

Making Some Citizens Lesser than Others: Questioning The Supreme Court's Defence of The Haryana Panchayati Raj (Amendment) Act 2015



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Making Some Citizens Lesser than Others: Questioning The Supreme Court's Defence of The Haryana Panchayati Raj (Amendment) Act 2015

The Haryana Panchayati Raj (Amendment) Act, 2015, passed by the State of Haryana in September, 2015, states that any person who

- Has been convicted in a criminal case, punishable with imprisonment for over ten years,
- Fails to pay any arrears of any kind to any Primary Agriculture Co-operative Society, District Central Co-operative Band, District Primary Co-operative Agriculture Rural Development Band
- Fails to pay arrears of electricity bills
- Has not passed matriculation examination if belonging to the general category, Class VIII in case of women and male Dalits, and Class V in case of female Dalits
- Fails to have a functional toilet in his place of residence

Cannot contest elections for the following institutions: Sarpanch, Panch, Gram Panchayat, Panchayat Samiti or Zila Parishad (Development & Panchayats Department, Haryana, 2015).

The constitutionality of this Act, was contested in the Supreme Court of India¹ by three petitioners who argued that the act was violative of Article 14, i.e. the fundamental right of equality before law. According to this Article, the State shall not deny to any person equality before the law, or the equal protection of the laws within the territory of India. They made the following specific arguments against the provisions of the Amendment Act

- (i) The provisions are wholly unreasonable and arbitrary. They create unreasonable restrictions on the constitutional right of voters to contest election,
- (ii) The provisions create an artificial classification among voters, who are otherwise a homogeneous group of people entitled to participate in the democratic process, by implementing criteria that have no connection to the object of the Act itself,
- (iii) The classifications made by the amendment have no legitimate purpose.

The petitioners also questioned if the State Legislature was competent to make any of the stipulations of the Act (Rajbala & Ors vs State of Haryana & Ors, 2015).

The Supreme Court, however, in its judgement over the case (from now on referred to as the *Rajbala* judgement), rejected their petition and upheld the Haryana Panchayati Raj (Amendment) Act, 2015, by quoting Article 40, and Article 243 B [1] of the 73rd Amendment of the Constitution, stated that the organization of village Panchayats, as units of self-government, is up to the State Legislature.² The two judge bench of the Supreme Court, including Hon'ble Justice J. Chelameswar and Hon'ble Justice Abhay Manohar Sapre, accepted the defendant's argument that any constitutional right to contest an election to Panchayats was subject to the qualifications placed on this right by a state legislature.

But such stringent qualifications are not prescribed for any political representative within the polity. The only criteria qualifying the candidature of a Governor in India is that he or she must be a citizen of India, the posts of President and

¹ Write Petition (Civil) No. 671 of 2015, *Rajbala & Ors vs State of Haryana & Ors* on 10 December, 2015.

² Haryana is not the only state to implement exclusionary criteria for those who want to stand for local body elections. The Rajasthan state requires candidates for Zila Panchayats and Panchayati Samiti's to have completed formal education up to class X, with concessions for scheduled areas up to class VIII and women up to class V. Implementing an extremely discriminatory criterion, the states of Rajasthan, Andhra Pradesh, Odisha, deny leprosy patients the right to contest in local body elections. Andhra Pradesh and Odisha also ban those with hearing and speech impairments from contesting local body elections.

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Vice President of India have a similar criteria with a small addition that only those above the age of 35 years can hold these high offices. Educational qualifications are not even a criteria for MLA or MP candidates in India. However, when it comes to political representatives at the local level of governance, the Supreme Court has upheld as constitutionally valid, a law that makes educational criteria imposed by the state government necessary for all those aspiring to be part of their local governance bodies. The court argued that such a qualification was reasonable, and justified the same by stating that “it is only education which gives a human being the power to discriminate between right and wrong, good and bad” (Rajbala & Ors vs State of Haryana & Ors, 2015). Further, the court has declared that it is valid for the legislature to disqualify a candidate from seeking election into a civic body if he/she does not have a functional toilet at home. In a time when India has witnessed numerous farmer suicides due to the huge debts they are unable to pay back, the court has asserted that anyone with pending loan payments or electricity bills should be barred from contesting Panchayat elections.

