



BULLETIN

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Parliament Watch

JPC on 2G scam

JPC fiasco about its witness list was in the news in this month. Some have doubted the MPs' (JPC's) courage to summon the UPA and NDA ministers, who are associated with Spectrum allocation. See e.g. <http://www.thehindu.com/news/national/article3595466.ece> (viewed on July 7, 2012). JPC on 2G scam is a reactionary and too late and too little initiative. In recent months, too many developments took place too fast in this case. The case has gone far beyond the enquiry stage. It may be fruitful if the JPC focus on the role of the concern Parliamentary Standing Committee and other relevant committees, which failed to detect and prevent the fraud and at least failed to take the damage control measures in time.

Loyalty compelled by the personal interests

Ten Congress MPs from different States have written to party president Sonia Gandhi, suggesting that Rahul Gandhi be appointed Leader of the Lok Sabha, a position vacated by Pranab Mukherjee, who is now President. The letter, written by Odisha MP Bhakta Charan Das, and signed by nine others, including P.C. Chacko (Kerala), Sanjay Nirupam (Maharashtra), Ninong Ering (Arunachal Pradesh), Madan Lal Sharma (J and K), Jaiprakash Hegde (Karnataka), Pratap Singh Bajwa (Punjab), Arvind Sharma (Haryana) and Francisco Sardinha (Goa), says making Mr. Gandhi the Leader of the House is the "need of the hour."... Sources in the party said the 10 MPs and a few others — all Lok Sabha members — have been meeting regularly to discuss problems related to their constituencies; of late they have expressed concern among themselves that they will find it hard to win their seats, unless something dramatically new doesn't happen very soon. These MPs feel that if Mr. Gandhi becomes Leader of the House that might be a game changer for the party — and for them. <http://www.thehindu.com/todays-paper/article3690052.ece> (viewed on July 27, 2012).

Latest NSW research suggests that overwhelming majority of MPs are under performing. Lack of appropriate education and experience, among other things, are hampering the performance of MPs. Instead of going for shortcuts such as family, caste, religion, region, etc, the parties and MPs may focus on their work and delivering their promises to get re-elected.

Active and welcome move



The Department Related Standing Committee (DPSC) on Agriculture called a meeting on 3rd August 2012 to review the Government preparedness to the drought.

New Building for the Parliament

The concern over the structural safety of Parliament House, a heritage building, and the clamor for more space for Members of Parliament has forced the authorities concerned to look for an alternative to the existing set-up. One suggestion is to build a replica of Parliament House on the southern side of Vijay Chowk. In a report prepared by the Union Urban Development Ministry and submitted to the Lok Sabha Secretariat, it has been recommended that a new structure can be built across Vijay Path as was envisaged by Sir Edward Lutyens himself. “While planning the buildings around Raisina Hill, Lutyens had thought of a circular building, a mirror image of Parliament House on the southern side of the Vijay Chowk. The plot that was marked for this construction is currently being used as temporary barracks. This land can be used for building a new House that will address the current space and safety concerns,” said an official. See <http://www.thehindu.com/todays-paper/tp-national/article3698501.ece>. (viewed on July 29, 2012).

Executive Watch

'Slow disposal of cases is undermining faith in RTI'

The only RTI activist appointed in the Central Information Commission as an Information Commissioner, Shailesh Gandhi has set the bar high for the other Commissioners by clearing nearly 20,000 cases in four years. On Friday, July 6, as he demitted the office at the end of his term, he spoke to Gaurav Vivek Bhatnagar about how to improve the delivery of information through the Right to Information Act. See http://www.thehindu.com/opinion/interview/article361_0529.ece (viewed on July 7, 2012).

An education act with more wrongs than rights

In an interesting article Abdil Khaliq critically analyzed the conceptual shortcomings in the Right to Education Act. He concluded that the RTE Act in its present form will neither promote its prime objective of ensuring completion of elementary education of every child of the age six to 14 years nor meet the commitment of ensuring quality primary education. At best, it is a statement of good intent. See <http://www.thehindu.com/opinion/op-ed/article3687858.ece> (viewed on July 27, 2012).

The conceptual deficiencies and design flaws in most of the acts, policies and programs are often ignored and shortcomings in their implementations are often highlighted and blamed. It may be noted that one of the characteristics of a good policy is the “ease in its implementation”. There is a fundamental flaw in the distribution of resources and responsibilities in our federal system. The major problem India is too much centralization of governance, resources, technologies, schemes, programs and projects. In the country of India’s diversity, centralized development paradigms do not work. Such centralization is even more



acute within most of Indian states.

