceived that CSAT tests the ability of candidate to become civil servant alone, but not their attitude towards public service. Respondents were of the view that young civil servants should be recruited to civil service so that they can easily be sensitized to the plight of poor as they will be open to new ideas.

Respondents said that training is not as challenging as was the case earlier. They mentioned that contents of foundational course at LBSNAA need to be improved so that it would cater to the needs of contemporary society. They categorically said that curriculum should be updated; competent faculty have to be recruited at LBSNAA and training methods have to be made relevant and flexible. For instance, a respondent objected to compulsory horse riding as he finds it irrelevant in contemporary times as much of commutation takes place by means of road transport. Young trainees firmly expressed that trainees should be taken to the nearby villages (in place of far distant places) during field trips. Perhaps, this may give greater exposure to have better understanding of the society. It is worth noting that more than five decades ago, First ARC recommended strengthening of training for civil services (GoI, 1969). Yet, one can observe from the finding that the training requirements have not been fulfilled.

It was found that there is no relation between the training and promotion in the later stages. Assessment of the impact of the training calls for a review. In 2010, the researcher under the Right to Information (RTI) requested for information from the Department of Personnel and Training (DoPT) on whether there is an assessment made by the Government. It was sought to know about the outcomes of the training imparted to civil servants and. The Information Officers said that they did not maintain any record regarding this query. It shows negligence in the response pattern of bureaucracy in India.

It is interesting to note that almost all respondents have agreed with the idea of reservations in civil services. In contrast to the popular notion in society, respondents viewed that reservations will not affect the quality of civil service. Even some of them said that reservations should be continued.

Respondents viewed that the organisational culture of civil services would change through innovation and creativity. According to them, specialisation would enhance both of them. It was viewed that civil servants should become specialists in the area they serve, such as, health and education. Satish Chandra Committee (GoI, 1989) more than two

decades ago recommended, introducing changes in the examinations to encourage specialisation. This is to keep civil servants in tune with changing aspirations of the society. However, one can see a lukewarm response of the government towards encouraging specialist orientation in civil services.

Almost all respondents said that civil servants do have least accountability to the people. It was expressed that civil servants carry an outlook of 'patron-client relations' in this regard. Ostensibly, several attempts to reform civil services did not bring in attitudinal changes. The respondents felt that there is high degree of bias in evaluating the performance of civil servants. According to them, ACRs do not take into consideration the satisfaction level of beneficiaries of services. They felt that civil servants' performance should be evaluated by all stakeholders that include the peer groups. They viewed that 360 degree performance evaluation will make civil servants accountable.

Respondents elaborated that political executives blame civil servants for the failure in implementation of a public policy or a programme. Undue interference of political executives was reported to have deprived civil servants of their freedom and caused tension between both of them. Political executives use transfer as powerful means to control honest civil servants. Respondents, it as deterrent to work freely and harmoniously with the political executive. They objected to this scenario, saying that, absence of security of tenure will affect the performance of a civil servant in undertaking the development activities. It was also said that some of civil servants are siding with the political parties for their selfish interests. This shows that politicisation of civil services since 1990s has been on the raise. This requires policy intervention by the state to make civil servants free from the undue political interference.

Respondents viewed that reforms are just rhetoric. They said that reforms are implemented at lower level of civil service, but not at higher level. For instance, they cited lateral entry in civil services has been introduced after long years of persuasion. Respondents are of the view that CSR have not been mediated through a visionary politics as political will and transformative leadership are missing in India. The same has been attributed to the incremental approach to slow implementation of reforms.

From the findings of the study, it was evident that there was yawning gap between expectations of sample respondents and performance of civil servants. A commonly observed perception is that civil servants departed from the goals of constitution i.e. welfare of citizens. A concern expressed was the decline of ethics among civil servants. Therefore, all the stakeholders expressed the need for reengineering civil services with divergent views on how to go about it.

Though there were divergent views on selection process, it was widely perceived that right candidates should be selected to civil service. The young respondents of the study were highly critical of the recent reform in recruitment, that is, CSAT. They raised concerns about the same practice of the recruitment by UPSC. Ostensibly, UPSC seem to have failed to convince civil service aspirants about the need for reforms as their doubts regarding English language, bias against region and social sciences and humanities remain unanswered. This purportedly led to an agitation against CSAT in the North in India in mid-2014. There was consensus among the respondents that the work culture of civil servants matters a lot. To a large extent it was number of respondents perceived that civil servants are becoming inefficient in delivering services. In contrast to the popular perception, research findings conclude that reservations would not affect quality of civil service. Instead it was felt necessary to enhance the representation of lower castes in civil services. There is growing evidence that efficiency and reservation are not correlated, if one goes by efficiency principle of NPM.

It was evident from the study that civil servants were averse to adapt to change. As Caiden (1969) cites, resistance is concomitant of the process of reform. Since reform is a transformatory process, one cannot expect civil servants to accept the reforms in totally. Moreover, political executive does not have a vision in the implementation of CSR. It can be concluded that CSR was envisaged to mould civil servants to uphold the welfare goals enshrined in the constitution. These perspectives from the findings of the study will provide a policy feedback in implementation of CSR.

Notes

[1]India is comprised of 29 states and 7 Union Territories.

[2]Mrs. Indira Gandhi was the Prime Minister of India during the period: 1964-1977. There was decline in the vote base of the Congress Party throughout India. Simultaneously the regional parties were emerging in many states, especially in Southern India. This was a threat to Congress' dominance. During the same period Indian economy was undergoing a tough time with successive crop failures, negative consequences of Five Year Plans and high inflation. The congress party lost its credibility among the masses. To overcome this credibility crisis, it was attributed that Mrs. Ganadhi's government devised a plan to have a 'committed bureaucracy'.

[3]For details, see Seminar (1973). The district collectors were guided by the orders from the politicians. District Collector is the highest authority of the district, a unit of administration in India.

The so-called independent and neutral civil servants started losing their autonomy marking a negative development in Indian Administration.

[4]The survey revealed that out of a maximum score of 100, the Election Commission secured 62, state governments and judiciary 59, local government 58, central government 57, public representatives 40, political parties 39, bureaucracy 37 and police 28.

[5]IAS is the premier service among all the other All India Services.

[6]UPSC is the recruiting agency of civil servants in India on all-India basis.

[7]CSAT is the first phase of civil service examination for entry into civil services held by UPSC in the month of May. It was introduced in 2011 by replacing the earlier preliminary examination. CSAT consists of two papers: Paper I and Paper II. Paper-I consists of the history of India, Indian and World Geography, Indian Polity and Governance and General Science etc. On the other hand, Paper II tests a candidate's ability in comprehension, interpersonal skills, logical reasoning and analytical ability, decision making and problem solving etc.

[8] Constitution of India reserves certain percentage of posts in recruimtne of civil services for candidates belonging to weaker sections that include Scheduled Castes, Scheduled Tribes, Other Backward Classes and Physically Disabled categories.

References

1. Agrawal, K & Vittal, N. (2005). I am sorry: Indian bureaucracy at crossroads. New Delhi: Manas Publications. pp. 15.

2. Caiden, Gerald. (1969). Administrative reform. London: Penguin.

3. Braun, V & Clarke, V. (2006). Using thematic analysis in psychology. In Qualitative Research in Psychology.2006; 3(2).

4. Choudhary, Kamesh. (2007). Globalisation, governance reforms and development, In Kamesh Choudhary (Ed), Globalisation, governance reforms and development in India (pp.22-23). New Delhi: Sage.

5. Coyne, Imelda T. (1997). Sampling in qualitative research. Purposive and theoretical sampling. Merging or clear boundaries. Journal of Advanced Nursing. 1997; 26: 624.

6. Das, S.K. (2010). Building a world class civil service for twenty-first century India. New Delhi, India: Oxford University Press.

7. Das, S.K. (1998). Civil service reform and structural adjustment. Delhi, India: Oxford University Press.

8. Dubhashi, PR. (1985). Administrative reforms: the current context. Administrative Change, 1985; 12(2): 180.

9. Government of India. (1969). Administrative reforms commission report on state Administration. New Delhi: Planning Commission.

10. Government of India. (1976). Report of the committee on recruitment policy and selection methods. New Delhi: Union Public Service Commission.

11. Government of India. (1989). Report of the committee to review the scheme of the civil services examination. New Delhi: Union Public Service Commission.

12. Government of India. (2002). National Human Development Report 2001, Governance for human development. New Delhi: Planning Commission, Government of India.

13. Government of India. (2003). Committee to review the system of performance appraisal, promotion, empanelment and placement for the "AIS" and other Group 'A' services. New Delhi: Union Public Service Commission.

14. Government of India. (2004 a). National common minimum program of Government of India. May 2004.

15. Government of India. (2004 b). Report of the committee on civil service reforms. New Delhi: Government of India.

16. Government of India. (2010). Civil Services Survey- a report. New Delhi: Government of India.

17. Indian bureaucracy ranked worst in Asia: survey. (2009). Times of India.

18. Maheswari, SK. (2005). Public administration in India: the higher civil service. New Delhi: Oxford University Press.

19. Marshall, Martin N. (1996). Sampling for qualitative research. Family Practice. 13(6).

20. Mathur, Kuldeep. (2008). From government to governance: A brief survey of the Indian experience. New Delhi, India: National Book Trust. 2008; 47-48.

21. Mehta, Vinod (Ed). (2000). Reforming adminis-tration in India. New Delhi, India: Har-Anand.

22. PM's 'empty' glass is now full with corruption, says Modi. (May 2013).The Hindu.

23. Paranjpe, Nalini (1996). Bureaucracy, liberali-zation policy and social sector scenario. Indian Journal of Public Administration. 1996; 42(3): 380-381.

24. Peters, Guy & Wright, Vincent. (1998). Public policy and administration: old and new'. In Robert Goodin & Hans-Dieter Klingemeann (Eds.), A handbook of political science (pp. 628-641). New York: Oxford University Press.

25. Rao, Sreedhar, K. (2002). Whither governance: reflection of an Assam civilian. New Delhi: South Asian Foundation.

26. Rao, Ranga S. P and Ali, Sofi (1990). Indian administrative culture: emerging trends, Indian Journal of Public Administration. 1990; 36(3): 464.

27. Second Administrative Reforms Commission. (2007). Ethics in Governance. New Delhi: Govt of India.

28. Singh, SS (1998). Liberalisation and public service: agenda for reforms. Indian Journal of Public Administration, 1998; 44(4): 383.

29. Seminar, 168, August, (1973). Special issue on a committed civil service.

30. Singh, Jaspel. (2000). Effectiveness of bureaucracy. Indian Journal of Public Administration. 2000; 46 (2): 167.

31. Sundaram, PSA. (1997). Recent initiatives for administrative reform in India. Indian Journal of Public Administration. 1997; 43(3): 554.

32. Transparency International. (2 July, 2013) .www.transparencyinternational.org.

33. World Bank. (1989). Sub-Saharan Arica: from crisis to sustainable growth. Washington DC: World Bank.

34. World Bank. (1997). World development report 1997; The state in a changing world; Washington D.C: World Bank.

Authors affiliation
Assistant Professor, Dept. of
History, Raja N.L. Khan Women's
College, Midnapore, India.

Reprints requests
Mita Biswas, Assistant Professor,
Dept. of History, Raja N.L. Khan
Women's College, Midnapore, West
Bengal- 721102 India.

Email: mitabiswasdas@gmail.com

Social Customs of Muslim Women in Colonial Bengal

Mita Biswas

Abstract

*Background***:** Muslim political power penetrated into including Eastern India Bengal towards the beginning of 13th century A.D. Since then the Muslim Power extended to other parts ultimately covering the whole of Bengal and the Bengal remained under the Muslim rule till English East India Company established its authority, in the latter half of 18th century. Their economic & political condition was affected by permanent settlement of 1793 when many Muslim landlords lost their estates. *Methodology:* The method used in this study has been drawn from those favored in pure historical research as well as other disciplines. As the purpose here was to recreate a period of social-cultural history, a multidisciplinary approach was deemed more appropriate. *Result:* Muslim Society and especially for Muslim women in 19th Century was a juncture. In this time social crisis occurred and the effect of this crisis was the social condition of Muslim Women had been changed. But in the colonial period Muslim society had own custom. The effect of this customs on Muslim women had not well in every time. 'Azaan', 'Purdah', 'Polygamy' were the important custom of Muslim Society in 19th Century. *Conclusion:* A glance at the period of four decades (1900-1939) reveals that significant changes occurred in the institution of the family, its structures and ideology. The entire framework of the Muslim family was transformed under the impact of new socio-economic changes and the rise of a new domestic ideology that accompanied them.

Keywords: Colonial Period; Muslim society; Bengal; Polygamy; Marriage; Child Marriage; Custom.

Introduction

Muslim political power penetrated into including Eastern India Bengal towards the beginning of 13th century A.D. A Muslim kingdom was established in Bengal with Lakhnauti (Gaur) as capital by Muhammad Bakhtyar Khalji in early part of 1205A.D. Since then the Muslim Power extended to other parts ultimately covering the whole of Bengal and the Bengal remained under the Muslim rule till English East India Company established its authority, in the latter half of 18th century [1].

In the Colonial Period basically beginning of the

19th century Bengali Muslim had already lost their all political power. Their economic condition had been affected by this new political situation. All of sudden they found that almost all government posts were out of their reach. Their economic condition was further affected by permanent Settlement of 1793 when many Muslim landlords lost their estates [2]. In 1837, when introduction of English as the official language of the East India Company Government barred the Persian and Arabic educated Bengali Muslim gentry from all government post [3]. We find Bengali Muslim in an utterly desolate condition towards the beginning of 19th century. As a matter of fact Muslim all over India subcontinent was suffering

from depression, frustration and futile pride for their past glories. The loss of political power, economic decadence, an aliened culture and education system gradually superimposed over the older one made the Indian Muslims of this period inward looking, seeking solace in self pride in past tradition and religious precepts [2].

The women question in the latter half of the nineteenth century had to be formulated in a society where the process of modernization was subverted by colonization which had disrupted the political, economic and cultural reality of India. The change had occurred earliest in Bengal which was the first foothold of the British. Changes introduced in the economic infrastructure through the introduction of landownership, commercial agricultural and new form of business enterprises, were accompanied by transformation of the legal and educational system, and a dislocation of cultural patterns [4].

By 1790 the legal system had been reformed, through selectively. English law replaced indigenous religious and customary law in criminal cases, but family laws were left untouched [5]. Before Colonial Period Muslim social life was controlling by their own customs and tradition. But at the time of colonial period the law of British Parliament gradually interfere their social life. So all Customs had been affected and changed. 'Patna Cause' was an example [6]. The 'Patna Cause' originated in a dispute over inheritance. British Parliament interfere this case. Shabaz Beg Khan was a revenue collector of several regions of Bihar, paying revenues to the Naib Diwan of Patna, Shitab Roy and later to Company Provincial Council [7]. After his death Khan's widow and nephew Behadur Beg took his claim to the inheritance to the Company's Provincial council at Patna, alleging that he was the rightful heir to the estate by adoption. Patna Provincial Diwani Adalat reffered his complaint to the 'qazi' and 'mufties' attached to adalat. The 'qazi' and 'mufties' then decided on right of inheritance that according to Muslim law would be three fourth to Behadur Beg and one fourth to Begam. The Begam, on the other hand, claiming full inheritance by virtue of a deed of gift. Her next move was to go to Calcutta to issue plaint to the Suprime Court against Behadur Beg, 'qazi' and 'mufties', alleging, assault, battery and false imprisonment [6]. On 3rd February, the Chief justice issued a long and complex judgment in which he upheld the claims of the Patna widow, castigated the action of the company's Provincial Council and the Muslim law officers, and awarded damages against them of Rs.30000 with Rs.9208 cost. Behadur Beg, 'qazi' and 'mufties' were arrested and imprisoned [8].

So, till date conflict of Muslim inheritance property related matter justified by their own customs. But in colonial period this conflict had been justified by the law of British Parliament.

Methodology

The method used in this study has been drawn from those favored in pure historical research as well as other disciplines. As the purpose here was to recreate a period of social-cultural history, a multidisciplinary approach was deemed more appropriate. Primary documents comprised of contemporary periodicals and journals, non-fictional literature and fictional literature, as well as religious text and manuals in use at the time. Of these, the first, periodicals and journals have been used most extensively in this study. Archival matter (institutional records and government document) were another primary source, though dependence on them has not been preponderant [4].

A source that was considered significant for this study was interviews or the recording of oral history, as well as memories and private papers such as latter and diaries.

Some of the semi-religious semi-behavioral manuals advocating ideal role models for women were very popular in the period under review. They have not been analyzed before in any historical study on Bengali Muslim Women. In the present work, such manuals have been extensively consulted and found to be a veritable source of information.

Results and Discussion

In the colonial period Muslim society had its own customs. The effect of this customs on Muslim women had not well in every time. In born they were neglected. 'Azaan' was one of the religious customs of Muslim society which is compulsory when male child bron. But many families did not bother to herald the birth of female child with the 'Azaan'. Ibrahim Khan wrote a story about the birth of girl child, there was no harm in the birth of sons one after another, but the birth of consecutive daughters resulted in displeasure manifesting itself in negative names such as 'Chhutiwali', 'Pochi', etc. In a nearby village a women after giving birth to four daughters was pregnant again. Her husband had threatened her that if she gave birth to female child again he would divorce her and cut off her nose. When a daughter was born again, the mother prepared to leave rather than be divorced [9].