The Supreme Court has interpreted the law carefully to make this judgment. However, as citizens of the country, we respectfully have a few questions over the consequences of the judgement for citizenship, representation and justice in India. The second section of this document will question the internal assumptions and the terms that the judgement employs to argue for limitations on political representation at the local level. The third section will interrogate the manner in which the judgment may undermine the foundational political ideas that Indian democracy is based on.

II

DEFINING THE REASONABLE

What does it mean to be reasonable in a society that is so deeply unequal and diverse, and where historically discriminated groups have had little say in political decision-making until recently? This question has been at the centre of debates in political theory, with many arguing that to be reasonable is not to exercise powers of judgement and deliberation to seek ends that are one’s own, but to publicly engage in fair cooperation with a sense of justice that recognizes the independent validity of the claims of others (Rawls, 2005, p.49). In a diverse and unequal society, being reasonable implies two things: to be reciprocal and to recognize the sources of difference in society (Ibid, p. 50). The criterion of reciprocity specifies that to be reasonable people must propose and abide by principles of social cooperation that other citizen can also propose and accept. In order to know what other people will accept, one must be willing to recognize the sources of disagreement/disadvantage/difference between people, that is, assess the strength of people’s claims, not only against our own claims, but against one another, or against our common practices and institutions (Ibid, p. 51-54).

Our common practices and institutions indicate, if anything deep, entrenched inequalities defined by caste and patriarchy, that prevent those disadvantaged by these institutions from participating in the democratic process. If the court wanted to assess this problem reasonably, it ought to have asked if the Haryana Panchayati Raj (Amendment) Act, 2015, would ever be proposed, or accepted, by those who have been marginalized in our society. The judgement itself recognizes that the Amendment disenfranchises close to 68% Dalit women, 41% Dalit men and over 50% of all women in Haryana from contesting a Panchayat election (Jaising, 2015). The sociology of Haryana does not require acute scrutiny in order to state that those carrying these identities are the least disadvantaged in the state. The widespread discontent with the act and the *Rajbala* judgement in the media (Kumar, 2015) (Rajagopal, 2015), among several prominent public political figures (Chishti, 2015) (Jaising, 2015), and the people in the state of Haryana (Chopra, 2015), has also highlighted how the least advantaged in the state will be deprived of the chance to contest elections due to the Amendment.

This public outcry against the judgement is indicative that reciprocity and sources of disadvantage have been brushed aside to give precedence in representation to those whose privilege is entrenched in society, and against whom marginalized communities have been trying to assert their voices. There have been reports from villages in Haryana such as Nimkheda in Mewat district, where the country’s first all-female gram panchayat was elected ten years ago, and

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which was, until now, governed by a Panchayat council that is predominantly female. This entire Panchayat council will be disqualified with the new amendment to the Haryana Panchayati Raj Act that has been upheld by the Supreme Court (Chopra, 2015) (Kumar, 2015). The petitioners against the amendment in the Supreme court- Rajbala, a woman and a former Panchayat Samiti member, Kamlesh, a Dalit man who has contested for Panchayat elections, and Preet Singh, a farmer working against atrocities inflicted on Dalits and Women in his village- are also residents of Haryana who will now be disqualified from contesting elections. If judgments that define the public reason of this country cannot take into account whether the least advantaged in society would find their judgment acceptable, then the reasonableness, and therefore, justness of the judgment is also under question.

EDUCATION: A NECESSARY CRITERIA FOR POLITICAL REPRESENTATION?