Prosperity for whom?

The labor unrest and lockout at Manesar is in news. There are many articles exploring the different aspects of the developments. The growing inequalities and growth without jobs were two dominant themes of the critics of the neo-liberalism during last decade or so. The decline in the quality of employment in the organized sector is not so well articulated in recent years. *... the share of formal employment in the organized sector has been falling continuously from 62% in 1999-2000, to 53% in 2004-05, further down to 42% in 2009-10. This is matched by a corresponding increase in informal employment in the organized sector which currently stands at 58% compared to 38% at the beginning of the decade. Thus, while the organized sector's share in employment is increasing, it is only due to the increase in informal employment in that sector.* See Santosh Mehrotra, Ankita Gandhi, Bimal Kishore Sahoo, Partha Saha, 2011: **Creating Employment in the Twelfth Five-Year Plan**, Economic & Political Weekly, May 12, 2012 Vol - XLVII No. 19, May 12, 2012.

The overall dismal employment situation in the country is continuing right from the 1st five year Regular employment in the organized sector become so competitive, that persons with Ph.D and M.Pill are joining as constables. According to a news item in the Hindu that for the first time the Puducherry police on Wednesday recruited Ph.D degree-holders to constable posts when Plus-Two is the minimum qualification. An analysis of the academic qualification of candidates, who have been selected for the posts, has thrown up interesting information. Out of 578 candidates, 90 percent of those selected are overqualified. Two Ph.D-holders, 9 M.Phil candidates, 1 M.Tech candidate, 13 MBA degree-holders were among those who entered the service of Puducherry police as constables. Of the total selected candidates, as many as 60 candidates have completed postgraduation, including 22 M.A. graduates and 13 M.Com graduates. As many as 363 candidates with bachelor degrees have made it to the final list, including 21 B.Tech and 95 B.Sc degree-holders. A few lawyers have also opted for the job. As many as 55 candidates, who have completed teacher education courses, also figure in the final list. Only 66 candidates are with the qualification of Plus Two. See <http://www.thehindu.com/todays-paper/article3698711.ece>. (viewed on July 29, 2012).

Anna Back at Jantar Mantar

Civil society organizations (CSOs) could be proud of the Anna's campaign against corruption. It has raised the consciousness of the common people, especially the youth and pushed the Government and the Parliament into defense. However, reducing the whole campaign into a single and simple demand of Jan Lokpal could be the antithesis of the whole movement. Today almost all institutions of governance such as the Parliament, different organs of the Executive – ministries, regulators, bureaucracy, CBI, CVC, etc; Judiciary are not functioning properly. Without addressing this critical issue, mere adding of another institution of governance will not solve the problem. Prof. Kaushik Basu, while demitting his office as the 'Chief Economic Advisor', said that "I like civil society pressure because it becomes a useful rallying point even



for those within the government to do something. But blueprint [to combat] needs a lot of professionalism”. Dr. Basu said while noting that eradication of corruption is not just a matter of determination and passion because “if you create another layer of bureaucracy to get rid of corruption, you create another layer of corruption.” Governance reforms and corruption control should be major agenda and there is a need to come up with a blueprint for that, he said. See <http://www.thehindu.com/news/national/article3708740.ece> (viewed on 1st August 2012).

OXFAM’s Policy Brief on Mining Regulation

In July OXFAM released a very interesting and useful policy brief on mining regulation. According to the brief that “ India’s natural wealth risks turning into a curse if the proposed Mines and Minerals (Development and Regulation) Bill fails to address extreme poverty, environmental degradation, and weak rule of law in mining regions. A series of amendments in India’s legal framework over the last two decades have opened the mining sector to private investments. It was hoped that this would support economic development in some of India’s poorest states. However, the reality is different. Human development indicators in mining-intensive states are stagnating when compared to the country average. Without strong regulations, mines too often damage the environment and hamper the livelihood of local populations, or displace them without adequate compensation. Large-scale illegal mining fills individual pockets instead of supporting a strong state apparatus. The violent conflict that spreads in many mining regions adds to the urgency of correcting the course. The proposed Mines and Minerals (Development and Regulation) Bill offers a unique chance to lay a sound basis for responsible extraction of the country’s natural resources. However, the latest version of the bill also falls short of expectations on some crucial aspects:

- The envisioned 26 percent equity sharing for affected people is watered down to a mere trickle -i.e. a 26 percent share of net profit for coal and lignite industries, and an amount equivalent to the annual royalty for all other major minerals.
- The Bill dramatically expands the size (to 100 sq.km.) and duration (to 30 years) of single leases, which reduces oversight and risks increasing their human cost.
- Important notions, such as “affected people” or “reasonable compensation”, are loosely defined.