In Bengal, a child would usually be born in a separate room, termed variously as shutika griha or atur ghar. This tradition was also practiced by many Muslim families [10]. In most cases, this would not have to be a spatially separate room or hut built specifically for the purpose as in case of Hindu women. Though urban families did not emphasize a separate aturghar (labor room), the practice was prevalent in rural society [11]. The official records as depicted in censuses and statistical accounts refer to similar practices in both communities. One contemporary recorded James Wise's observation on child birth practices in 1873 that when a women either Hindu or Muhammadan, approaches the term of her pregnancy, an outhouse or detached room is prepared for her to which, when labor beings she retires with a Dai (midwifery) and a servant. This den to which the highest as well as the lowest is condemned, is known as the Asaucha-ghar [12].

The table below indicates the number of women treated by the obstetric physicians in the Calcutta Medical Institution during 1875 to 1880 [13].

Table 1: Women treated by the obstetric physicians in the Calcutta Medical Institution during 1875 to 1880

Year	Number of Women patients treated by obstetric physicians
1875	1004
1876	1153
1877	1109
1878	1238
1879	1204
1880	1277

Most of the Muslim women are not enjoying their childhood in this time. Their early childhoods were mostly spent inside the *andarmahal*, playing with dolls or romping round the garden. As a girl, they were also taught to help in household chores, in cooking, sewing, knitting and embroidering. From an early age, they were brought up with the ultimate goal of a mind that is, the role of a wife or mother. Childhood did not last long for a girl. It would end almost the age of six or seven when she would be put in *purdah* and shortly afterwards she would considered ready for marriage [4]. Syeda Monowara Khatun recollected that when she was six or seven she had already finished three Urdu text which included 'Behesti Zewar' and 'Maftuhul Jinnat'. Her mother wanted that she should complete the instructional and scriptural text by the age of seven so that by the age of eight she could be married off [14].

A vast body of Anglo-Indian discursive writing which was produced in the second half of the nineteenth century also focused critically on the condition of Indian women in the Zenana, the women's quarters in upper class Hindu and Muslim households. Zenana was considered to be a place of dirt, darkness and disease [15] and they had no permission at all to consult a male physician for their medication.

The practice of 'Purdah' and 'polygamy' made the lives of 19th century Bengali Muslim Women deplorable. The literal meaning of purdah is 'curtain' or 'veil'. It represents a system in which Muslim Women are isolated from outsiders and are to observe high standards of female modesty. Observations of purdah restrict the mobility of women and contact with men. Purdah was the sign of chastity of a woman. It is also a symbol of family aristocracy. The aristocratic classes of women observe purdah not only from men but also from unrelated women. Islam sanctions purdah for modesty, but it has breed misinterpreted according to existing social circumstances.

Many educated persons in this time criticism this customs. Shaista Ikramullah noted that, Nawab Syed Mahmud perforce had to accept certain things for himself and his sons, but he was determined not to accept them for his women folk. They were kept in the strictest purdah and even visit from women were restricted [16].

Polygamy was another practice which made the Bengali Muslim Women's lives in 19th century miserable. This practice is enjoined by the Qur'an and incorporated in the traditional Muslim Law [2]. A Muslim male is allowed to marry up to four wives at a time provided he has the means to maintain the wives properly according to their status and give equal love and affection to all wives and treats them with complete equality [17].

Right up to twentieth century polygamy was accepted as a norm and it was customary for an women to have a co-wife or *sauteen*. Hunter's statistical account of Tipperah district published in 1876, referred to the practice, polygamy is of course permitted among the Muhammadans. If the first wife is quarrelsome or ugly, or if there is a great deal of household work, a second wife is require [18].

Monowara in her short memoir also referred to polygamous marriages in the family's past, in the

latter half of the 19th century that her brother-in-law had four or five mother. But brother-in-law's father was a debauchee, whiling his days in wine and women. If ever he chanced upon a pretty girl who took his fancy he married her [15].

Another custom prevalent among the Muslim of Bengal in the 19th century was the custom of giving girls early marriage. Through Islamic laws enjoin consent of both the bride and bridegroom before the marriage is contracted in actual practice child marriage made this injunction non-effective. As early as Adam's education report of 1835 and 1838, the wide prevalence of child marriage had been mentioned in official discourse as a deterrent to female education. Hunter in his Statistical Accounts of Bengal, presented a report on marriage norms in 1873 that both among Muhammadans and Hindus, boys are generally married between the ages of 15 and 20 while girls were usually married at 10 and had no choice. The parents arranged the match if possible in their own village [19].

The table below indicates the women who were married under the age of 15 [4].

Table 2. Reputed women married under the age of 15

Name of the Muslim Woman and year (Birth-Death)	Education Level and Carrier	Age at Marriage	Husband's Name & Profession
Karimunnessa Khanam 1855-1926	Home education Housewife	14	Ghaznavi, Landlord.
Malekunnessa 1885-1975	Oral education, Housewife	12	S.Khan, Govt. Service.
Mamlukul Fatema Khanam 1894-1957	Home education. Educationist, Writer.	10	Ataur Rahaman, Doctor
Aktar Mahal Syeda Khatun 1901-1929	Home Education, Writer	12	Mahbubul huq, Landlord
Asema Khatun 1903-1986	Home education Housewife	14	Urul Huda Choudhury, Govt. Service, Teacher
Mahmuda Khatun Siddika 1906-1977	Secondary School, Writer	12	No information
Tohfatunesssa Azim 1913-1983	Home education, House Wife, Editor, Social worker	10	Anearul Azim, Barrister.
Aaqiqunnessa Ahmad 1916-1983	Home education, Writer	10	Abul Mansur Ahmad, Politicians, Writer
Hajera Khatun 1919-	Home education Housewife	11	Abdus Shukoor, Govt. Service.
Daulatunnessa Khatun 1922-	Primary School, Writer, Social worker	08	Hafizur Rahaman, Doctor

Marriages would be arranged by guardians. Seldom if ever in sharif (gentle) society did girls and boys get a chance to meet each other prior to marriage. Individual preferences played a minor part and guardians generally went by a set of 'standerd' conditions. The ideal criteria for selecting spouses were laid down in manuals and contemporary periodicals [4]. One of the 'Hadit' that inspired the discourse on marriage set down in later manuals, dealt with the motivation behind selecting a woman as partner: "The Prophet said that the women can be married for her religion, for her fortune or for her beauty. Be motivated in your choice by her religion" [20].

In Islam marriage is a contract between two consenting parties. It is prescribed by God for all Muslim adult capable of normal functioning. But theoretically, a marriage may be terminated if any partner fails in his or her duties and desires to end the relationship. The ceremony itself is simple. It requires the consent of the couple to be married in the presence of two witnesses and a representative (called *wakil*) appointed by girl. The term specify the couple' identity and the amount of 'mohr' (dower money) to be given by groom to the bride as security. All this and other vital stipulation in keeping with the '*Shariat*' may be put down on a paper called the '*kabin-nama*.' The groom or bride has the right to withhold consent without which, in theory, the marriage cannot take place [4].

Hunter referred to the '*kabin-nama*' in his Statistical Account of 1876 that it is also customary to register a certain document, by which a dower of about Rs.100 is settled upon the bride, and among the more respectable classes such a paper carries with it certain legal right, duty set down in the Muhammadan law book [19].

Among middle class families *mohr* was customary to fix upon four to five hundred rupees while the rich often raised it to a lac [4]. The *mohr* was an important obligation for the husband but he could be released from it if the wife so desired and ideal wife was supposed to do so. Although dower became a mark of social status, it was originally designed to provide security to the wife [4].

In this period Muslim society had the system of 'Badhi' (female servants) Mir Mosharaf Hossen

referred his book 'Amar Jibam' that his family had 30-32 badhi who came from Rangpur. Kaji Imadul Haq noted his novel 'Abdulla' that sometime this badhi used in co-wife and her son working as a slave. Robert Blackhum wrote the fact that is until comparatively recent year. These so-called dancing girls were the only women in India who could read, dance, and sing [21].

Other class of neglected women present in Bengal were called 'Dai'(midwifery). This 'Dai' was nursing elite class Muslim women who did not go to male doctor. 1300 Dai was present in this time in total East Bengal. J.E. Websrar wrote on his book that, the 'dai' has inherited a despised calling and is always wretchedly poor. She has all the valor of ignorance and out of earns a living according to her light; moreover, she is badly paid. She may be given a fee for anything from two annas for a girl and four annas for a boy in a poor neighborhood, up to fifteen rupees, about twenty three shilling in the house of rich [22].

Conclusion

A glance at the period of four decades (1900-1939) reveals that significant changes occurred in the institution of the family, its structures and ideology. The entire framework of the Muslim family was transformed under the impact of new socio-economic changes and the rise of a new domestic ideology that accompanied them.

Governmental legislation aided the process of structural change in the family–especially with regard to child marriage, age of consummation, and divorce. Polygamy remained outside state jurisdiction, but societal attitude had taken a turn against polygamy and concubinage. Consequently, the practice began to die out in urban centers. The Dissolution of Muslim Marriage Act of 1939 was the coping stone to the new edifice. All these changes concerned a new personality, the *bhadramahila*, (gentle woman) in Muslim society [4].

Acknowledgement

References

1. Karim A. Social History of the Muslims in Bengal. Dhaka: Jatiya Sahitya Prakash. 1959. pp 37.

2. Husain S. The Role of Muslim Women In The 19th and 20th Century, SHS-85/CONF/15. pp 1

3. Chakraborty R. Beginning of Muslim Women's Education in Colonial Bengal, Historical Research: Dec 2011; 1: 76.

4. Nishat AS. The World of Muslim Women in Colonial Bengal: 1876-1939. New York: Brill Publication: 1996.

5. Mukherjee SN, Class Caste and politics in Calcutta 1815-1838, in Culcutta: Myths and History. Calcutta: Subarnareka. 1977. pp 8-10.

6. Travers R. Ideology and Empire in Eighteen Century India: the British in India. Cambridge: Cambridge University Press. 2007.

7. For Shabaz beg's carrer,from Kabul to Patna, George Bogle's report on the case,written in his capacity of Commissioner of Law Suits (responsible for coordianating the Company's dealing in the Supreme Court), BLC, 13 April 1779; OIOC,IOR /166/82: 2-3.

8. Order by parliament in the Bengal Judicature Act of 1781.

9. Khan I. Batayan. Dakha:Bangla academi. 1967. pp 209-210.

10. Rahman N, Anowara, First pub. Calcutta;1914: rept. Dakha: Ananda Prakashan. 1988; 215-8.

11. Therese Blanchet. Meaning and Rituals of Birth in Rural Bangladesh. Dhaka: University Press Limited,1984.

12. Wise J. Note on the Races,Castes and Trades of Eastern Bengal. London: Harrison and Sons. 1883; 50-51

13. Proceding the Lt.Governor of Bengal, Medical and Municipal Department, June 1882.

14. Khatun Syeda Monowara, Smritir Pata, Eaksthan; 1296 BS: page-29

15. Nair J. Uncovering the Zenana: Visions of Indian Womanhood in Englishwomen's Writings, 1813-1940. J Women History.1990; 2(11): 88-134.

16. Ikramullah S. From purdah to Parliament, London: Cresset publishers. 1963; pp8.

17. Mustafa KS. Islam a arir Adhikar (Ref:Sura isar,Al Koran). Kolkata: Bani Prakasani. 1988; pp94.

18. Hunter. Statistical Account of Bengal,Vol.VI

(Tipperah), London:1877, rept. Delhi: Govt of India.1973; Page-383.

19. HunterW.W, Statistical Account of Bengal, Vol.vi(Noakhali), London;1877, rept. Delhi, Govt. of India. 1973; Page-179.

20. Tarmidi A. Sunan-al-Tarmidi, (Medina,n.d),

Chapter 4, hadit 1095; page-54.

21. Blackhum Robert, Incompatible India: Tradition, Superstition, Truth, London, Oxford University Press, n.d. p-198.

22. Webstair JB. East Bengal Distric Gazetteer. 1911. pp 196.

Authors affiliation
*Head, Department of Public
policy, Law and Governance &
Dean, School of Social Sciences,
**Research Scholar, Deptt. of Public
policy, Law & Governance, Central
University of Rajasthan,
Bandarsindri, Kishangarh, Ajmer-
305817 (Rajasthan).

Reprints requests
Nagendra Ambedkar Sole, Head,
Department of Public policy, Law
and Governance & Dean, School of
Social Sciences, Central University
of Rajasthan, Bandarsindri,
Kishangarh, Ajmer- 305817
(Rajasthan).

Email-snambedkar@curaj.ac.in

Pardoning Powers of President under the Constitution of India: Judicial Interpretations

Nagendra Ambedkar Sole* Ajay Kr. Barnwal**

Abstract

Presidential pardons have been the subject of increased public and judicial scrutiny and the focus of news media both electronic as well as print media. The power to grant pardon is expressly included in the modern written Constitutions of nearly all countries. The rationale underlying executive pardons are twofold:

(1)   It is to prevent the miscarriage of justice. The judges are not infallible and at times while enforcing the criminal laws, the courts can end up making mistakes, which then require correction.

(2)   It is for public welfare. It is in the interest of the society, the laws and sentence fixed by the judgment are not strictly applied and the punishment inflicted is reduced.

The philosophy of punishment rests on four tenets. It can be a deterrent and work by creating fear. It can be retributive, making one pay for it. It can also be preventive, to strengthen the human character. It is the last theory that inevitably works behind clemency. As Abdul Kalam says "law is also a medium of reform." Article 72 and 161 of Indian Constitution entrusted this power in the president of India and Governors of the state. In this paper an attempt has been made to analyze constitutional provisions with regard to pardon and nature and scope of pardoning power of president as well as the important cases and judicial decisions of Supreme Court with regard to clemency and pardoning powers of president of India.

Introduction

Every Constitutional order in the Common Law contains a Provision for executive clemency or pardon in criminal cases. A pardon is an act of grace, proceeding from the power entrusted with the execution of laws, which exempts the individual on whom it is bestowed from the punishment the law inflicts for a crime he has committed. It is God's grace, a gift to the mankind which gives all an equal chance to mend ways and to correct a deviant behavior. It is the forgiveness of a crime and the cancellation of the relevant penalty; it is usually granted by a head of state such as a monarch or president or by a competent church authority. A pardon keeps a judicial record of a conviction separate and apart from other criminal records, and gives law abiding citizens an opportunity to reintegrate into their society. Authority removes all information about the conviction for which an individual received the pardon from the authority. This might be why every civilized state has had a provision to pardon offenders in their criminal justice system to be exercised as an act of grace and humanity in proper cases.

This power has been provided to the heads of various nations. In monarchies this power is vested with the kings who supposed to the sole source of justice. It has been exercised for centuries but with the passage of time and changing nature of law it has taken a new form. In earlier times it was used by the kings for their political gains, it also helps them in generating revenues. Prior to the sixteenth century, the common law treated all homicides as felonies while the modern day understanding and use of pardoning power is more often associated with notion of mercy and fairness, this analysis will demonstrate that it also remains a political arena called pardon, amnesties, clemency, grace or mercy etc. Now this pardoning power has been given as a statutory cloth so that any countries justify this power through law.

Without such a power of clemency, a country would be most imperfect and deficient in its political morality, and in that attribute of Deity whose Judgments are always tempered with mercy. As noted Jurist Seervai observes [1]:

Judges must enforce the laws, whatever they be, and decide according to the best of their lights; but the laws are not always just and the lights are not always luminous. Nor, again are judicial methods always adequate to secure justice. The power of pardon exists to prevent injustice whether from judgments which result in injustice; hence the necessity of vesting that power in an authority other than judiciary has always been recognized. It is also one of the powers conferred on the executive in India. Art.72 confers this power on the president and Art. 161 do the same on Governor. Apart from these constitutional provisions, *section 432, section 433A, section 434, section 435 of Criminal procedure code [1] and section 54 and section 55 of Indian penal code [2]* also conferred power to the executive for pardoning of any person punished of any offence. In this paper an attempt has been made to analyze constitutional provisions with regard to pardon and nature and scope of pardoning power of president as well as the important cases and judicial decisions of Supreme Court with regard to clemency and pardoning powers of president of India.

In a society with no other means of flexibility, the pardon served as the sole instrument of justice for those who should not be punished. This pardon power is included in the written constitution of nearly all the countries. The main objective behind this is to correct possible judicial errors, for no human system of judicial administration can be free from imperfection.

The power to grant pardon is expressly included in the modern written Constitutions of nearly all countries. The rationale underlying executive pardons are twofold:

1. It is to prevent the miscarriage of justice. The judges are not infallible and at times while enforcing the criminal laws, the courts can end up making mistakes, which then require correction.

2. It is for public welfare. It is in the interest of the society, the laws and sentence fixed by the judgment are not strictly applied and the punishment inflicted is reduced.

The philosophy of punishment rests on four tenets. It can be a deterrent and work by creating year. It can be retributive, making one pay for it. It can also be preventive, to strengthen the human character. It is the last theory that inevitably works behind clemency. As Abdul Kalam says "law is also a medium of reform".

Presidential pardon in other countries

The pardoning power of the executive has its roots in England where the British Crown from time immemorial enjoyed the special privilege to grant pardon to any criminal. Meanwhile the American theory is established upon the principle that all governmental power is inherent in the people and the people alone can be bestowed mercy by pardon and subsequently this power went to the executive head or board whichever found fit. To understand the concept of president's power in India it is important to look at the pardoning power of England and America.