It is highly questionable if education is a convincing source of morality in a political representative. This questioning doesn't emerge from the idea that education is unnecessary, rather it emerges from numerous cases of falsification of the claim that it is only education that gives people the capacity to have a sense of justice and the capacity to distinguish between different conceptions of the good. If discriminating the right and good from the wrong and bad was contingent on education, then many of the highly educated political representatives in India ought not to have corruption charges against them, ought to have guaranteed basic educational and healthcare rights to its populations, ought to have dispensed with laws that go against basic human rights like the AFSPA, TADA, and POTA in India, etc. Their failure to do so clearly indicates that education is not a guarantee of good representation and governance.

COMPULSORY TOILETS: A JUST CRITERIA?

Third, the Court argues that there are schemes in Haryana that pay its citizens to build a toilet. Therefore, any person without a toilet in his/ her house will not make a good representative, because, given the scheme, he/she does not have the requisite will to own a toilet. As many have pointed out, while the judgment is quick to take into account the availability of a scheme by the Haryana Government, it has not taken into account whether the background conditions for the implementation of the scheme such as whether funds have actually been allocated for the same at the local level, whether the necessary infrastructure such as septic tanks/sewage systems are available, etc (Kumar, 2015). It also does not take into account the homeless who do not have any place to install a toilet in (Ibid).

Many, including Nobel laureate Amartya Sen, have questioned the wisdom of this judgement by arguing that while it is an important goal for Indian democracy to ensure that people are educated and have toilets in their homes, it is a confusion to think that depriving people of a political right to contest for election will help achieve this goal. In fact, this may act as a negative political incentive: those who do not have education and toilets may not be able to agitate for it if they are removed from the body politic by being denied the opportunity to fight for their own claims (Chishti, 2015).

IMPOSITION OF ONE CONCEPTION OF GOOD ON THE ENTIRE CITIZENRY

The honourable judges who gave the judgement seem to have imposed one particular conception of a good – that is, adhering to the Protestant Ethic³ of paying off economic debt to government banks, and electricity bills to the private companies who provide electricity in Haryana, as a criterion for political representation in this country. Further, they have justified this imposition on grounds that they themselves state they are not sure of, and that reinforces the difficulties of contesting an election rather than making the same more accessible to the least advantaged:

“We are also not very sure as to how many of such people who are so deeply indebted would be genuinely interested in contesting elections whether at panchayat level or otherwise. We can certainly take judicial notice of the fact that elections at any level in this country are expensive affairs. For that matter, not only in this country, in any other country

³ To use Max Weber's famous term. See Max Weber, ((1930) 2005). *The Protestant Ethic and the "Spirit" of Capitalism*, translated by Talcott Parsons, London: Routledge.

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as well they are expensive affairs. In such a case, the possibility of a deeply indebted person seeking to contest elections should normally be rare as it would be beyond the economic capacity of such persons. In our opinion, the challenge is more theoretical than real.” (Rajbala & Ors vs State of Haryana & Ors, 2015).

In this statement too, the court seems to be confusing a problem that needs to be resolved by the institutions of the state, that is, the use of money power in an election, as the responsibility of the citizens who aspire to be candidates. It uses the failure of the state to make standing for elections an affordable and accessible process as a reason to not allow an indebted person to contest elections.

Moreover, the honourable judges, turn the problem of making elections accessible to those who are indebted into a “theoretical” problem, rather than a real one. In the process, they effectively seem to have stated that the only people who can really contest elections in India are those with money. If they don’t have money, then they probably cannot bear the monetary burden of contesting elections, and therefore, must not contest them at all. The sheer paucity of logic in this argument can be depicted by making an analogous syllogism: Political representatives in India are corrupt. A non-corrupt person would rarely contest elections as he/she would not be able to survive as honest representatives within a corrupt system. Therefore, any person with a clean record must not be allowed to contest elections. This argument may sound untenable, but employs the same logic as the above statement taken from the Rajbala judgment.

What kind of vision do the judges propose for Indian democracy when they make arguments that treat “real” problems of exclusion in Indian democracy as a system that must continue to function?

This question must be posed to the central fundamental political concepts of Indian democracy that have come under attack with this judgment. Until now, we carried out an internal critique of the judgment itself, questioning the assumptions on which the terms used within the judgment base themselves on. But what is the impact of the judgment on the foundational political ideas that our democracy is based on? There are two interlinked arguments one would make here.