The Policy Brief Recommendations are:

1. Seeking free prior and informed consent of local communities should be made mandatory before granting a concession.
2. Affected communities should be given free shares of equity worth 26 percent, with clear mechanisms for redistribution and ownership.
3. The size of concessions should be reduced from 100 sq. km. to 10 sq. km., and their durations reduced from 30 to 10 years.
4. Notions of “affected person” and “reasonable compensation” should be defined, based on clear and measurable indicators.



5. Institutional frameworks should be strengthened: guidelines on environment and social responsibility should be made more specific; responsibilities for implementation defined, and penalties for offences made more stringent. See http://www.oxfamindia.org/sites/www.oxfamindia.org/files/policy_brief-indias_mining_regulation.pdf (viewed on July 27, 2012).

Judiciary Watch

CSOs campaign for Justice to Bathani Tola victims

Hundreds of civil society activities have stepped up their campaign for justice to the victims of survivors of the Bathani Tola massacre...planned to organize several public hearings on July 11, the anniversary of the carnage at Ara in Bihar. See <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/article3603954.ece> (viewed on July 5, 2012).

Thanks to the CSOs campaign, the media has covered the case prominently, when the case was admitted in the Supreme Court. These developments reflect more about CSOs and media rather than judiciary.

Everything is Maya

Quashing of the FIR related Ms. Mayawati's Disproportionate Assets (DA) case, the Hindu termed it as "Everything is Maya". See <http://www.thehindu.com/opinion/editorial/article3610507.ece> (viewed on July 7, 2012). How the common man would under the astronomical growth of Ms. Mayawati's (self declared) assets from Rs.52.27 Cr. in 2007 to Rs.88 Cr. in 2010 and to Rs.111 cr. in 2012. See e.g. <http://www.thehindu.com/news/national/article3609174.ece> (viewed on July 7, 2012). Of course, similar growth could be seen in most of the politicians' assets also.

The quashing was on technical grounds that the court did not order the probe and the CBI misunderstood its brief and enquired into DA case on its own, etc. The moot question is that how the Court **failed to take note** of the progress of this **high profile** investigation **for 10 long years?**

Lessons in judicial restraint

In the 'judicial activism's fashion era', Justice Markandey Katju nicely described the importance of the judicial restraint. He wrote that ... "Some people justify judicial activism by saying that the legislature and executive are not properly performing their functions. The reply to this argument is that the same charge is often leveled against the judiciary. Should the legislature or the executive then take over judicial functions? If the legislature and the executive do not perform their functions properly, it is for the people to correct them by exercising their franchise properly, or by peaceful and lawful public meetings and demonstrations, and/ or by public criticism through the media and by other lawful means. The



remedy is not in the judiciary taking over these functions, because the judiciary has neither the expertise nor the resources to perform these functions.” ...“Courts are not representative bodies. They are not designed to be a good reflex of a democratic society. Their essential quality is detachment, founded on independence. History teaches that the independence of the judiciary is jeopardized when Courts become embroiled in the passions of the day, and assume primary responsibility in choosing between competing political, economic, and social pressures”.

<http://www.thehindu.com/opinion/lead/article3658806.ece> (viewed on July 20, 2012).

37 years old! Hope the end will come soon

Supreme Court to go into delay after 1991 in L.N. Mishra murder case - The then Railway Minister was killed in a bomb blast at the Samastipur railway station in Bihar on January 2, 1975. The trial of the case was transferred from Samastipur to Delhi in 1979 on an application moved by the then Attorney-General. The charge sheet was filed against several people including advocate Ranjan Dwivedi and Sudevananda Avadhuta. However even after 33 years the case is yet to conclude in the Sessions court. See <http://www.thehindu.com/news/national/article3688644.ece> (viewed on July 27, 2012).

If supposed to be a high profile case of this kind drags so long, what will be the fate of the ordinary cases?