England

The power to grant pardons and reprieves in the United Kingdom is known as the royal prerogative of mercy. It was traditionally in the absolute power of the monarch to pardon and release an individual who had been convicted of a crime from that conviction and its intended penalty. Pardons were granted to many in the 18th century on condition that the convicted felons accept transportation overseas, such as to Australia. The first General Pardon in England was issued in celebration of the coronation of Edward III in 1327. In 2006 all British soldiers executed for cowardice during World War I were pardoned, resolving a long-running controversy about the justice of their executions. There are significant procedural differences in the present use of the royal pardon, however. Today the monarch only grants pardons

on the advice of government minister: the Justice Secretary within England and Wales, the First Minister of Scotland, or the Northern Ireland Secretary. The Defense Secretary is responsible for military cases. It is government policy to only grant pardons to those who are "morally" innocent of the offence, as opposed to those who may have been wrongly convicted by misapplication of the law. Pardons are generally no longer issued prior to conviction, but only after conviction. A pardon is no longer considered to remove the conviction itself, but only removes the penalty which was imposed. Use of the royal prerogative of mercy is now rare, particularly since the establishment of the Criminal Cases Review Commission and Scottish Criminal Cases Review Commission, which provide a statutory remedy for miscarriages of justice.

United States

In the United States, the pardon power for federal crimes is granted to the President of the United States under Article II, Section 2 of the United States Constitution which states that the President "shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment" [3]. The Supreme Court of the United States has interpreted this language to include the power to grant pardons, conditional pardons, commutations of sentence, conditional commutations of sentence, remissions of fines and forfeitures, respites and amnesties. All federal pardon petitions are addressed to the President, who grants or denies the request. Typically, applications for pardons are referred for review and non-binding recommendation by the Office of the Pardon Attorney, an official of the United States Department of Justice. The pardon power of the U.S. President extends only to offenses cognizable under federal law. However, the governors of most of the 50 states have the power to grant pardons or reprieves for offenses under state criminal law. In other states, that power is committed to an appointed agency or board or to a board and the governor in some hybrid arrangement (in some states the agency is merged with that of the parole board, as in the Oklahoma Pardon and Parole Board).

India

Before the commencement of the Indian Constitution, the law of pardon in British India was the same as in England since the sovereign of England was the sovereign of India. The Govt. of India Act 1935 recognized and saved the right of the crown or by delegation to Governor General to grant pardons,

reprieves, respites or remissions of punishment. Section 295 of the Government of India Act, 1935 had conferred on the governor general acting in discretion power to suspend, remit or commute sentences of death. The prerogative of the crown was also delegated to the Governor General by the letters patent creating his office, empowering him to grant to any person convicted by any criminal offence in British India, a pardon either free or subject to such conditions as he thought fit. However, after commencement of the Constitution in 1950 this power was entrusted to the President under Article 72 and to the Governors of respective states under article 161. The Article 72 and to the Article161 were debated in Constituent Assembly on 29th December 1948 and 17th September 1949 but the grounds and principles on which these powers should be exercised were not discussed nor debated rather accepted with some modification of whatever present in section 295 of Government of India Act 1935. The Article 72 of the Indian Constitution is as follows:

Article 72: Power of President to grant pardons, etc., and to suspend, remit or commute sentences in certain cases–

1. The President shall have the power to grant *pardons, reprieves, respites or remissions* of punishment or to *suspend, remit or commute* the sentence of any person convicted of any offence:

a. In all cases where the punishment or sentence is by a Court Martial;

b. In all cases where the punishment or sentence is for an offence against any law relating to a matter to which the executive power of the Union extends;

c. In all cases where the sentence is a sentence of death.

2. Nothing in sub-clause (a) of clause (1) shall affect the power conferred by law on any officer of the Armed Forces of the Union to suspend, remit or commute a sentence passed by a Court Martial.

3. Nothing in sub-clause (c) of clause (1) shall affect the power to suspend, remit or commute a sentence of death exercisable by the Governor 1[***] of a State under any law for the time being in force.

Four important words have been used in the provision. Meanings of these words are as follows:

•   *Reprieves:* Meaning thereby temporary postponement or cancellation of punishment for example if petition is pending for proceeding of pardon or commutation.

•   *Respites:* Meaning thereby awarding lesser punishment on some special ground. This word

came into discussion very prominently in *Rajiv Gandhi assassination case* after awarding death penalty to one of the accused *Nalini* she was found pregnant. And on the basis of pregnancy her punishment has been converted from death penalty to life imprisonment.

- *Remission:* Meaning thereby reduction of amount of punishment without changing its character. For example in the case of Abdul Karim Telgi when all the property has been attached by the court then he requested to the court for remission.

- *Commutation:* Meaning thereby exchange of punishment awarded into one form to another. For example, Rigorous imprisonment to simple imprisonment.

When Pardon is granted?

It is very much important to look at three words here to understand the correct interpretation of article 72. These three words are 'Punishment', 'Sentence' and 'Offence'. The first two words show that the pardon by the president will save a person from the consequences of an offence and from punishment as well. The word offence makes it quite evident that the punishment and sentence must be in respect of such offence committed; this also implies that the punishment which is supposed to be pardon has to be in respect of offence and not of simple breach of condition. This reasoning derived from the meaning of offence given in general clauses Act 1897. The power of pardon can be used in following cases:

- In respect of an act which in the eyes of law is an offence,

- In respect of a matter over which the executive power of the union extends,

- For which punishment has already been adjudged.

It is well established rule that a person can be sentenced and punished only when he was convicted by the court. A person is deemed to be innocent unless it is proved in the eyes of law beyond doubt. Thus if a person has not been given a chance of fair trial or proper investigation has not been carried out against that person then there is no reason why that person should be granted pardon because he is still innocent. Therefore it is important here to note that the pardoning power can be exercised only in the cases of convicted persons. But in some cases, court clearly said that the pardon may be granted before, during or after trial. In the case of *Maddella Yerra Chammugadu and others* [4]**,** the Supreme Court said that the power *to grant pardon is unconditional and absolute which can* *be granted at any time either before, during or after trial.* This decision has been affirmed in later cases such as in the case of *K.M Nanavati vs. State of Maharashtra [⁴] & Ramdeo Chauhan vs. State of Assam [⁵].*

Trial of a person is not done by court but by tribunal

The word offence can be used only in cases when act done clearly fall within the word defined in the Indian Penal Code. In addition to this it is important to note here that the person should be inquire under code of criminal procedure code and if it is done under any other Act it does not characterized as an offence and then the punishment would not hold the same meaning as it is meant to be in Art. 72. This issue has been discussed by Supreme Court in the case of *Maqbool Hussain vs., State of Bombay [⁶] and S.A. Venkataraman vs., Union of India [⁷].* The Court concluded that the pardon can be granted by the President to those people punished or sentenced by the Competent Court of Law or Judicial Tribunal.

Scope of pardoning power of president

Judicial Review of pardoning power of president

In the case of *Kuljeet Singh vs., Lt. Governor of Delhi [⁸]* Supreme Court declared that the exercise of the pardoning power of president to commute death sentence would have to be examined according to the case to case and facts and circumstances of each case. Though Supreme Court didn't use judicial review term but through this decision it opened the door of the court for the mercy petitioner. However, in the leading case of *Maru Ram vs., Union of India [⁹]* Supreme Court clearly said that the power of pardoning is *absolute one* and cannot be hampered by any statutory provision but President or Governor must act while exercising this power in accordance with the aid and advice of council of ministers which shall never be arbitrary and mala fide. Then another leading case came before the Supreme Court *Kehar Singh vs., Union of India [¹⁰]***.** The Five Judges Bench of Supreme Court ruled that the order of the President cannot be subjected to judicial review on the merits except within the strict limitation given in the case of *Maru Ram vs. Union of India.* By referring this case Supreme Court affirmed the judgment. This observation of *Kehar Singh case* the Supreme Court has taken clue from the U.S. case *Biddle vs. Perovich And Ex-parte Phillip Grossman [¹¹]* in which Justice Holmes and Justice Taft clearly quoted that the executive clemency exist to afford relief from undue harshness or evident mistake in the operation or the enforcement of criminal law. The administration of

justice by the courts is not necessarily always wise or certainly considerate of circumstances which may properly mitigate guilt. To afford a remedy it has always essential in the government as well as monarchies, to vest some other authority than courts to ameliorate or avoid such particular judgment.

In the case of *Swarn Singh vs., State of U.P. [12]* referring the judgment of *Kehar Singh* and *Maru Ram* case the Supreme Court of India said that "we cannot accept the rigid contention of the learned counsel for the third respondent that this court has no power to touch the order of pardoning. If such power is passed by arbitrarily and mala fide or disregard to finer canon of constitutionalism the byproduct order cannot get the approval of law and in such cases judicial hand must be stretched to it." In the subsequent case Supreme Court extended the power of court regarding pardoning power. In the case of *Satpal Singh vs., State of Haryana [13]* the Supreme Court said that the judicial review of pardoning power of president is possible but with some limitation if such pardoning power has been passed *without application of mind.* In the subsequent cases of *Bikash Chattarjee vs., Union of India [14], Government of Andhra Pradesh vs., M.T. Khan [15] and finally in the case of Epuru Sudhakar and Anr. vs., Govt. of Andhra Pradesh and others [16],* honorable Supreme Court made it clear that judicial review of the order of the president or Governor under Art. 72/161 as the case may be possible on the following ground:

- That the order has been passed without application of mind.

- That the order is passed mala fide.

- That the order has been passed on extraneous or wholly irrelevant consideration.

- That the order suffers from arbitrariness.

- That the order passed on religion, caste and race or region basis.

Thus the Article 72 of the Constitution gives the president absolute and unfettered power to grant pardon, suspends, remit or commute sentences even in death penalty. But he has to act on the advice of the council of ministers. The president also has to examine the merits of a case himself as upheld in the case of Kehar Singh of 1999. The power of president to grant pardon is premised on the assumption that it works in public interest. But if pardoning powers are found to be 'perverse or mala fide' the judiciary has the right to review. In that sense, the power of pardon is neither absolute nor unfettered.

Provision of pardoning power: Constitutional provisions and actual practice

Since Rajiv Gandhi's assassination case it is always question arises that whether the pardoning power of President or Governor given under Art. 72 and 161 serve its purpose or it is started to use as a weapon by the politician. From the earliest time if when we look at the situation of pardoning power, it was the sole power of church or monarchy. They were using it for political and diplomatic gain but as far as nation states started to adopt welfare State concept and human rights generation, the purpose has been changed and this provision clothed in the form of statutes. The Study conducted by Bikram Jeet Batra [17] shows that until 1980, mercy petitions were decided within a minimum of 15 days and a maximum of ten to eleven months. From 1980 to 1988, the time taken for the disposal of mercy petitions gradually increased to an average of four years. At present the delays extend up to 12 years. Presidential Pardons have been the subject of increased scrutiny and the focus of news media with a voracious appetite for scandal. As the legendary American Jurist Oliver Wendel Holmes pointed out that in modern democracy the power to punish death rests with the Judiciary and the power to spare life with the executive. It is for the Judiciary to find a person guilty or not and their job ends there. As Justice Verma says "mercy is entirely an executive process for the President to decide. The Judiciary should stay out of it". The purpose of Articles 72 and 161 is to provide a human touch to the judicial process. If this human touch is not exercised properly, the very purposes of mercy provisions are defeated.

Notes

[1] Code of Criminal Procedure, 1973

[2] Indian Penal Code, 1860

[3] United State Constitution

[4] AIR 1981SC 112

[5] (2001) 5 SCC 714

[6] AIR 1953 SC 325

[7] AIR 1964 SC 375

[8] AIR (1978) 2 SC 774

[9] AIR (1981) 1 SCC 107

[10] AIR 1989 SC 653

[11] (1924) 69 LAW ED 527 (F)

[12] (1998) 4 SCC 75

[13] AIR 2000 SC 170

[14] AIR 2004 SCC 634

[15] AIR (2004) 1 SCC 634

[16] AIR 2006 SC

[17]Bikram Jeet Batra, Court of Last Resort: A study of Constitutional clemency for capital crimes in India, working paper, center for the study of law and Governance, JNU, New Delhi, 2009, reprint 2012.

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Website: www.rfppl.co.in

Authors affiliation
Associate Professor and Head,
Department of Political Science,
Agra College, Dr BRA University,
Agra- 282002 (India).

Reprints requests
Arunoday Bajpai, 20, Huntley
House, Agra College, Agra (U.P.)
PIN-282010.
Email: arunodaybajpai@gmail.com

Contemporary Geo-Politics of Indian Ocean: India, China and Other Powers

Arunoday Bajpai

Introduction

The Indian Ocean is the third largest ocean on the earth covering 20 per cent of the total oceanic water. It spans over 10,000 kilometers from the southern tip of Africa to the western coast of Australia. In the southwest, it joins the Atlantic Ocean and to the east it joins the Pacific Ocean. Its major choke points are: Bab el Mandeb, Strait of Hormuz, Lombok Strait, Palk Strait and Malacca Strait. Its main seas are: Gulf of Aden, Andaman Sea, Arabian Sea, Bay of Bengal, Great Australian Bight, Gulf of Mannar, Mozambique Channel, Gulf of Oman, Persian Gulf, Red Sea and other water bodies. It joins the Mediterranean Sea via Gulf of Aden, Bab el Mandeb, Red Sea, Suez Canal and to the Pacific Ocean through Malacca Strait. Spanning 28 million sq km, the Indian Ocean Region (IOR) is host to a third of the world's population. A significant share of international trade passes through the sea lanes of the IOR. Indian Ocean is the major trade route linking Europe and America with Middle East, Africa and East Asia. It is the major trade route for petroleum products of Persian Gulf and Indonesia. Robert Kaplan (2011: 07) accounts that the Indian Ocean rim land from the Middle East to the Pacific accounts for 50 per cent of the container traffic and 70 per cent of the traffic of petroleum products for the entire world. He says that India is as poised to become the world's third largest oil importer, after China and the US, with over 90 per cent of its oil transiting the Indian Ocean. China is in the same company because over 85 per cent of its imported oil already passes through the Indian Ocean. Besides, the Ocean is rich source of petroleum products, marine products and minerals. Nearly 40 per cent production of the total

offshore petroleum products comes from Indian Ocean.

The Indian Ocean Region has been always been useful area for trade, security, marine resources to the littoral states as well as dominant world powers of the time. During colonial times, it served as a strategic resource for the establishment and maintenance of colonialism by European powers in South Asia and South East Asia. It was 19th century American Navy Officer and geo-strategist Alfred Thayer Mahan, who for the first time elaborated the maritime dimension of security and dominance. In his seminal work, '*The Influence of Sea Power Upon History: 1660-1763*, published in 1890 (Little Brown and Co.), he enunciated the concept of 'sea power' which postulates that the countries with greater naval power will have greater worldwide impact and ability to exercise control over seas and territories. The book gives an account of the role of sea power during the 17th and 18th centuries and identifies the steps needed to achieve and support sea power with emphasis on having the most powerful fleet. His contention was that any country with command over sea, based on strategic naval operation in support of land forces, would have decisive advantage over others. This work has influenced the naval strategy of many countries in modern times (Harding: 2006). Since the maritime journey of Vasco Da Gama to the Indian shores in 1498 till the end of World War II, it was the British Royal Navy, which was influential operator in the Indian Ocean, with minor challenge from other colonial powers. After the War, British naval presence in the Indian Ocean diminished considerably and after the Suez Crisis (1956), the British relinquished his naval responsibilities to the

east of Suez. This created a power vacuum which was filled by the US navy with its bases in Diego Garcia in Indian Ocean supported by the fifth fleet in Bahrain and sixth fleet in the east located in Japan. Thus, the US navy has emerged as the sole dominant sea power in the Indian Ocean as well as the Pacific Ocean after the World War II. During the cold war era, the US used her sea power in the Indian Ocean to advance her strategic interests in the region. The US mobilized her naval forces in 1961 in Indian Ocean in support of India during the Indo-China war 1962 and again in 1971 in support of Pakistan during Indo-Pak war of 1971. The US, because of her naval presence, also denied equal influence to the Soviet Union in the IOR and Pacific Ocean. The US still wants to maintain her position as the status-quoist power in the IOR.

Changing Strategic Dynamics in Indian Ocean Region

In the Post-cold war period, the strategic dynamics of Indian Ocean has changed considerably because of persistent efforts by new players-China and India to gain strategic influence in the I O R. These efforts are the result of their perceived or real strategic interests or fears in the IOR. While the US is still a predominant position in Indo-Pacific, the new strategic developments may prompt her to redesign her strategy and moves to maintain her pre-eminence in the region. Whatever the shape the redesign of such strategy may take, its underlying assumption would be to ensure that the emerging powers also develop a stake in the maintenance of existing global economic and political order in the region. Thus, the IOR or Indo-Pacific and its changing strategic dynamics hold crucial importance for its three key players: China, India and the US. American scholar Robert Kaplan (2011) predicted that the Greater Indian Ocean stretching from Horn of Africa to Indonesian archipelago will be the centre of the global conflicts because most of the international business supply will be conducted through this route. He further argues that it is here that 21st century power dynamics will be revealed as the interests and influence of region's three key players China, India and United States are beginning to overlap and intersect.

Chinese Maritime Interests and Strategy

China has opened her economy in 1978 and achieved nearly 10 per cent economic growth for three decades. Globalization has propelled her economy in big way. She has lifted 300 million people out of poverty. Consequently, China has emerged as the second largest economy of the world after the US. Japan has been pushed to the third position. With the growing economy, the Chinese interests have also assumed global dimensions. With this economic growth, China's global influence is also on rise. In spite of a huge domestic market, Chinese economic push was largely propelled by her burgeoning external trade and investment and continuous supply of energy resources from external sources like Middle East and Africa. If China wants to maintain its position as a rising global power, it has to maintain the momentum of her economic growth and for that it has to ensure the continuous and uninterrupted supply for material and energy resources from external sources, which lie in her west and south. Thus, it logically prompts China's involvement in the IOR as well as Pacific Ocean. China has following strategic interests in the IOR:

1. To ensure the safety of Sea Lines of Communication (SLOC) to maintain the uninterrupted supply of her trade and energy resources. According to Kaplan (2014), 'As for now, Beijing's principal interest seems to lie in the need to protecting the SLOC along the Indian Ocean, vital for the country's energy import'. In fact, China surpassed the US in 2013 to become the world's largest oil importer (Samaranayake: 2014).

2. To ensure the security of choke points of Indian Ocean mainly Malacca Strait and Lombok Strait in the East and Bab el Mandeb and Hormuz strait in the west.

3. Conversely to deny other powers mainly India and the US to gain undue influence in the Indo-Pacific region, detrimental to China's strategic interests in the region.

Chinese Maritime Strategy

Though China is yet to lay down a comprehensive Indian Ocean strategy, the Chinese think tank (Blue Book: 2013) have made a case for a more proactive role for China in the IOR. It says, 'If (China) cannot have positive impact on these regional powers and Indian Ocean littoral states, the future situation would be even more severe and will affect China's development and peace negatively'. It also warns that New Delhi is preparing for a 'two-front war' with China and Pakistan and notes the developing strength of India's blue water navy (Tharoor:2013).

However, in view of emerging needs of rising China, her global interests have also expanded, which is visible in her maritime behavior and unfolding strategy in the IOR. Kaplan (2014) remarks that, as s a corollary, the PRC's naval objectives have undergone a shift – from that of conducting coastal defense activities to offshore defense and ultimately to far sea defense. The latest Chinese Defense White Paper, released in 2013, calls for protecting national maritime rights and interests and armed forces providing reliable support to China's interests overseas. Accordingly the unfolding Chinese maritime strategy has three dimensions:

Strategic and Cooperative Partnership with Littoral States of IOR

China understands that India and the US both are better placed in the IOR, because of different reasons. In order to bolster her presence in the IOR, China has initiated a policy of seeking naval facilities and strategic partnership with the littoral states surrounding India. Since China has maritime disputes with all his neighbors in Pacific Ocean, the strategic maritime collaboration is being cultivated in with the littoral states of Indian Ocean. Under this strategy, China has availed naval facilities at Gwader in Pakistan, electronic gathering facilities on islands in Bay of Bengal, port facilities in Hambantota in Sri Lanka and Chittagong in Bangladesh, naval bases in Myanmar, funding of the construction of canal across the Kra Isthmus, signing the military agreement with Cambodia and so on. Pakistan is a strategic ally and all weather friend of China, who is building road and rail link from Gwader to mainland China through Pakistan Occupied Kashmir (POK), an area which is also claimed by India. In spite of many Chinese claims the commercial motive of these facilities is not explicit. Anand Kumar (2012) remarks, 'But most of these ports are not economically viable, unless they serve non-economic purposes. The deep sea ports at Gwader and Hambantota will allow the Chinese to monitor Indian and US naval activity in the region. If we take into account this aspect of Chinese ventures, this also means containment of India and challenge to US military power.'

This strategy is also known as 'string of pearls'' a term which originated in a 2004 study of Booz Allen Consultants, submitted to Pentagon and subsequently popularized by Washington Post reporter Bill Gertz. In America, it is seen as China's attempt to gain strategic foothold in Indian Ocean and for many Indian scholars, it is now an article of faith that China is encircling India from sea (Holms:2010).

The 'string of pearls' strategy of China has generated much heat in strategic circles in India. In order to overcome its military aspect, China has come out with its benign version in 2013, which is known as 'Maritime Silk Route' (MSR) proposal, which focuses on developing port and other facilities across littoral states of Indian Ocean but ostensibly for trade purposes. According to Abhijit Singh (2014) the MSR project is surrogate for giant Chinese SLOC running from all the way from the East African coast to the Southern coast of China-created, maintained and controlled by Beijing. In its ultimate form, therefore, the MSR would end upsetting up Chinese logistical hubs in Indian Ocean, linking up already 'existing string of pearls'.

Rapid Modernization of Naval Forces

In order to match the strength of her naval forces to her growing economic and strategic needs, China has moved on rapid modernization of her navy in last two decades. Bedford (2000) argues that there are two main reasons for the rapid modernization of People Liberation Army navy (PLAN): necessity and opportunity. Necessity emerged rising overseas economic interests. The opportunity came with the disintegration of Soviet Union as China was freed from land dispute worries and concentrated on her maritime disputes over the status of Taiwan, the Spratly and Parcel Islands, and the Diaoyu Islands in the East China Sea. During 1996 Taiwan Strait crisis, the US deployed two aircraft carriers against China, which exposed weakness of Chinese naval forces and prompted China for naval modernization. Since the 1990s, the PLAN has strengthened its forces around four core elements: frigates and destroyers; submarines; naval fighters; and anti-ship missiles. It is unsurprising that these are precisely the systems required to fight a sea battle against an aircraft carrier and its battle group. At present, the Chinese Navy is the second largest navy in the world after the US Navy.

Increasing Strategic Deployment of Naval Forces in IOR

This is the new emerging elements of Chinese maritime strategy. The increasing incidents of piracy across Gulf of Aden provided an opportunity to China in 2008, when it deployed her naval forces in this region to fight piracy. China deployed two destroyers and the supply ship in the region. A team of sixteen Special Forces Members, armed with attack helicopters were also deployed. Later, China has maintained a three-ship flotilla of two warships and one supply ship in the Gulf of Aden. India and China came face to face in Ocean for the first time in 2011,

when India signed a contract with Vietnam for oil exploration in the South China Sea, but it was opposed by China. With the increasing deployment of Chinese forces in the region, India decided not to go for exploration, citing economic non-viability of oil fields. China has already bolstered her naval presence in East China Sea by declaring Air Defense Identification Zone (ADIZ). In 2014, in the wake of missing Malaysian Airliner, India politely refused a Chinese request to launch search operation off the coast of Indian Islands territory Andaman and Nicobar (The Hindu:2014). In 2014, a Chinese nuclear powered attack submarine (SSN) made its first declared operational petrol for two months (Dec.2013 to Feb. 2014) in Indian Ocean. The Chinese submarine, armed with land attack and anti-ship cruise missiles and torpedoes reached Gulf of Aden via Ombai Water Straits near Indonesia (Unnithan: 2014).

Indian Maritime Strategy and Interests

India too has adopted economic liberalization policy in 1991 to integrate her economy with global economy. However, India is at least one decade behind China in opening her economy. India's liberalized economy has also scored an impressive growth rate of 7-8 percent in last 20 years or so. It has led to the expansion of her global interests. India has become the third largest global economy in terms of PPP after the US and China. It is now counted as one to the emerging economies. She also cannot maintain the momentum of her economic growth without protecting her oversees trade, investment and energy flows. This has added new dimension to her strategic interests in IOR, besides her conventional concerns for her coastal security. Briefly India has the following strategic interests in the IOR:

1. To ensure a credible naval security of mainland and her islands territories (Andaman and Nicobar Islands and Lakshadweep and Minicoy Islands) from conventional as well as non-conventional security threats. Indian peninsula surrounded from three sides by Indian Ocean has 7516kms long maritime boundary to defend. This geo-strategic location of India is both a sense of positional strength as well as source of potential security threat. Neither the US nor the China has this type of existential security threat emanating from Indian Ocean.

2. To ensure the safety and security of SLOC in Indian Ocean and its Choke points for her trade and supply of energy resources.

3. To ensure the exploration and sustainable harnessing of marine resources in the IOR.

4. To restrict undue influence of external powers in the IOR; which is likely to prove detrimental to India's strategic interests. India considers IOR as her backyard crucial to her security and other strategic interests.

Indian Maritime Strategy

In view of her economic interests and increasing Chinese presence and assertion in Indo-Pacific, India has also reoriented her maritime strategy to protect her strategic interests in the region. Among others, the three factors are: India's Look East Policy leading to India's close engagements with Chinese neighbors in South East Asia, Chinese increasing forays in Indian Ocean, and Indo-US closeness – have deep impact on India's evolving Indian Maritime Strategy, which became more proactive since the middle of last decade. The three dimensions of India's maritime strategy are:

Enhanced Capability and Role of Navy

India unfolded a new Maritime Doctrine (Indian Navy: 2004) in 2004 which calls for enhanced capabilities and role of Indian naval forces in view of her expanding economic and strategic interests. According to current naval modernization plan India will increase its fleet size to 160 by the year 2020. The Maritime Doctrine calls for control of maritime choke points, islands and trade routes in the Indian Ocean, Arabian Sea, and Bay of Bengal and further expanded to include the arc from Persian Gulf [2] to Strait of Malacca within the legitimate maritime interests by 2025. Thus, it involves forward movement of Indian Naval forces in both Western and Eastern ends of IOR. In the West, Indian ships are deployed around Gulf of Aden to check the incidence of piracy. In the East, India has developed close strategic maritime partnership with Vietnam and Singapore.

Regional Maritime Collaboration

India considers Indian Ocean as her backyard and any security threats to regional littoral states may also pose security threat to India. Accordingly India has focused evolving a regional cooperative mechanism for maritime security in IOR. India was instrumental in formation of the Indian Ocean Rim Association for Regional Cooperation (IOR-ARC) and Bay of Bengal Initiative for Multi-Sectoral Technological and Economic Cooperation (BIMSTEC). Both these

regional groups were formed in 1997. The IOR-ARC is an association of 18 littoral states of Indian Ocean with vital stake in the maritime security. In its 13th Ministerial Conference held in Nov. 2013 in Perth, Australia it assigned important place to maritime security as an area of common interest to all members. Another multilateral regional initiative is Trilateral Cooperation in Maritime Security launched in 2011 by three countries-India Sri Lanka and Maldives. It focuses on strengthening cooperative approaches using modern technologies for capacity building of regional states to counter threats to maritime security in the region (Ghosh: 2014). The DOSTI (Friendship) and MILAN (engagement) joint naval regional exercises are part of this initiative. Yet another collaborative initiative of India, started in 2006 and known as 'Indian Ocean Naval Symposium' (IONS: 2014), is a voluntary initiative that seeks to increase maritime co-operation among navies of the littoral states of the Indian Ocean Region by providing an open and inclusive forum for discussion of regionally relevant maritime issues. In the process, it endeavors to generate a flow of information between naval professionals that would lead to common understanding and possibly cooperative solutions on the way ahead.

Bilateral and Multilateral Maritime Cooperation with Other Powers

India has also followed the policy of forging maritime collaboration with other major powers like US, Japan, Australia and some other smaller countries having stake in the Indian Ocean. In this respect Indo-US partnership is more important because of latter's influence and stakes in the Indian and Pacific Oceans. Besides regular Malabar joint Indo-US naval exercises, both navies have forged closer link for inter-operational cooperation. Indian navy has provided naval protection for US shipping in Malacca Strait in 2002, both forged close cooperation in responding to 2004 tsunami disaster, US warships have visited India and both have started a dialogue on missile defense and air born warning and control system (Singh:2013). In spite of Chinese opposition, India has invited Japan to join Malabar exercises in 2014 and Australia may join in future.

The United States: Interests and Strategy in Indo-Pacific

The United States is one of the three preeminent actors having significant naval presence and interests in the IOR. The presence of US in the Indian has been a part of her global naval presence and predominance. She has been and continues to be a 'Resident Power' in the Pacific Ocean with naval bases and bilateral security arrangement with regional actors mainly Japan, South Korea and Australia. The US has considerable naval presence in Diego Garcia in the form of Naval Support Facility, established in 1977, including a large naval ship and submarine support base, military air base, communication and space-tracking facility and an anchorage for pre-positioned military supplies for regional operations. Diego Garcia is part of the British Indian Ocean Territories (BIOT), which was given to the US in 1966 for fifty years lease, with provision of further optional extension for 20 years. The US commissioned Naval Air Facility in 1981. With the completion of a new port facility in 1985, the first US aircraft carrier was also commissioned in Diego Garcia. The Strategic Air Command also deployed B-52 Bombers in 1987. The strategic potential of US naval base in Diego Garcia is further bolstered due to its close coordination with 5th Fleet positioned in Bahrain in the west and 6th Fleet positioned in the in Japan in the east. The US effectively utilized Ariel bombing facilities of Diego Garcia during Gulf War 1991, invasion in Afghanistan in 2001 and Iraqi invasion 2003. The US is a Status-quoist power, as it still wants to maintain her naval dominance in the Indo-Pacific region. Accordingly, she has following strategic interests in the Indian Ocean Region (Future Directions: 2011):

1. Ensuring that US objectives are not jeopardized by states such as China and Iran.

2. Preventing new or established extremist groups from harming the interests of the US or allied Indian Ocean littoral states.

3. Ensuring that the US policy is supported by a network of diplomatic relations with view to secure trade relations, military cooperation and influence.

4. Ensuring continued access to markets, energy supplies and raw materials.

5. Ensuring the security of maritime choke points and Sea Lines of Communications (SLOCs).

Kaplan (2014) notes that US interest in the IOR centers around three imperatives: securing Indian Ocean for international commerce; avoiding regional conflict on issues of strategic choke points-strait of Hormuz and Malacca Strait; and dealing with Sino-Indian competition in IOR. As per the US Defense Department's document, 'Strategic Choices and management Review' (July 2013), US strategy on Indian Ocean revolves around building a coalition with regional allies like Japan, Australia, and the Philippines and the partners like India and Vietnam.

The US has also promoted the concept of Indo-Pacific to adopt an integrated approach to the entire region. Its 'pivot' or 'rebalancing' strategy also seeks to cement strategic partnerships with other countries in this region to balance the rising military and economic power of China. India and Australia have positively reacted to Indo-Pacific concept, but China is suspicious of the concept as it may be used by the US to contain China. In spite of this concept, the fact cannot be denied that the US has been and continues to be a 'Resident Power' in the Pacific region, with close security ties with her regional allies. Thus, the US will have to continue to bear the primary responsibility to maintain peace and stability in the region till some new regional security architecture is not evolved.

Indian and China: Strategic Moves and Rivalry and US

Both India and China are the emerging powers of Asia. The much discussed notion of 'Rise of Asia' revolves around the position and influence of these two largest nations in the global economic and political affairs. Both are members of the G-20, a group of 20 largest economies in the world, with the mandate for management and regulation of global economy. Both are the founder members of BRICS, a group of five emerging economies, which are predicted to replace the US and European economies as the largest economies within a span of three decades or so. This global profile of the two has contradictory overtones: sometimes it seems aligned against the predominance of the US and her European allies, but at the same time directed against each other. While their joint demands for a multilateral global economic and political order, reform of international financial architecture, demands for concession in climate change or trade negotiation fall in the first category, their moves and countermoves in Indo-Pacific come under the second category. Many scholars like Kaplan (2011), Mohan Malik (2012), C. Raja Mohan (2013) and others have predicted the intensification of ongoing maritime rivalry between India and China in IOR/ Pacific Ocean due to their overlapping interests and conflicting ambitions. Malik argues, 'And both remain suspicious of each other's long-term agenda and intentions. Each perceives the other as pursuing hegemony and entertaining imperial ambitions. Both are non–status quo powers: China in terms of *territory*, power, and influence; India in terms of *status*, power, and influence. Both seek to

Table 1: Comparative Strength of Naval Forces of US, China and India [1]

Naval Force Component	United States	China	India
Total personnel strength	323000 (excluding 109000 reserves)	255000	58350
Aircraft carriers	13	01	02
Submarines	53	63	15
Frigates	24	47	15
Destroyers	62	25	08

expand their power and influence in and beyond their regions at each other's expense. China's "Malacca paranoia" is matched by India's "Hormuz dilemma". If China's navy is going south to the Indian Ocean, India's navy is going east to the Pacific Ocean'. C. Raja Mohan, using the ancient Indian mythological narrative of 'Samudramanthan' (Churning of Ocean by demons and gods and subsequent fight between them over the distribution of booty, in which gods were helped by the Super God Vishnu), he argues that there is inherent clash of interest between India (gods) and China (demons) and the US (Vishnu) will help India. The weakness of this narrative lies in the fact that it precludes the possibility of maritime collaboration between US and China on the one hand and India and China on the other (The Hindu: 2014). Again, he buys the prevailing American notion of 'Indo-Pacific', which ignores the fact that the Indian interests in the Pacific Ocean and Indian Ocean are not the same as Chinese interests and vice versa.

It is true that both India and China as rising economies want the security of SLOC for their trade and energy supply but, in addition, Indian Ocean has crucial significance for India's security as Pacific Ocean is for China's security. The notion of 'rivalry' needs deeper analysis. Both India and Japan are equally dependent on Indian Ocean for energy supply and trade but why there is no talk of rivalry between the two? There are deeper reasons for this rivalry. First, like the nuclear technology, the notion of maritime security and associated moves, also have 'double use'-both for promotion of valid economic interests as well increasing the power and influence. That is how many nations are not convinced with China's 'Peaceful Rise' thesis or innocuous looking

maritime silk route proposal. Second, the historical background of mistrust, war (1962) and boundary disputes between them gives credence to rivalry hypothesis. Added factors are China's authoritarian political system, prevailing secrecy in defense and foreign policies and its aggressive pursuits of national interest in engaging with external countries, regardless of the nature of their political regime (North Korea and Myanmar).Third, the predominance presence external power like the US in the Indo-Pacific and its evolving continuous maritime partnership with India, raises security concerns in China also. Whatever we may term we may give, there is a sense of distrust between India and China in pursuing their respective maritime interests.