PRJ Watch

Panchayats voiced against female feticide

Setting a precedent to counter the social evil of female feticide, a Mahapanchayat of over 150 khaps (village bodies) from various parts of Haryana, Uttar Pradesh, Delhi and Rajasthan passed a resolution here on Saturday, demanding an amendment in the Indian Penal Code to book the perpetrators of female feticide on charges of murder. At present, those found indulging in female feticide can be sentenced to a maximum imprisonment of five years. Seeking support of all the Khap Panchayats of north India on the issue, the mahapanchayat constituted an 11-member committee headed by Palam-based Khap leader Ram Karan Solanki to carry out a concerted drive against female feticide. See <http://www.hindustantimes.com/Punjab/Chandigarh/Khap-mahapanchayat-resolves-to-fight-female-foeticide/SP-Article1-888937.aspx> (viewed on July 16, 2012).

Appreciating the move, the Haryana Chief Minister Mr. B. S. Hooda announced Rs. One cr. for the development of a village where a Khap Mahapanchayat termed “female feticide as heinous act and demanded murder charges be slapped against those involved in the illegal practice”. See <http://ibnlive.in.com/news/rs-1-cr-to-village-for-speaking-against-female-foeticide/271517-3-240.html> (viewed on July 16, 2012).



Panchayat's 'Diktats' or 'Advice'?

The Panchayat in Asara village in Baghpat's Ramal (Western UP) area had issued instructions restricting movement of women and girls. The instructions included covering of head by women whenever they leave home, a complete ban on love marriages and those doing so would not be allowed to live in the village, no mobile phones for girls and only women above 40 years of age were allowed to venture out of house for work among other things. Some political leaders from SP and RLD, including a Minister and other social leaders have supported the move. Some term the instructions as advice, not as diktats. See http://articles.timesofindia.indiatimes.com/2012-07-15/india/32684428_1_baghpat-s-ramala-khap-panchayats-muslims-and-hardliners (viewed on July 16, 2012).

Discussion on Greening Development Initiatives by the Local Governments

Last month the Decentralization Community of the Solution Exchange facilitated an interesting discussion on the **Greening Development Initiatives by the Local Governments**. Dr. Bhaskara Rao, NSW participated in the discussion. He pointed out that I think that individual citizens, their own groups/ associations/ committees and local governance alone can play an effective role in conserving/ developing and sustainable use of the natural resources and greening the development. My learning from Joint/ community forest management confirmed my understanding. Long back I have prepared a paper covering some of the best community/ PRI/ CSO lead intervention in conservation of natural resources.

The paper may be viewed at https://docs.google.com/file/d/0B5066u5_umeGNTFmMWU4ZGMtMzVkZS00NTYyLWIyOWUtZWQ2NThlZDYzZTA2/edit?pli=1.

I have documented another very interesting community/ CSO lead experiment. The paper may be viewed at https://docs.google.com/file/d/0B5066u5_umeGOGI5N2VmNzMtM2U4OC00MzEwLTk4ZjgtNGQzNzA1NmE4MGI3/edit.

However, we have too much of centralization in the governance in general and natural resource management in particular. As per the latest media reports that the report of the Western Ghats Ecology Expert Panel (WGEEP) headed by Prof. Madhav Gadgil was also critical at the centralized management of natural resources and development processes. Recently, I have prepared a research paper on Climate Change and Agriculture in AP. I cannot share the document at this point of time. But I have given some extracts from the study below.

6.1 Institutional changes: The success of Indian economic reforms proves that deregulation and decontrols can work wonders in the country. However, the economic liberalization, so far, is confined to economic sphere, especially, to manufacturing and service sectors only. There is need for similar reforms in agriculture, natural resource management and governance.

6.2 Major problems of Indian agriculture are related to too much centralization of governance, resources, technologies, schemes, programs and projects. In the country of India's diversity,



centralized development paradigms do not work. The country needs thorough decentralization. The principle of **subsidiarity** should be adapted for effective natural resource management and good governance.

Please see the consolidated reply of the discussion <ftp://ftp.solutionexchange.net.in/public/decn/cr/cr-se-decn-300712.pdf>

Development at NSW

Dr. Bhaskara Rao participated in the following workshops and meetings during the month:

1. Workshop on 'Impact of the Chiranjeevi Yojana Program on Institutional Deliveries and Birth Outcomes in Gujarat, India on 6th July 2012 at 3ie, New Delhi.
2. Meeting at PACS about collaboration among PACS, NSWC, Wada Na Todo and CBGA to promote inclusive growth with focus on 'excluded communities/ section' in seven PACS focused states through research and advocacy.
3. Two day workshop on "Standing on the threshold: Food Justice in India -An OXFAM-Institute of Development Studies Bulletin launch" during 17th and 18th July 2012 at the Constitution Club, New Delhi.
4. Half a day seminar on Parliament Watch organized by South Asian for Human Rights (SAHR) on 18th July 2012 at IIC, New Delhi.