What are the options available for the US, which is still a pre-eminent naval power in Indo-Pacific region? Kaplan predicts the increasing rivalry between India and China amidst 'elegant decline' of American naval power, which will forge greater collaborative mechanisms with other powers in the region. The Obama administration's 'Pivot' or 'Rebalancing' (2011) is designed to that end. America is going to stay for long in the Indo-Pacific. American-Indian strategic maritime collaboration may not be entertained by India to the extent that it is anti-China. India would like to maintain her strategic autonomy till her core interests are not threatened by China. Moreover, India is still a hesitant emerging maritime power, with focus on her core interests in the IOR. In spite of much talk of rivalry between India and China in IOR, the potential flash points of maritime conflicts are still located in the Pacific Ocean– South China Sea; East China Sea; and Taiwan Strait. China would first like to assert its naval supremacy in these spots, where it is likely to come in direct conflict with her smaller neighbors. It is at this point that the US strategy will be on test. Given the naval superiority of US and its effective presence in the region, China may not like to move ahead beyond a certain point in near future. India is not likely to get directly involved against China in any such conflict in the Pacific Ocean. India-China naval show off in 2011 in South China Sea on oil exploration issue is a case in point. However, if it comes to Indian Ocean, India may not back off as it is directly linked with her security and other vital interests. Moreover, China's adventure in the Indian Ocean will prove advantageous to India because of latter's geographical position. The fact of China's economic and military resurgent cannot be denied. But it cannot also be denied that the strategic configurations in Indo-Pacific are highly unfavorable to China as majority of regional and international actors are apprehensive of her intentions. Therefore,

the US is encouraging the evolution of a collaborative security mechanism in the Indo-pacific region; consisting of Japan, South Korea, Australia, India, Philippines and others to ensure peace and stability in the region. How far India is likely go with the US in this strategy, appears uncertain due to a number of factors.

The US wants India to play larger role in South-East Asia and to encourage strategic partnership with India to counter Chinese influence in the Indo-Pacific region. Yet this partnership may not be smooth because of some perceptual and strategic differences between the two nations. Ashley J Tellis (2012) observes that the U S considers Indian Ocean as a 'Global Common' or As Alfred Mahan terms as 'great highway – a wide common, whereas India considers it as a' coherent sub-region or 'Indian Ocean Society' with distinct cultural and historical linkages and commonness among the littoral states. Some scholars like C Udai Bhaskar and Geoffrey Kemp (2011) find that due to different perception between India and the US on the position of Pakistan and Iran, strategic partnership faces hurdles. However, these writers comment that both countries have certain common interests like control of piracy and defining the rules of road for the use of global commons, which provide opportunity for maritime partnership and cooperation. The fundamental problem is that the US has larger global issues which affect the prospects of Indo-US maritime partnership, whereas Indian stakes are largely regional in nature.

Also there are certain other factors of compulsive nature which restrict the scope of rivalry between India and China. The rivalry between India and China may not take hot form as both have learned to live under suspicion for long time and both have stake in the existing global order as their rise is the product of this order. Stuenkel (2013) argues that given the internal problems and the bilateral economic engagement between the two, they will not go for another war. Rasgotra (2014) also concludes that their shared objectives should underpin greater cooperation rather than competition between India and China. In this interdependent world, the most likely scenario is that China's valid strategic interests will be accommodated in the Indo-Pacific region with some friction. The predominance maritime position of the US will have stabilizing effect and it is likely to play a balancing maritime game in the region. The US navy is still far superior to China's. Again, as Nagao (2012) argues that Chinese navy will have disadvantage in far distant operations. The prevailing strategic equations and China's needs as emerging economy will deter her from any maritime adventure

in the Indian Ocean in the near future.

Notes

1. The figures of naval strength of the US, China and India are derived from two sources: (a) Greenfield, Daniel (2012). Is the US Navy Big Enough to Take on China and Iran? Available At: *http://www.frontpagemag.com/2012/dgreenfield/is-the-us-navy-big-enough-to-take-on-china-and-iran/* and (b) Indian Navy (2014). Available At: *http:// indiannavy.nic.in/naval-fleet/ship.*

2. India has built a road from Afghanistan to the Gulf of Oman. The Zaranj - Delaram road, built by India, is part of a larger Indo-Iranian project that will connect Kandahar and Herat to Iran's Chahbahar Port on the Persian Gulf, a new Indian-financed port in Iran. A railway line is also planned along with Zaranj-Delaram road in Afghanistan. This project will provide India with new sea access point to Central Asia through Persian Gulf.

References

1. Bedford, Christian (2000). The View from the West: Chinese Naval Power in 21st Century. *Canadian Naval Review*, (summer) 2000; 1(2): 34-35.

2. Bhaskar C Udai and Geoffrey Kemp (2011) Maritime Security Challenges in the Indian Ocean Region, Workshop Report, Feb 23-24, 2011, *India International Centre*, New Delhi.

3. Blue Book (2013) cited in *Hindu*, June 9, 2013, Chennai, India.

4. Devesh Rasgotra (2014) India-China Competition in the Indian Ocean. Available At: *http:// www.iiss.org/en/iiss%20voices/blogsections/iiss-voices-2014-b4d9/march-2014-cd5b/china-india-ocean-c0d6.*

5. Future Directions (2011) Strategic Objectives of the United States in the Indian Ocean Region, *Workshop Reports*. Available at: www.futuredirections.org.au/......./248-stategic-objectives-of-the-united-states-in-the-indian-ocean-region.html.

6. Ghosh, P K. Maritime Security Trilateralism: India, Sri Lanka and Maldives. *Strategic Analysi*s, 2014; 38(3): 283-288.

7. Harding, Richard (2006) *Naval History 1680-1850*. Burlington: Ashgate. P. 224.

8. Holms, James R (2010) Tracking Somali Piracy Ashore: Maritime Security and Geo-Politics in Indian Ocean. *Strategic Analysis*, 2010; 34(5): 717-727.

9. Indian Navy (2004) Indian Maritime Doctrine, INBR8. New Delhi: *Integrated Headquarters, Ministry of Defence*, Government of India. 2004; 20-24.

10. IONS (20140 Indian Ocean Naval Symposium. Available At: http://ions.gov.in/.

11. Ishaan Tharoor (2013) After Fighting over Mountains, India and China Lock Horns in Indian Ocean. Available At: *http://world.time.com/2013/05/16/after-fighting-over-mountains-india-and-china-lock-horns-in-the-indian-ocean/print/.*

12. Kaplan, Robert (2011) *The Indian Ocean and Future of American Power*. New York: Random House Trade Paperbacks.

13. Kaplan, Robert (2014) China's Unfolding Indian Ocean Strategy- Analysis, *Centre for New American Security.* Available At: *http://www.cnas.org/content/china%E2%80%99s-unfolding-indian-ocean-strategy-%E2%80%93-analysis#.U6R8WZTVheB.*

14. Kumar, Anand (2012) Chinese Engagement with Maldives: Impact on the Security Environment in the Indian Ocean. *Strategic Analysis*, 2012; 36(2): 276-289.

15. Mohan Malik (2012) China and India Today: Diplomats Jostle, Militaries Prepare. Available At: *http://www.worldaffairsjournal.org/article/china-and-india-today-diplomats-jostle-militaries-prepare.*

16. Mohan, C. Raja (2013) *Samudramanthan: Sino-Indian Rivalry in Indo-Pacific*. New Delhi: Oxford University Press India.

17. Nagao, Satoru (2012) Review of "Defining US Indian Ocean Strategy" Available At: *http://oceans.oprf-info.org/analysis_en/c1204-1.html.*

18. Samaranayake, Nilanthi (2014). The Indian Ocean: A Great-Game Danger Zone. Available At: *http://nationalinterest.org/feature/the-indian-ocean-great-power-danger-zone-10568.*

19. Singh, Abhijit (2014) The Developing India-China maritime Dynamic. The Diplomat. Available At: *thediplomat.com/2014/05/the-developing-india-china-maritime-dynamic/.*

20. Singh, Abhishek Pratap (2013) Understanding Maritime Security: Its Implications for Indian Ocean. *World Focus* (Special Issue on Asian

Maritime Security) January 2013; 79-85.

21. Stuenkel Oliver (2013) India and China are Not Destined to Clash. *The Diplomat*, Dec 21, 2013.

22. Tellis, Ashley J (2012) Indian Ocean and US Grand Strategy, Lecture organized on 17 Jan 2012 by *National Maritime Foundation*, New Delhi.

23. The Hindu (2013) The Perils of Grand narrative. The Hindu, 3 March, 2013.

24. The Hindu (2014) In Indian Ocean Waters India, China Show Maritime Prowess. *The Hindu*, News Paper, 22 March 2014.

25. Unnithan, Sandeep (2014) Exclusive: Indian Navy headless as Chinese nuclear sub prowls Indian Ocean. India Today. Available At: *http://indiatoday.in/story/indian-navy-headless-as-chinese-nuclear-sub-indian-ocean/1/350498.html.*

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Delhi - 110 091 (India)

Tel: 91-11-22754205, 45796900, Fax: 91-11-22754205

E-mail: redflowerppl@gmail.com, redflowerppl@vsnl.net

Website: www.rfppl.co.in

Authors affiliation
Associate Professor in Political
Science Dr Hari Singh Gour
University, Sagar, Madhya Pradesh
470003, India.

Reprints requests
Anupma Kaushik, Associate
Professor in Political Science Dr
Hari Singh Gour University,
Sagar, Madhya Pradesh 470003, India.
E-mail:
kaushikanupma@yahoo.co.in

Tibetans Refugees: Struggle of a Displaced People

Anupma Kaushik

Introduction

Tibetans regard Tibet as an independent country while Chinese view it as part of China. The Tibetans led by the Dalai Lama believe that Tibet was colonized by China by force in 1949-50. They claim that at the time of its invasion by troops of the People's Liberation Army of China in 1949, Tibet was an independent state in fact and law [1]. They claim that they tried to reach an amicable solution with the Chinese government for nine years i.e., till 1959 when the Dalai Lama had to escape to India fearing personal insecurity [2]. In India, as the leader of Tibetans he took the position that he will return to Lhasa, the capital of Tibet, only when he can obtain the rights and powers which Tibet enjoyed and exercised prior to 1950 [3]. In effect he was asking for an independent Tibet with return of all the territories taken by the Chinese [4]. He also feared that the ultimate aim of Chinese was to attempt the extermination of religion and culture of Tibet and even the absorption of Tibetan race [5]. Tibetans claimed large scale human rights violations in Tibet by Chinese [6]. Till 1967 the Dalai Lama expressed determination to regain the freedom of his people and wished that Tibet be turned into a zone of peace [7]. However the initial attention given by the world dwindled and would be revived only when massive human rights violation would take place in Tibet. The Dalai Lama accepted that although Tibetans want complete independence Chinese will never accept it [8]. He also understood that world although sympathetic neglected Tibet because it was very difficult to help Tibet since China had already occupied it and also because China is a very important country for economic and geo- political reasons. He

also realized that the main factor had to be the will and determination of Tibetans. However he believed that right is right and wrong is wrong and world public opinion does have an impact on Chinese, hence the need for educating the world. He was ready to give the Chinese the benefit of doubt saying that Chinese may have really felt that they are liberating Tibet as they are unaware of Tibetan mentality [8]. In 1988 the Dalai Lama proposed *meaningful autonomy for Tibet within China*. He repeated his committed to non-violence. The Tibetan tactics was to negotiate with China while continuing to educate the world through non-violent, peaceful means such as demonstrations, seminars and talks in order to build pressure on China [10]. The Dalai Lama has been trying to democratize the exiled Tibetan community and direct elections for the post of Kalon Tripa or prime minister of the Tibetan government in exile has been introduced. The Dalai Lama is also trying to reduce the dependence of exiled Tibetans on himself. Thus Tibetans aim at preserving their culture as refugees while seeking real autonomy for Tibet in China.

Tibetan Refugees

The estimated number of Tibetan refugees living in exile or outside China is 150,000. The migration happened in three waves. The first wave started in 1959 following the 14th Dalai Lama's self exile in India; the second wave started in 1980s when Tibet was opened to trade and tourism and the third wave continues from 1996 to today. During the 1959 Tibetan uprising, the 14th Dalai Lama and some of his government officials fled to India. From 1959 to

1960 about 80,000 Tibetans followed the Dalai Lama to India through the Himalayas. Continued flights, estimated in numbers of 1000 to 2500 a year increased these numbers to 100,000. The movement of refugees during this time is sometimes referred to as an exodus and as evidence of human rights abuses in Tibet. The second exodus happened in 1980s due to increasing political repression. From 1986 to 1996 about 25000 Tibetans fled Tibet and their numbers in India increased by 18 per cent. Now about 3000 to 4500 Tibetans arrive at Dharamsala in India every year. Many new immigrants are children who are sent to Tibetan cultural schools sometimes with the tacit approval of the Chinese government. Many political activists also cross over through Nepal to India [11]. Although in recent years they have encountered difficulties in Nepal due to unsympathetic attitude of Nepal's government due to pressure from China.

Tibetan Refugees in India

Following the Lhasa uprising and Dalai Lama's flight from Tibet in 1959, the government of India accepted a large number of Tibetan refugees. There are fluctuating claims regarding numbers of Tibetans living in India. The Central Tibetan administration of the Dalai Lama claims that worldwide there are 127,935 Tibetan refugees of which India has 94,203; Nepal has 13,514; Bhutan has 1,298 and rest of the world has 18,920 [12]. Other sources claim that there are 1,20,000 Tibetan refugees in India [13].

The government of India has provided land for Tibetan refugee settlements in various states especially in Himachal Pradesh and Karnataka. The Dalai Lama resides in Dharamsala in the state of Himachal Pradesh however largest numbers of Tibetan refugees are in the state of Karnataka. The government of India extends financial help to the Dalai Lama and has built special schools and educational institutions for Tibetans that provide free education, health care and scholarships. Few medical and engineering seats are reserved for Tibetans. Tibetans live in India with a stay permit which is processed through a document called Registration Certificate (RC). It is renewed every year. Every Tibetan refugee above the age of 16 must register for the stay permit. The Indian government issues 'Yellow Books' after one year processing with RC, which allow Tibetans to travel abroad [14]. The high court has ruled that Tibetans born in India are eligible for Indian citizenship [15]. However Tibetans born in India choose not to apply for Indian citizenship as they fear it will have a bad impact on the psychology of Tibetans living in Tibet. Moreover the Tibetans in India will also cease to be representative or spokespersons of Tibetans. They formally recognize the help that India has extended to them in the form of land for settlement and funds and deny that they face any hardships in India [16]. However under pressure from China, the government of India stops Tibetans from indulging in anti- China activities. The erstwhile prime minister of the Dalai Lama Prof. Samdhong Rinpoche claims that asking for freedom is not an anti-China activity. On the contrary he claims it to be a pro-China activity as it means more freedom for Chinese people, more respect for human rights and more respect for different cultures. He argues that Tibetans in India are not asking for separation of Tibet from China so they are not indulging in anti-China activity. He assures that Tibetan leadership does not want to cause any inconvenience for India [17].

The Dalai Lama maintains a government in exile in Dharamsala in Himachal Pradesh which coordinates political and welfare activities for Tibetans in India. It is called the Central Tibetan Administration (CTA) or Tsenjol Bod Zhung gi Drigtsug in Tibetan language. It states its goal as rehabilitating Tibetan refugees and restoring freedom and happiness in Tibet. It was established in 1959 shortly after the Dalai Lama came to India. While its internal structure is government like, it has stated that it is not designed to take power in Tibet rather it will be dissolved as soon as freedom is restored in Tibet and a government is formed by Tibetans in Tibet. The CTA claims to represent the people of entire Tibet Autonomous Region and Qinghai province as well as two Tibetan Autonomous Prefectures and one Tibetan County in Sichuan Province, one Tibetan Autonomous Prefecture and one Tibetan Autonomous County in Gansu Province and one Tibetan Autonomous Prefecture in Yunnan Province- all of which is termed 'Historic Tibet' by CTA. The CTA runs schools, health services, cultural activities and economic development projects for Tibetan Community and also tries to infuse and maintain nationalism among them. It has created the Tibetan Uprising Day holiday and a Tibetan national anthem. More than 1000 refugees still arrive in India each year from China mostly via Nepal. The government of India allows the CTA to exercise effective jurisdiction in these matters over the Tibetan community in northern India. On 11 February the CTA became a founding member of the Unrepresented Nations and Peoples Organization (UNPO) at a ceremony held at the Peace Palace in The Hague, the Netherlands [18].

Tibetans living outside Tibet can apply at the CTA office in their country of residence for a 'Green Book'

which serves as a receipt book for the person's voluntary contribution to the CTA and the evidence of his claims for 'Tibetan citizenship'. For this purpose, CTA defines a Tibetan as 'any person born in Tibet, or any person with one parent born in Tibet'. As Tibetan refugees often lack documents attesting to their place of birth, the eligibility is usually established by an interview [19].