Shubhro Roy attended the workshop on Finance and Governance by Oxfam-India which was held on 15th and 16th of June, 2012 at Vishwa Yuva Kendra, New Delhi.

Farha Iman participated in the workshop on Hindutva and Zionism-The Ideological Contract Exploring Strategies to Combat the Potential Fallouts organized by Indian Solidarity Ecumenical Network on 17th & 18th of July 2012 at CNI Bhawan, New Delhi and moderated the first session.

An article was published written by Farha Iman on "**Globalization: Of The Dominant, By The Dominant, And For The Dominant**".

Globalism is the product of dominant business class, which is implemented by the second class i.e. political leaders for the third class of the society i.e. bourgeois. This game was fulfilling the two objectives at the same time. a) It was keeping people busy and superficially happy in consuming products, so they never questioned the activities of political class and b) business class making more and more money. As far as the lower class is concerned, they are left in the lurch only to be discussed in UN's MDGs. [To read the full report click: http://www.countercurrents.org/iman240712.htm](http://www.countercurrents.org/iman240712.htm).

Discourses of State Partners

Meeting to discuss the release of Karnataka Social Watch Report



The Karnataka Social Watch group organized a meeting on 27th July 2012 at CRT to discuss the report on Karnataka Legislative Assembly which is ready for release. The report looks at the general participation of legislators both in Legislative Assembly and the Legislative Council in the years 2011 and 2012, with reference to the Questions and Answers. The Focus of this report is to analyze the Questions and Answers in the 13 Assembly (24.2.2011 to 16.3.2011) in Karnataka Legislative Assembly and 115 sessions of Karnataka Legislative Council (24.2.2011 to 17.3.2011).

Release of Chhattisgarh Social Watch Report

Chhattisgarh Social Watch is releasing its report on Health Watch on Monday August 27th, 2012 between 3:00 p.m. to 6:00 p.m. at Rotary Club of Raipur Cosmopolitan, Raipur. The report focuses on status of health in India and Chhattisgarh, analysis of community and primary health centers, conditions of Gram health and sanitation's committees in Chhattisgarh etc.

Discussions in International Social Watch

“A recovery for all: Rethinking socio-economic policies for children and poor households”: *A fresh analysis on the crisis that suggests solutions*

“Children and poor families were left behind before the crisis, they have been severely affected by the multitude of global shocks since 2008, and that, although they were briefly supported during the first phase of the crisis (2008-09), they were again left behind in 2010 despite their significant needs and increasing vulnerability,” wrote Isabel Ortiz and Matthew Cummins in the first pages of “A recovery for all: Rethinking socio-economic policies for children and poor households”, a book recently edited by UNICEF.

“This book further argues that there are alternatives: there is a range of options to expand fiscal space and support investments for a socially-responsive economic recovery, even in the poorest countries,” added Ortiz and Cummins, who edited this more than 300 pages length publication.

To access the book click at

http://www.unicef.org/socialpolicy/files/A_Recovery_for_All_FINAL_Web.pdf



(viewed on 27 July 2012).

Read the news at <http://www.socialwatch.org/node/15134> (viewed on 27 July 2012).

Trouble on the Horizon for GM Crops

Pests are adapting to genetically modified crops in unexpected ways, researchers have discovered. The findings underscore the importance of closely monitoring and countering pest resistance to biotech crops, reported Daniel Stolte on the web site UANews (University of Arizona Office of Communications).

Resistance of cotton bollworm to insect-killing cotton plants involves more diverse genetic changes than expected, an international research team reports in the journal Proceedings of the National Academy of Sciences.

Tabashnik said China is the world's top cotton producer, with about 16 billion pounds of cotton per year. India is number two, followed by the U.S., which produces about half as much cotton as China.

To read the full report click: <http://www.socialwatch.org/node/15094> (viewed on 27 July 2012).

Your views are important to us, kindly email us at info@socialwatchindia.net.

We normally update our mailing list by including the email address of the individuals and organizations, who might have come in contact with NSW. If anyone who does not want to receive this bulletin, may write to us. We will do the needful.

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