The CTA operates under the 'Charter of the Tibetans In-Exile' adopted in 1991. The government in exile has an elected parliament in exile consisting of 44 members; a Tibetan supreme judicial commission and a cabinet called Kashag. The executive authority is vested in the Kalon Tripa. The Kalon Tripa or the prime minister is elected directly by the exile population for a term of five years. Under the Kashag are the main departments of Religion and Culture, Home, Education, Finance, Security, Information and International Relations and Health. Officially, its annual revenue is US$22 million with $7 million for political activities and $4.5 million for administration. Legislative authority is vested in the Parliament of CTA. It has foreign missions in New Delhi, Kathmandu, New York, London, Geneva, Moscow, Brussels, Canberra, Tokyo, Pretoria and Taipei. At the time of founding of CTA the Dalai Lama was the head of government and head of state of CTA. Over the ensuing decades, a gradual transition to democratic governance was effected. The first elected Kalon Tripa was a Buddhist monk called Samdhong Rinpoche or Lobsang Tenzin. The second Kalon Tripa is Lobsang Sangay. The CTA is not recognized as a sovereign government by any country but it receives financial aid from many governments and international organizations for its welfare work among Tibetan exile community in India [20].

Major NGOs are Tibetan Youth Congress (TYC), Tibetan Women's Association (TWA), National Democratic Party of Tibet (NDPT) and Gu-Chu-Sum Movement. Tibetans in India are engaged in agriculture, agro-industries, carpet weaving and export, and service sector. The winter sweater selling business is the economic mainstay of about 70 per cent of the exile population in India. School enrolment is 85 to 90 per cent of the school aged children in exile [21].

Tibetans in India have duplicated Tibetan monasteries and they now house tens of thousands of monks. They have created Tibetan schools and hospitals and founded the Library of Tibetan Works and archives in order to preserve and continue Tibetan culture and traditions. Tibetan festivals such as Losar (Tibetan New Year), Monlam prayer festival and dances continue in exile.

The plight of the Tibetan refugees garners international attention. The Dalai Lama, who resides in India, won the Nobel peace prize in 1989 in recognition of his unswerving commitment to peaceful protest against the Chinese occupation of Tibet. He is highly regarded and has been received by government leaders throughout the world. He was given the Congressional Gold Medal by President Bush in 2007 and honorary Canadian citizenship. The Chinese government consistently protests each official contact of the Dalai Lama with world leaders [22]. The Chinese leaders accuse the Dalai Lama of misleading some political leaders and also being used by some western countries [23].

Till now the Dalai Lama has been central to the Tibetan issue. He is regarded as the incarnation of Avalokitesvara, the bodhisattva of love and compassion and revered by Tibetans and respected by others all over the world [24]. Tibetans place his photographs in houses, restaurants, on buses, necklaces, t-shirts and postcards. He has brought world attention to Tibet but the Dalai Lama poses a problem for Tibetans. They worry about the day when he is no more. As per the tradition the death of a Dalai Lama leads to a search for reincarnation, with regents in control till the child recognized as Dalai Lama reaches eighteen years of age. This creates a void in leadership. Tibetans fear that when the fourteenth Dalai Lama dies the Chinese will choose their own reincarnation. The Dalai Lama has said that to avoid such a situation his reincarnation will be born outside Tibet. Moreover Tibetans feat they will loose their most popular face when the fourteenth Dalai Lama is no more. So he is democratizing the Tibetans. Tibetans accept the change out of deference to the Dalai Lama and also because they recognize his worth [25]. The Dalai Lama is investing his faith in democracy as he wants to create a system and culture of accountability within the Tibetan community [26]. Although Tibetans are very emotional about the Dalai Lama they also recognize that democratization of Tibetans in exile and retirement of the Dalai Lama is a pragmatic political decision involving long term interests of the Tibetan struggle and survival as a nation without having to depend upon one person [27].

The Central Tibetan Schools Administration is an autonomous organization with a seat in New Delhi. It was established in 1961 with the objective to establish, manage and assist schools in India for the education of Tibetan children living in India while preserving and promoting their culture and heritage.

Migration of young people from Tibetan settlements in India is a serious cause of concern as it threatens Tibetan identity and culture. Migration happens due to lack of employment opportunities in the community. Dilution of culture also happens due to Indian movies and television programs [28].

Lobsang Sangay the directly elected prime minister of the Tibetans in exile acknowledges the assistance given to Tibetans refugees in India, calling India their second home. He hopes for the continued support to Tibetan refugees by India [29].

Tibetan Refugees in Nepal

About 3000 Tibetans flee Tibet through Nepal annually and approximately 20,000 reside in various settlements scattered throughout Nepal. The Tibetans in Nepal can be divided in two broad groups. The first group is of those who arrived in Nepal before 1989 when Nepal permitted refugees and the second group is of those who arrived after 1989 when Nepal ceased to permit newly arrived Tibetans to remain in Nepal. The former group enjoys an unwritten right to remain in Nepal but little else. They and their children live in an uneasy state of subsistence characterized by limited political and economic rights and an undefined legal status. The latter group cannot remain in Nepal. Nepalese law deems them to be illegal aliens and that they may be deported. However due to an informal arrangement or gentleman's agreement between the United Nations High Commissioner for Refugees (UNHCR) and the Nepalese government these refugees should be able to transit safely through Nepal and seek refuge and assistance from Tibetan government in exile in India [30]. The problem is that Nepal has been offered huge economic assistance (US $ 70 million) by China in exchange of anti Tibetan stance by the government of Nepal [31]. Now the government of Nepal tries to repatriate the Tibetan refugees who come to Nepal, after a harrowing journey, crossing the Himalayas on foot, hiding in day and walking in night to avoid arrest by Chinese security forces. To avoid repatriation to China by Nepal the human rights activists had to bring intense diplomatic pressure on the government of Nepal. Many Tibetans who try to escape die or get killed [32]. Tibetan activists say that they remain largely alienated from Nepalese society and at times they are blamed for social, economic and political problems of Nepal. Tibetan activists allege that Tibetan refugees arriving in Nepal face *refoulement* and police abuse. Nepalese police encourages the refugees to return to China on gun point [33].

Tibetan Refugees in Bhutan

Few Tibetans settled in Bhutan after 1959, as the country is mainly used as a transit route to India. However in 1961, following tensions between China and India, India sealed its northern border with Bhutan. The government of Bhutan agreed to take in 4000 settlers although ordinary Bhutanese became increasingly resentful of the Tibetan immigrants because of their refusal to assimilate into Bhutanese culture. In 1974, twenty nine Tibetans, including the representative of the Dalai Lama in Thimpu were arrested and accused of a conspiracy to assassinate the King Jigme Sigme Wangchuck. In 1979 the government of Bhutan said that those without Bhutanese citizenship would be repatriated back to China. Despite CTA's opposition 2300 Tibetans applied for citizenship and most of the remainder resettled in India [34].

Tibetans in Europe

Tibetans in Europe are not as politically active or un-integrated into the host country as Tibetans in India, because they do not live in concentrated communities and are educated in local schools instead of living under a special Tibetan jurisdiction as Tibetans in India do. In Europe, Tibetans have been received more positively than other immigrants to Europe, and are stereotyped as spiritual and victims. Politically, organizations such as the Tibetan Youth Association in Europe attempt to cultivate a Tibetan identity for Tibetans in Europe. However, many Tibetan youths in Europe cannot speak Tibetan language and do not feel they belong to a wider Tibetan community [35].

Tibetans in the USA

Tibetans began to immigrate to the United States of America in the late 1950s. The Immigration Act of 1990 gave a boost to the Tibetan immigration to Tibetans living in India and Nepal. By 2008 the Tibetan-American population had grown to around 9000 according to Central Tibetan Administration. The 2000 United States Census counted 5147 US residents who reported Tibetan ancestry. They are concentrated in 22 clusters located primarily in the Northeast, the Great Lakes region and the Intermountain West. Despite the protests by the office of Tibet and the Tibetan Americans themselves,

Tibetan Americans who are born in Tibet or elsewhere in China, and fled to protect their identity as Tibetans are officially recognized as Chinese nationals [36].

Tibetan Independence Movement

The Tibetan independence movement is a movement for the independence of the lands where Tibetan people live and the political separation of those lands from the People's Republic of China. It is principally led by the Tibetan diasporas in countries like India and the United States, and by celebrities and Tibetan Buddhists in the United States and Europe. The movement is not supported by the Dalai Lama, who advocates meaningful autonomy since 1988, although he had advocated independence from 1961 to late 1970s. To legitimize claim to independence campaigners assert that Tibet has been historically independent. Campaigners also argue that Tibetans are currently ill-treated and denied certain human rights in China and want China to grant independence to Tibet. Various organizations with overlapping campaigns for independence and human rights have sought to create public opinion in support of Tibet and against China. Organizations which support Tibet independence movement include: Free Tibet Campaign; Tibetan independence Movement; Tibetan Youth Congress; International Tibet Independence Movement; International Tibet Aid Organization; International Tibet Support Network and United Nations for a Free Tibet. Free Tibet Campaign is located in London in UK and stands for the right of Tibetans to determine their own future and for future of their country since 1987. Tibetan Independence Movement started within Tibet and lasted from 1987 to 1989. Chinese crackdown led to arrests and imprisonment of members. Tibetan Youth Congress is located at Dharamsala in India and claims a membership of 30,000. International Tibet Independence Movement is located in Indiana in United States since 1995. International Tibetan Aid Organization is located in Amsterdam in Netherlands since 2004. International Tibet support Network is located in London in UK since 2000 and is an umbrella organization for Tibet related organizations worldwide. United Nations for a Free Tibet is located in Los Angeles in the United States since 2010 and creates awareness for Tibet [37].

Conclusion

Tibetans have been fleeing from China since 1959 as they claim that their identity is being wiped out by the policies of the government of China. However they have been able to preserve their identity only in India and Nepal. In other countries they loose their Tibetan identity and are unable to preserve their culture due to their small numbers as well as because of the policies of these countries. Hence the question remains about the future of Tibetan refugees.

References

1. Elliot Sperling, 'The Tibet-China Conflict: History and Polemic', http://www.eastwestcenter.org/fileadmin/stored/pdfs/ps007.pdf, Accessed on 7.10.2011.

2. The Dalai Lama, 'Misconceptions and Realities of the Tibetan Issue', S. K. Sharma and Usha Sharma (eds), *Dalai Lama and Tibet*, Anmol Publications, New Delhi, 1997; 70- 73.

3. 'His Holiness the Dalai Lama's Press Statements', S. K. Sharma and Usha Sharma (eds), *Dalai Lama and Tibet*, Anmol Publications, New Delhi, 1997; 99 and 102.

4. 'The Dalai Lama's Press Statements', S. K. Sharma and Usha Sharma (eds), *Dalai Lama and Tibet*, Anmol Publications, New Delhi, 1997; 117 and 118.

5. Ibid, p- 107.

6. 'From a News Conference Held by The Dalai Lama', S. K. Sharma and Usha Sharma (eds), *Dalai Lama and Tibet*, Anmol Publications, New Delhi, 1997; 114.

7. 'Statement of His Holiness the Dalai Lama', March 10, 1967, S. K. Sharma and Usha Sharma (eds), *Dalai Lama and Tibet*, Anmol Publications, New Delhi, 1997; 166.

8. The Dalai Lama, *Tibet, China and the World*, Narthang Publication, Dharamsala, 1989; 37.

9. Ibid, p- 45-46.

10. James G Mullers, 'Action is Still Tibet's Best Strategy', *Tibetan Review*, July 1997.

11. Tibetan diaspora, http://en.wikipedia.org/wiki/Tibetan_diaspora, Accessed on 30.9.2011.

12. Tibet in Exile, http://www.tibet.net/en/index.

php?id=9, Accessed on 20.9.2011.

13. Tibetan refugees, http://en.wikipedia.org/wiki/ Refugees_in_India, Accessed on 20.9.2011.

14. Ibid.

15. Tenzin Tsundue, 'Tibet: A room for hope', *The Times of India*, 27 February 2011.

16. Rajender Singh Negi, 'Living in exile: Gains and losses of Tibetans in India', http://southasia. oneworld.net, Accessed on 30.9.11.

17. If India wants, it can sacrifice Tibet issue, http:/ /www.rediff.com/news/2008/mr/19inter1. htm, Accessed on 30.9.11.

18. Central Tibetan Administration, http://en. wikipedia.org/wiki/Central_Tibetan_ Administration, Accessed on 29.9.2011.

19. Ibid.

20. Tibet in Exile, http://www.tibet.net/en/index. php?id=9, Accessed on 20.9.2011.

21. History of Tibet, http://en.wikipedia.org/wiki/ History_of_Tibet, Accessed on 20.9.2011.

22. Ibid.

23. Premier: Talks may continue if Dalai Lama is sincere, http://newsxinhuanet.com/english/2009- 03/13/content_11005763.thm, Accessed on 7.10.2011.

24. Tenzin Tsundue, The future is here and the leader has seen it, http://www.tibetwrites.org/?The- future-is-here-the-leader-has, Accessed on 30.9.11.

25. Austin Ramzy, Tibetans Fear for Their Future after the Dalai Lama, http://journalism. berkeley.edu/projects/greaterchina/story- tibetans.html, Accessed on 30.9.11.

26. Tenzin Tsundue, The future is here and the leader has seen it, http://www.tibetwrites.org/?The- future-is-here-the-leader-has, Accessed on 30.9.11.

27. Bhuchung D Sonam, The Dalai Lama will Retire, http://www.tibetwrites.org/?The-Dalai-Lama- will-retire, Accessed on 30.9.11.

28. Tibetan diaspora, http://en.wikipedia.org/wiki/ Tibetan_diaspora, Accessed on 30.9.2011.

29. Lobsang Sangay, 'Now, a chance to end Tibet stalemate', *The Times of India,* 7 August 2011; 12.

30. Tibet's Stateless Nationals: Tibetan Refugees in Nepal, www.tibetjustice.org, Accessed on 30.9.2011.

31. Kathmandu trades Tibetan lives for Beijing's money, http://www.speroforum.com, Accessed on 7.10.2011.

32. Victory: 23 Tibetans released in Nepal, http:// blog.studentfor freetibet.org/2011/09/victory- 23-tibetans-released-in-nepal/, accessed on 30.9.2011.

33. Tibet's Stateless Nationals: Tibetan Refugees in Nepal, www.tibetjustice.org, Accessed on 30.9.2011.

34. Tibetan diaspora, http://en.wikipedia.org/wiki/ Tibetan_diaspora, Accessed on 30.9.2011.

35. Ibid.

36. Tibetan Americans, http://en.wikipedia.org/ wiki/Tibetan_American, Accessed on 7.10.2011.

38. Tibetan Independence Movement, http:// wikipedia.org/wiki/Tibetan_Independence_ Movement, Accessed on 7.10.2011.

Authors affiliation
Associate Professor, P.G. and
Research Department of Political
Science, Sree Narayana College,
Kollam, University of Kerala.

Reprints requests
M.R. Biju, 'Jayam', 399-A,
Vaidyasala Nagar, Asramom P.O.,
Kollam-691002, Kerala, India

E-mail: mrbijueditor@yahoo.com

Right to Information and Good Governance in the Indian Context

M. R. Biju

Part I

Introduction

Transparency seems to be the only means for sustaining democratic governance. That is why the right to information has been legislated in about 70 countries of the world, and another 30 countries are in the process of legislation. It was in this context that the RTI was enacted in India in 2005. The experience of 5 years shows that the response to this Act has been very positive and optimistic. It has also been widely welcomed by the people at all levels. They have been seeking various types of Information from different authorities. The RTI Act confers on all citizens the right to seek information and makes it the duty of the public authorities to disseminate the same for better governance and accountability. It covers the central, state and local governments and recipients of Government Grants but does not apply to the intelligence and security organizations except if the information released to the allegations of corruption.

Objections to the Official Secrets Act have been raised ever since 1948, when the Press Laws Enquiry Committee recommended certain amendments. In fact, the Act has been used time and again to suit the purposes of the government. In 1977, a Working Group was formed by the Janata Party government to look into the possibilities of amending the Official secrets Act. Unfortunately, the Working Group did not recommend changes, as it felt that the Act related to the protection of national safety and did not prevent the release of information in the public interest; despite overwhelming evidence to the contrary, Official Secret act remained unaltered. In early 1989, V. P. Singh's National Front Government came to power and declared its decision to make Right to Information a fundamental right.

Later a Committee set up in 1989 by the National Front Government recommended limiting the areas where government information could be hidden and opening up of all other spheres of information. As most of the members of the Committee were bureaucrats, something different was not expected, so no legislation followed from these recommendations. Finally, the focus of citizens' groups shifted from demanding merely an amendment to the Official Secrets Act, to its replacement by a comprehensive legislation towards the Right to Information. The initiative for the Right to Information was taken by a mass based organization, the Mazdoor Kisan Shakti Sangathan (MKSS) in early nineties in a very backward region of Rajasthan–Bhim Tehsil. This agitation for transparency was started by asking for copies of bills and vouchers and names of persons who have been paid wages mentioned in the muster rolls for the construction of school, dispensaries, small dams and community centers in the Block Development & Panchayat Officer office. After years of knocking at officials' doors and despite the usual apathy of the State Government, MKSS succeeded in getting photocopies of certain relevant documents.

Misappropriation of funds was clearly obvious. MKSS organized several Jan Sunwai (People's hearing), between December 1994 and April 1995, in Rajasthan. This grass root movement spread very fast to other areas of Rajasthan and to other States establishing firmly that information is power and people should have the right to official information.

Subsequently, the National Campaign for People's Right to Information (NCPRI) formed in the late-1990s became a broad-based platform for action. As the campaign gathered momentum, it became clear that the right to information had to be legally enforceable. It was demanded that information that cannot be denied to Parliament or state legislatures cannot be denied to a citizen either. In 1996, Justice P. B. Sawant, the Chairman of the Press Council of India, drafted the bill keeping in view the dire need of the day and the observations made by eminent persons that in a democracy, it is the people who are the masters and those utilizing public resources and exercising public power are their agents.

The Press council of India and the 1998 Resolution

The Press Council of India, the Press Institute of India, the National Campaign for People's Right to Information and the Forum for Right to Information unanimously submitted the Resolution on February 20, 1998 to Government of India for amending the proposed bill.

Main Points of the 1998 Resolution are as follows

(i) The Right to Information should also be extended respect of companies, NGOs and international agencies whose activities are of a public nature and have a direct bearing on public interest;

(ii) The law must contain strong, penal provisions against willful and wanton withholding or delay in supplying information or deliberately supplying misleading or inaccurate information;

(iii) The law must contain an appeal mechanism of an independent nature to provide reliable redress to any citizen dissatisfied with any decision of public authority tinder this law;

(iv) The categories of information, which can be restricted or withheld by the Government, are too wide in the draft Bill. In particular, the restriction on disclosing internal nothings and official correspondence between public officials and offices has no justification whatsoever;

(v) Similarly the restriction on confidential commu-nications between the State and Centre and their agencies have no justification, unless they harm public interest; and

(vi) The restriction on disclosure of the record of discussions of Secretaries and other public servants also needs to be removed. However, this draft also went into cold storage due to the fall of two United Front Governments;

Freedom of Information Bill 2000

The BJP led National Democratic Alliance reworked on the Shourie's draft to finalize the Freedom of Information Bill, 2000. It was introduced in the Lok Sabha on July 25, 2000. However, after the president's signature this Act could not be notified in the Government Gazette. This Freedom of Information Bill included some provisions that were not in the Shourie draft, such as the requirement that urgent requests in cases involving life and liberty should get a response within 48 hours. Various provisions of the Act were similar to that of the RTI Act except on the points on which it has been criticized.

The Act has been criticized on the followings main points: It reinforces the controlling role of the government official, who retains wide discretionary powers to withhold information. For example, requests for information involving "disproportionate diversion of the resources of a public authority" can be shot down by the public information officer. This leaves open the danger that government officials might be transformed from gatekeepers of the Official Secrets Act to gatekeepers of the Freedom of Information Act.

The most scathing indictment of the Act has come from the critics who focus on the sweeping exemptions it permits viz. restrictions on information relating to security, foreign policy, defense, law enforcement and public safety. The Act also excludes Cabinet papers, including records of the Council of Ministers, secretaries and other officials. Information shared between the Centre and States were not subject to disclosure. These exemptions effectively shielded the whole process of decision-making from mandatory disclosure.

The Right to Information Act 2005

The Parliament of India passed legislation on Right to Information in 2005. It is landmark legislation in Indian context. It is in consonance with provisions of

International Covenants on the issue and has brought India in line with other development democracies of the world. Right to Information Act, 2005 was passed by both the Houses in the Summer Session of the Parliament and received assent of President on June 15, 2005. Around 150 amendments were introduced in the original draft. The Act replaces relatively weak and ineffective legislation, the Freedom of Information Act, 2002.

Salient Features

- The Act provides all citizens the right to information, subject to the provisions of the Act.

- It covers all the three tiers i.e. central, state and local government and also the three branches i.e. legislative, executive and judiciary of the government.

- It applies to "Public Authorities" established or constituted by or under the Constitution; by any law made by the appropriate Government or, any other body owned, controlled or substantially financed directly or indirectly by' the appropriate Government and includes non-government organization substantially financed by the government.

- The ambit covers even the private bodies and their information can be accessed through the controlling public authority.

- The Act provides that information of the third party can be accessed after giving ten days notice to the third party.

- It casts an obligation on Public Authorities to grant ᵛ access to information and to publish certain categories of information. Public Authorities are also supposed to maintain their record in the indexed and cataloged manner. The responsibilities about suo moto disclosure/ publication 'by public authorities have been considerably enlarged.

- The Act lays down the machinery for the grant of access to information. The Public Authorities are required to designate Public Information Officers and Assistant: Public Information Officers for dealing with requests for information and also to assist persons' seeking: information.

- Provision has been made for transfer of a request by a public, authority to another public authority, wherein the subject' matter/information is held by the latter.

- A time limit has been prescribed for compliance with requests for information under the Act, viz.

30 days for normal information; 40 days for third party information; life and liberty information in 48th hours and information relating to human rights violation in 45 days.

- The Act provides that in case PIO rejects the application, he/she is bound to give reasons of such rejection; the period within which can appeal against such rejection may be referred as well as the particulars of the appellate authority.

- The Act excludes the time taken for calculation and intimation of fees from the time frame.

- The Act prescribes for reasonable fee for providing information. Also, no fee to be charged from persons who are below poverty line. Further, information to be provided free of charge where the response time limit, is not adhered to.

- Certain categories of information have been exempted from disclosure. The categories, by way of illustration, include information likely to affect security of the State, strategic, scientific or economic interests of the State, detection and investigation of offences, public order, conduct of international relations and Cabinet papers. Trade or commercial secrets, information the disclosure of which would cause breach of privilege of Parliament of State Legislature and personnel information which has no relationship with public activity and could cause unwarranted invasion of the privacy of any person are also exempted from disclosure. However, exemptions provided are not absolute and -withholding of information must be balanced against disclosure in the public interest. Information is to be released even if harm is shown to the public authority if the public benefit in knowing the information outweighs the harm that may be caused by disclosure.

- The Act contains a provision for reveal of certain information, which is otherwise, exempted from disclosure on completion of 20 Years after the incident.

- The Act also incorporates the principle of severability.

- Envisages creation of an independent non-judicial machinery, viz., Central Information Commission and State Information Commissions comprising a Chief Information Commissioner and Information Commissioners to decide 2nd stage appeals. At the same time, there is no hierarchy of Commissions.

- Legal framework for exercise of powers by the Commission defined in the Act.

- The Commission while inquiring into any matter has the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure.

- The Act provides a two-tier Appellate Forum. First appeal to departmental officer senior to the Public Information Officer. The second appeal to be made to the Commission.

- On a request for information being refused, the applicant can prefer an appeal to the prescribed authority within 30 days of the decision; the time limit for disposal of appeal being also 30 days extendable to 45 days. The second appeal can be made within 90 days of the decision of the first appellate authority.

- In case of a grievance at PIO level, there is a provision for making a complaint directly to the Commission

- Intelligence and security agencies specified in Schedule II to the Act have been exempted from being covered within the ambit of the Act. However, the exemption is not absolute; agencies shall have the obligation to provide information in matters relating to corruption and human rights violations.

- The decisions of the Commission are binding.

- The jurisdiction of subordinate courts has been barred.

- The provisions of the proposed Act have been made over-riding in character, so that the scheme is not subverted through the operation of other minor Acts.

- Under the provision of the Act CIC/SIC can impose a penalty of Rs. 250 per day on PIO. This penalty can go up to a maximum of Rs. 25000.

- There is a provision of disciplinary action against PIO for any contravention of the Act. A disciplinary action can be recommended as per the service rules applicable to the PIO.

- The Act provides that there is no criminal liability of the PIO and the PIO is immune from the actions done in good faith.

- Central Information Commission and State Infor-mation Commissions to monitor the implementation of the Act and prepare an Annual Report to be laid before Parliament/State Legislature.

- Rule making power for effective operationalization of the Act is with the competent authority i.e. Central/ State Government subject to the approval of Parliament and Assembly

respectively.

- The Act repeals the Freedom of Information Act, 2002.

Part - II

Good Governance in India

The concept of "governance" is not new. It is as old as human civilization. Simply "governance" means the process of decision-making and the process by which decisions are implemented (or not implemented). Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance. Since governance is the process of decision making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decision.

Government is one of the actors in governance. Other actors involved in governance vary depending on the level of government that is under discussion. In rural areas, for example, other actors may include influential landlords, associations of peasant farmers, cooperatives, NGOs, research institutes, religious leaders, finance institutions political parties, the military etc. The situation in urban areas is much more complex. Figure 1 provides the interconnections between actors involved in urban governance. At the national level, in addition to the above actors, media, lobbyists, international donors, multi-national corporations, etc. may play a role in decision making or in influencing the decision-making process.

All actors other than government and the military are grouped together as part of the "civil society." In some countries in addition to the civil society, organized crime syndicates also influence decision-making, particularly in urban areas and at the national level.

Similarly formal government structures are one means by which decisions are arrived at and implemented. At the national level, informal decision-making structures, such as "kitchen cabinets" or informal advisors may exist. In urban areas, organized crime syndicates such as the "Land Mafia" may influence decision-making. In some rural areas locally powerful families may make or influence decision-making. Such, informal decision-making is often the result of corrupt practices or leads to corrupt practices.
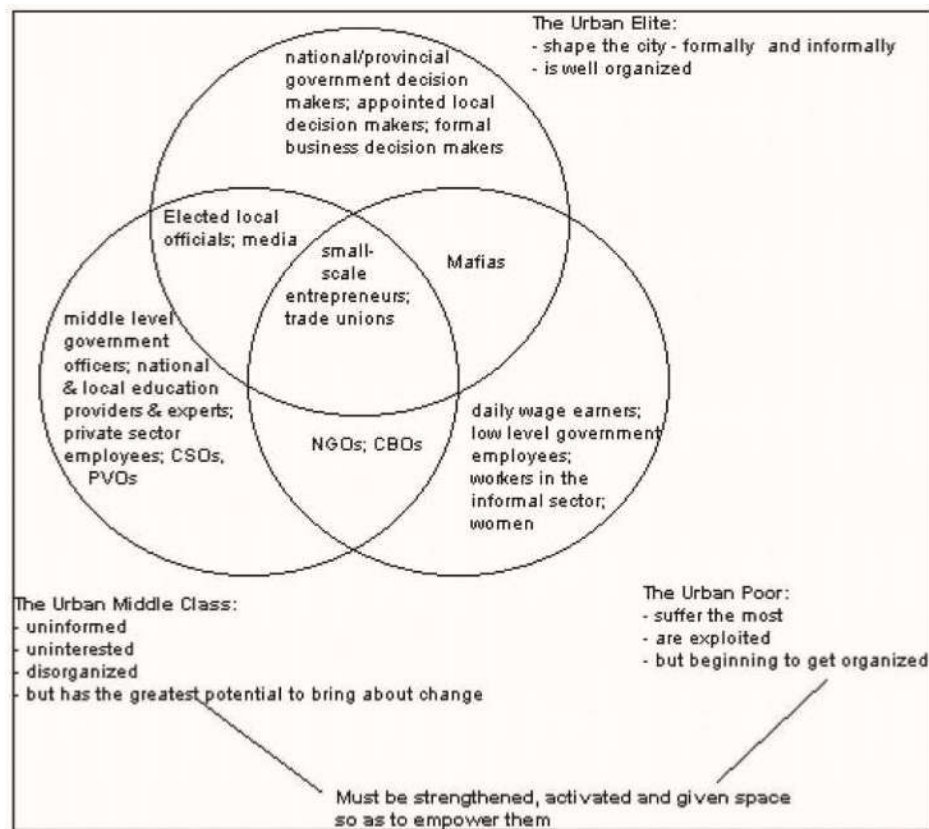
Fig. 1: Urban Actors

Fig. 2: Characteristics of good governance

Characteristics of Good Governance

Good governance has 8 major characteristics. It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law. It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and future needs of society.

Participation

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be informed and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand.

Rule of Law

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and

incorruptible police force.

Transparency

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media.

Responsiveness

Good governance requires that institutions and processes try to serve all stakeholders within a reasonable timeframe.

Consensus Oriented

There are several actors and as many view points in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus in society on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

Equity and Inclusiveness

A society's well being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well being.

Effectiveness and Efficiency

Good governance means that processes and institutions produce results that meet the needs of society while making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

Accountability

Accountability is a key requirement of good governance. Not only governmental institutions but also the private sector and civil society organizations must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and the rule of law.

Citizens all over the world look up to the nation-state and its organs for high quality performance. When good governance is guaranteed, citizens go about their personal business and pursuits with enhanced expectations. On the other side of the spectrum, bad or indifferent governance not only restricts opportunities of success but it can even degenerate into sectarian conflicts and civil wars. In such an atmosphere personal accomplishments as well as social achievements get severely restricted. Good governance helps create an environment in which sustained economic growth becomes achievable. Conditions of good governance allow citizens to maximize their returns on investment. Good governance does not occur by chance. It must be demanded by citizens and nourished explicitly and consciously by the nation state. It is, therefore, necessary that the citizens are allowed to participate freely, openly and fully in the political process. The citizens must have the right to compete for office, form political party and enjoy fundamental rights and civil liberty. Good governance is accordingly associated with accountable political leadership, enlightened policy-making and a civil service imbued with a professional ethos. The presence of a strong civil society including a free press and independent judiciary are pre-conditions for good governance.

Good governance in the Indian context

What is 'good' governance in the Indian context? The central challenge before good governance relates to social development. In his famous 'tryst with destiny' speech on 14 August 1947, Jawaharlal Nehru articulated this challenge as 'the ending of poverty and ignorance and disease and inequality of opportunities'. Good governance must aim at expansion in social opportunities and removal of poverty. In short, good governance, as I perceive it, means securing justice, empowerment, employment and efficient delivery of services.

The concept of governance was decisively shaped

by the freedom movement led by Mahatma Gandhi and the aspirations of founding fathers of the Constitution. Every nation is guided by certain values which are shared by the people and the government. National commitment to such values greatly influences the content and the quality of governance. These values in the Indian context at the time of the inauguration of the Republic were those of nationalism, democracy, secularism, non-alignment and mixed economy.

For the last sixty years, our ideological frame of reference was determined by public choice. It is another matter that it was not always real. But it was fashionable to be left or left of the centre rather than being a rightist or a conservative. Socialism was preferred over capitalism and minimal state. The mixed economy which in ideal terms would have meant an equal role for the private sector and the public sector overwhelmingly yielded in favor of the latter. The belief in the state apparatus as a major instrument of social and economic change gave the public sector the primacy of position and placed it at what was picturesquely described as "commanding heights of the economy". Since 1991 we have slowly moved towards the capitalist path.

A bold and magnificent decision was taken to introduce one person one vote system in the country. The universal suffrage paid rich dividends and the subsequent devolution of power to grassroots levels has helped consolidate the gains. Democracy is at the heart of governance in India. However, in its working, democracy has revealed several inadequacies. The chain of accountability from the civil service to legislature and political authority is weak; follow-through at higher levels of administration is poor; and limited oversight by Parliamentary committees is part of the problem. Criminalization of politics and increasing role of caste and religion in electoral politics are major concerns. The performance of the civil service, the primary agency of implementing development is often undermined by overstaffing, low salaries, graft and political interference. Many people wonder as to whether it was appropriate to expect that a constitution largely based on the colonial model of Government of India Act of 19354 would ensure good governance in a democratic set-up?

In the initial years of the Republic, the executive functioned with considerable autonomy in as much as district officers regularly heard petitions ad grievances, intervened in the maintenance of public order particularly in case of ethnic and communal disturbances and enjoyed considerable discretion in implementation of land reforms and community

development projects. The hold of politicians and specially ministers began with demands for allocation of scarce resources in favor of ruling elites and powerful interest groups. The State gradually started shedding its neutral stance in favor of the demands of the ruling party or coalition groups. The 'neutrality' of the civil service came under stress with ministerial instability since 1960s in the states. The fragmentation of the authority at centre characterized by coalition governments since the late 1980s has only deepened and extended this process.

But election after election common people are asserting their voice, changing their representatives in a manner that has ensured change in government in the states and also at the Centre. This phenomenon supported by the civil society groups, the media and an active judiciary has ushered in demands for accountability of the executive. Democracy has really moved beyond periodic elections towards 'good' governance.

Inter-related Aspects of Good Governance

Threats to Peace

The most important public good is the supply of security especially security of life and property. The responsibility of the Indian nation-state to protect the life and property of every citizen is being seriously threatened particularly in areas affected by terrorism (Jammu and Kashmir), insurgency (north-eastern states), and naxalite violence in 150 districts of India's mainland. The Indian nation-state is aware of complexities of the situation and the need is to show greater determination and relentless in support to its instruments of law and forces of democracy and social cohesion to defeat the elements of terror, insurgency and naxalite violence.

Access to Justice

Access to justice is based upon the basic principle that people should be able to rely upon the correct application of law. In actual practice there are several countervailing factors. Some citizens do not know their rights and cannot afford legal aid to advocate on their behalf. A related aspect is fairness of access as some people involved in the legal proceedings and large numbers of criminal prosecutions are not voluntary participants. The most severe challenge relates to complexity of adjudication as legal proceedings are lengthy and costly and the judiciary lacks personnel and logistics to deal with these matters.

Rule of Law

The concept of good governance is undoubtedly linked with the citizens' right of life, liberty and pursuit of happiness. This could be secured in a democracy only through the rule of law. The rule of law is expressed through the axiom that no one is above the law. One has to clearly understand that the rule 'of' law is different from the rule 'by' law. Under the rule 'by' law, law is an instrument of the government and the government is above the law while under the rule 'of' law no one is above the law not even the government. It is under this framework that rule of law not only guarantees the liberty of the citizens but it also limits the arbitrariness of the government and thereby it makes government more articulate in decision-making. In our constitutional system, every person is entitled to equality before law and equal protection under the law. No person can be deprived of his life or personal liberty except according to the procedure established by law. Thus the state is bound to protect the life and liberty of every human being. In the majority opinion in Keshvananda Bharti vs. State of Kerala that "rule of law" and "democracy" was declared as the basic structures of the Indian constitution not amenable to the amendment process under article 368 of the constitution.5 It flows there from that the courts have the final authority to test any administrative action on the standard of legality. The administrative or executive action that does not meet the standard of legality will be set aside if the aggrieved person brings an appropriate petition in the competent court.

Empowerment

An empowering approach to poverty reduction needs to be based on the conviction that poor people have to be both the object of development programs and principal agency for development. The Indian Constitution is committed to two different set of principles that have a decisive bearing on equality. First, is the principle of equal opportunities to all and the second, the principle of redress of educational and social backwardness? The social and political climate has radically changed in the country from what it was in 1950 or 2000. However, notwithstanding, an increasing role of the market and the NGOs as institutions of modernization and progress in the country, the State continues to have a leading say in transformation of society to make it just and equal. The question is, not only of the extent to what reservation in Government employment can really change things for the better, but how it could, in order to benefit the socially, educationally and economically backward ones.

Employment

Generation of gainful employment for the youth is the most challenging task facing India's political economy. India's working age population is over 50 per cent. This share will continue to rise and reach 60 per cent in 2050. A fast-growing working population will ensure more workers, more saving and hence more investment. This mechanistic view of growth assumes that demography is destiny and that economic policies and programs play little or no role. But population growth by itself does not add to prosperity, unless young people are educated and new jobs are created. If we fail to generate employment and equip the youth with good quality education and skills, India's demographic dividend could become a demographic liability.

The history of economic development clearly demonstrates that development of non-farm sector is tied to modernization of agriculture and its improved productivity. The increasing application of modern technology also frees labor to move to urban areas for gainful employment in non-farm sector. The need is to prepare the youth with such education (we have more than 300 million illiterate children adding to the enormity of the problem) that would help them acquire vocational skills and mastery over new technology, including internet. This would make the youth employable in the job-market and also help those who want to work on their own. In addition, there is an imperative requirement to pay special attention to generation of employment opportunities in agriculture, expand area of coverage of rural employment guarantee schemes, accelerate the pace of implementation of Bharat Nirman schemes and several other programs. Similarly, it would be essential to encourage private sector partnership and support movement of self-help groups and micro-financing institutions.

Delivery of Services

The principal feature of the scheme of effective delivery of services needs to be seen in the context of the fact that demands have to flow from the bottom up and not the top down. It is true that both the Government of India and the State Governments have been allocating a fairly good size of public funds to health and education. A closer scrutiny of as to whom these facilities reach has revealed that public spending on health and education is typically enjoyed more by the non-poor. The schools and health centers in areas where poor live are often dysfunctional and extremely low in technical quality. The three institutions which have played remarkable roles in

improving public service delivery in India are: (i) the judiciary; (ii) the media; and (iii) the civil society.

Administrative Responses

The Indian administrative scene is marked by few successful innovations and practices in public service delivery and a large number of pathetic performances. The general weakness of accountability mechanisms is an impediment to improving services across the board. Bureaucratic complexities and procedures make it difficult for a citizen as well as the civil society to navigate the system for timely and quality delivery of services. The lack of transparency and secrecy that have been associated with the administrative system from colonial times, besides generating corruption, has also led to injustice and favoritism. The frequent transfer of key civil servants has enormously contributed to failures in delivery of services. In some states, the average tenure of a District Magistrate is less than one year. Development projects have also suffered as a result of frequent changes in project directors.

Capacity Building

Capacity building at all levels of an organization is widely perceived as the most important approach to achieve quality of services and customer's satisfaction. In a federal democracy, decentralization of power is viewed as necessary to empower people in rural and urban areas to improve their lot. The empowerment of the local levels of administration would foster confidence and enable more individuals even outside the bureaucracy to come forward to handle community needs and enhance public good effectively without hesitancy or the need of approval by higher level authorities. The concept of capacity building in public administration heavily relies upon professionalism of the civil service. There is increasing awareness about the low level of professional quality of public servants employed in districts and in rural areas. Resistance to the capacity building program comes from the staff as well as from the supervisor. People normally do not like change. There is also a myth that capacity building means bigger work-loads. Resistance also comes from supervisors and managers who often perceive that staff capacity building would lead to reduction of their own powers.

Challenges to Good Governance

The Criminalization of the political process and the unholy nexus between politicians, civil servants, and business houses are having a baneful influence on public policy formulation and governance. Political class as such is losing respect.

The Indian State is facing a serious challenge to its authority from lawless elements. The jehadi terrorism in Jammu & Kashmir and its ad hoc but frequent spread to other parts of India, the insurgency in the North-East, and rapidly expanding base of naxalite movement in mainland India constitute grave challenge to democratic governance. Fortunately, one sees national consensus against jehadi terrorism and it is for the Indian State to deal firmly with this menace. Insurgency in India's North-East is largely confined now to Nagaland, Manipur and Assam and these are being tackled by democratically elected state governments with full support from the Centre. Of late, one sees a political resolve to deal with naxalites as well. Dialogue process alone would provide the final answer but in every eventuality the State has to be continually firm in order that it discharges its basic responsibility of protecting life and property of its citizens.

Corruption

The high level of corruption in India has been widely perceived as a major obstacle in improving the quality of governance. While human greed is obviously a driver of corruption, it is the structural incentives and poor enforcement system to punish the corrupt that have contributed to the rising curve of graft in India. The complex and non-transparent system of command and control, monopoly of the government as a service provider, underdeveloped legal framework, lack of information and weak notion of citizens' rights have provided incentives for corruption in India.

A conscious program for strengthening of public awareness and also empowering the existing anti-corruption agencies would be required. The statutory right to information has been one of the most significant reforms in public administration. The Right to Information Act provides a strong national framework within which public awareness programs could take place. Corruption takes place within a frame. Accordingly, basic reforms in file management, government rules and regulations, provision of public expenditure review could provide the concerned citizens the relevant knowledge to hold service providers accountable. This would ensure that the resources that belong to people are used in the right way.

Electoral Reforms

The hitherto laissez-faire system of funding of elections is the biggest countervailing factor in the

emergence of democratic India as an honest state. It is widely agreed that state funding of elections/parties will provide a certain degree of financial independence to parties and their candidates and that in turn will help reduce the incentives to raise party/election funds through corrupt means. Public financing holds great promise because it levels the playing field and gives candidates an incentive to accept spending limits. With public financing, poorer candidates can challenge well-funded ones, enlivening the debate and opening up the system. Public financing should be accompanied by free media space.

Part - III

Concluding Observations

India's democracy is at the centre of governance architecture. It creates opportunities, sustains leadership and generates hope. Good governance being central to the Indian democratic experience could be seen more clearly when we look at what is happening in our part of the world. Pakistan is making experiment with various forms of governance, democracy as well as military dictatorship, and merely succeeding in saving the nation-state from being a failed one. The Bangladesh Army seeks similar justification in managing and calibrating the transition to democracy, as does the Gayoom regime in the Maldives. In Sri Lanka, notwithstanding high rates of literacy and economic growth through decades-old democracy, it has not been able to secure cooperation of the Tamil minority, with the result that democracy thrives side by side with a bloody civil war. In Nepal, democratic institutions which have been undergoing serious strain under the Maoist threat are trying to resurrect under a fledgling inclusive republican order.

The quality of democracy and the commitment and caliber of public servants both in the executive and in the judiciary would determine the outcome of the country's performance in key areas – empowerment, employment and effective delivery of services. Women are keys to good governance. Their increasing representation in democratic institutions has provided stability to Indian polity. Women can bring constructive, creative and sustainable solutions to the table. Women participation in economic programs needs to be augmented for in women we get expendable providers, educators, caretakers and leaders.

Second relates to livelihood. Livelihood does not only mean factory jobs. It should relate to social economy and local resources as well. It should also mean upgrading of existing and traditional skills that people have possessed from time immemorial in agriculture, in animal husbandry, in fishing, in textiles and so on. Investment in up gradation of such skills would lead to harmonious relationships with nature. In view of deep-rooted social and economic inequities of centuries, India cannot blindly follow capitalist model of growth that puts excessive reliance on market forces. For such a model would fail to provide stability to Indian polity. And yet rapid economic growth is essential to meet aspirations of the Indian youth. Placed in these circumstances, the innovators have to devise ways and means that secures both fast growth and an approach that combines Gandhian ethics with democratic temper.

Innovations are taking place in the government, in the market and in the civil society. Social and political processes are getting increasingly interlinked changing the character of the elites in the countryside. The nature and content of good governance would undergo changes in tune with rising expectations and fresh demands of the people. Democratic governance would expect and secure from its leadership to be alive to such aspirations and to continually tune institutions of polity to be effective instruments of citizens' welfare. The search for good governance seemingly is an endless one. It has been an eternal challenge to rulers since the very dawn of 'state', irrespective of its nature, structure and form. Alexander Pope has very rightly provided the touchstone: "For forms of government, let fools contest, whatever is best administered is best".

Clarity promotes transparency, participatory and efficient governance. Conviction promotes accountable and effective governance. Compassion promotes consensus oriented, equitable and inclusive governance. Consistency promotes responsive governance, follows the rule of the law and modernizes itself according to the needs and changes of the society upholding the guiding principles of the Constitution. The Government shall act as a facilitator for the people, market and civil society and remain a prudent regulator to ensure social equity and fair competition in the society. The changes in the role of the Government will be carefully defined and communicated so that the people will understand that changes are in their interest. Decentralization is an essential part of the government to make more efficient and responsive. The Government shall strengthen local government and management by devolving administrative and economic powers and responsibilities. The Government will directly involve

people in the management of the services they use. The Government is committed to minimize citizen interface with the Government Departments by introducing the Internet, Web and groupware technologies will be used to create national electronic highways and networks at all points of contact between the people and the Government. The primary task of the government shall be to ensure efficient and responsive services, making it easy for the people to gain essential information from the government and ensure that they have recourse to mechanisms that punish wrongdoing. Charters shall be introduced to improve the quality and effectiveness of public services.

Every citizen has the right to know how the government is functioning. Right to information empowers every citizen to obtain information from the government. It is duty of public authorities to maintain records for the easy access and to publish within 120 days the name of the particular officers who should give information and in regard to the framing of the rules and regulations. All information shall be disseminated widely and in such form and manner which is easily accessible to the public. It has been provided that it is required that the request to be disposed of within 30 days provided that where information sought for concerns life or liberty of a person, the same shall be provided within 48 hours. If a request is rejected it shall be communicated giving reasons and specifying the procedure for appeal and the designation of the appellate authority. The Act also exempts granting information where it would disproportionately divert the resources of the public authority or would be detrimental to the safety and preservation of the record in question.

Knowledge and information is the prerequisite for the enjoyment of this right because the lack of authentic information on matters of public interest leads to the wild rumors. Freedom of speech and expression includes the right to receive and collect information. Since the democracy is the government of the people who are the sovereign masters. There can be no government by the people if they are ignorant of the issues to be resolved, the argument for and against different solutions and the facts underlying those arguments. The taxes collected by the government belong to the people. They have the right to know in what manner they are being governed and how their money is being spent. The business of the government should be a participatory process. The fact should be made public. Only a fully informed citizenry can be better equipped for the performance of these duties.

The Right to Information Act enables the citizens to get the required information for the redressal of the grievances within a specified time from the date of filing application. Any citizen can ask for information under this law by applying in writing or through electronic means to the Public Information Officer (PIO) specifying the particulars of the information sought for. The right to information has been judicially recognized as a part of the fundamental right to speech and expression. Information is sine qua non for the efficient functioning of democracy. It keeps the people informed about the socio-political and economic affairs and issues. In a developing country like India, the availability of the information is required to be assured to the people in a simple and speedy manner because the development process depends on it.

Over the past few years, RTI has gained increasing importance in the human rights discourse as well as the larger democratic discourse. Since a democratic government must be sensitive to the public opinion for which information must be make available by it to the people. Effective accountability rests on the peoples' acquaintance with the information. A system that operates in secrecy tends to lose the faith of the people as much as its own legitimacy and credibility. Openness and full access to the information are the two pillars of the democratic state. It will equip the citizens to participate meaningfully in the democratic and political process. Governance is undoubtedly strengthened by the RTI. That is why the RTI has been recognized as an essential requirement of the good governance. The enactment of the RTI Act, 2005 is a bold step. The Act covers not only the public sector but also the NGOs and the private sector to some extent. In addition to this, it has various other positive features like provision of First and Second Appellate Authorities. It is also one of the toughest legislations in the world, as it is the only RTI Act imposing penalty for any contravention of the provisions of the Act.

However, mere conferment of the right is not enough. Its successful implementation in the true spirit is needed. The revision and review of legislations contrary to this right is required. Suitable amendments in the conduct rules for public servants, attitudinal change in the behavior of the bureaucracy, creation of efficient information management system, more frequent use of this right by press and will of the citizens are also required. Many loopholes need to be plucked. However, despite the weaknesses, it is a Magna Carta for introducing reforms in the governance in the country and will go a long way in strengthening the roots of democracy by introducing

transparency and accountability in governance.

References

1. R.S. Dhaka, Right to Information and Good Governance, concept, New Delhi, 2010.

2. Sapna Chadah, Right to Information Regime in India, IJPA, March 2006.

3. J.G. Roy, Right to Information Initiatives and Impact, IIPA, New Delhi, March 2006.

4. S. Pande and S. Singh, Right to Information Act 2005, NBT, New Delhi 2008.

5. M.R. Biju, Democratic Political Process. (Ed.) Mittal, New Delhi, 2008.

6. M.R. Biju, Democracy in the Modern World: The Indian Experience-Two Volumes Kanishka, New Delhi, 2009.

7. M.R. Biju, Strategic Management, Social Security and Banking Sector Reforms: Issues and Concerns, Authors Press, New Delhi, 2010.

8. M.R. Biju, Development Issues in Contemporary India, Concept, New Delhi-2010.

9. B.L. Fadia and K. Fadia, Public Administration, Sahitya Bhavan, 2004.

10. MM. Semwal and Sunil. K, Right to information and Judiciary, IJPS, Dec 2008; 69(4).

11. Harinderjit Kaur, Right to Information, Soutrh Asia Politics, April 2010; 8(12).

12. R.Balasubramanian, 'The Role of the State and Administration : The Emerging Scenario', (Presidential Address), Indian Public Administration Association-17th Annual Conference 10-11 November, 2000, p.24.

13. Beta K.Dey, 'E-Governance in India: Problems, Challenges and Opportunities–A Futures Vision', Indian Journal of Public Administration, July-September, 2000, p.301.

14. Y.K.Sheng, 'What is Good Governance?', Bangkok, www.unescap.org

15. Balmiki Prasad Singh, 'The Challenge of Good Governance in India: Need for Innovative Approaches', www.innovations.harvard.edu

16. O.P.Minocha, 'Good Governance : New Public Management Perspective,' The IJPA, July-September 1998, p.272.

17. B.S.Gupta, India : The Problems of Governance, Delhi, Konark, 1996, p.12.

18. S.C.Kashyap, Crime, Corruption and Good Governance, New Delhi, Uppal.

19. O.P.Minocha, 'Good Governance, Management in Government, 1997; 29(3).

20. Asok Mukhopadhyay, 'Reinventing Government for Good Governance,' The IJPA, September 1998, p.282.

21. M.R.Biju, Good Governance and Administrative Practices, Mittal, New Delhi, 2007.

22. Fadia B.L. and Fadia K., Public Administration, Agra, 2004.

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Standard journal article

[1] Flink H, Tegelberg Å, Thörn M, Lagerlöf F. Effect of oral iron supplementation on unstimulated salivary flow rate: A randomized, double-blind, placebo-controlled trial. J Oral Pathol Med 2006;35:540-7.

[2] Twetman S, Axelsson S, Dahlgren H, Holm AK, Källestål C, Lagerlöf F, et al. Caries-preventive effect of fluoride toothpaste: A systematic review. Acta Odontol Scand 2003;61:347-55.

Article in supplement or special issue

[3] Fleischer W, Reimer K. Povidone iodine antisepsis. State of the art. Dermatology 1997;195 Suppl 2:3-9.

Corporate (collective) author

[4] American Academy of Periodontology. Sonic and ultrasonic scalers in periodontics. J Periodontol 2000;71:1792-801.

Unpublished article

[5] Garoushi S, Lassila LV, Tezvergil A, Vallittu PK. Static and fatigue compression test for particulate filler composite resin with fiber-reinforced composite substructure. Dent Mater 2006.

Personal author(s)

[6] Hosmer D, Lemeshow S. Applied logistic regression, 2nd edn. New York: Wiley-Interscience; 2000.

Chapter in book

[7] Nauntofte B, Tenovuo J, Lagerlöf F. Secretion and composition of saliva. In: Fejerskov O, Kidd EAM,

editors. Dental caries: The disease and its clinical management. Oxford: Blackwell Munksgaard; 2003. p. 7-27.

No author given

[8] World Health Organization. Oral health surveys - basic methods, 4th edn. Geneva: World Health Organization; 1997.

Reference from electronic media

[9] National Statistics Online — Trends in suicide by method in England and Wales, 1979-2001. www.statistics.gov.uk/downloads/theme_health/ HSQ 20.pdf (accessed Jan 24, 2005): 7-18. Only verified references against the original documents should be cited. Authors are responsible for the accuracy and completeness of their references and for correct text citation. The number of reference should be kept limited to 20 in case of major communications and 10 for short communications.

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