III

CITIZENS AS SELF-AUTHENTICATING SOURCES OF VALID CLAIMS

First, one of the foundational values of democracy is that citizens should feel like they are self-authenticating sources of valid claims. This means that each citizen, as long as he/she is sound of mind, must feel like they can make claims on their institutions to advance their conceptions of the good, in a way that has some weight in a democracy. They ought not to have their claims be authenticated by someone who fits in exclusive criteria that is difficult for people to achieve. For e.g. If the homeless, those without toilets, without education, with pending payments, feel that they want to make a claim on the state, they ought to be able to represent the same to the state, rather than having someone who may not have gone through any of these experiences validate this claim. More than anyone else, the least advantaged persons in a democracy must have no impediments to voicing their claims on their own terms.

The *Rajbala* judgement’s way of authenticating the claims of those who do not fit the requisite qualifications imposed by the Haryana Panchayati Raj (Amendment), 2015 Act is paternalistic. It does not seem to accept that citizens without these morally arbitrary qualifications are capable of making claims on the state. In doing so, it denies citizens the basic dignity of making their own claims, on their own terms and defined by their own experiences.

In the same way, the judgement also goes against the foundation of swaraj that panchayati raj institutions are conceptualized around. The whole idea of swaraj is self-rule or reduction of dependence on others and domination by others. By decentralizing the governance system to local governance bodies like the Panchayati Raj institutions, the 73rd Amendment to the Indian constitution sought to encourage participatory governance, where people at the grassroots of Indian democracy could participate in decisions regarding their village and localities. This move gave substance to the

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idea of universal adult franchise - the right of all adult citizens to vote for a political representative, and for any elector to stand for elections for a political representative – in India by implementing Panchayati Raj institutions at the local level.

While many of the elements of citizenship have been changing in a vastly globalized and diverse world, there has been a strong consensus around the centrality of the idea of Universal Adult Franchise in defining citizenship in a democracy. By creating exclusive criteria for political representatives, the Haryana State Government and the Supreme Court of India has created a two classes of citizens, one with the right to represent, and one that can only hope to be represented. The latter class, already disadvantaged would have no way of representing their poverty to the state on their own, rather, they would have to depend on a ‘superior’ class of citizens to do so. This would severely affect the status of all citizens as free and equal citizens in India’s democracy.

THE RIGHT TO REPRESENT

Employing Hannah Pitkin’s conceptualization of representation (Pitkin, 1967), let us deconstruct the problem of political representation we have at hand into its four components.

- The first component is the party representing the people of the panchayat. Let us pick the person who will have the highest probability of becoming a sarpanch. This person will have to have the minimum educational qualifications specified by the new amendment bill. Given that 68% Dalit women, 41% Dalit men and over 50% of all women do not fit the educational criteria, we are left with an upper caste male as the most probable candidate for a sarpanch. Further, this upper caste male is probably not a sharecropper or a poor farmer considering these categories may have pending loan debts or bills that they are unable to pay. The most probable candidate to a Panchayat council, therefore, will probably be an upper caste, male, landed person.
- The second component of political representation is the party that is being represented. In our case, it would be the local individuals who are part of the jurisdiction of a panchayat. These would include people belonging to different castes, classes – landed, sharecroppers, tenants, agricultural labourers-, communities and gender.
- The third component is the substance of what has to be represented: concerns, opinions, injustices committed, interests, deliberations of the different groups who seek to be represented. These could vary from demands for implementing reservations for Scheduled Castes in schools where they are currently being improperly implemented, to implementing schemes for women such as sending female children to school free of cost, to negotiations with the state over the acquisition of land and compensation to be paid for the same.
- The fourth component includes the setting where the activity of representation is taking place – a Panchayat Council, where given the new Amendment, only those who adhere to the required educational qualifications, with a functional toilet in their house, and who have no outstanding loans or payments to make are present.

While this council may have some women and Dalits as part of its composition due to reservations for these groups at the local governance body level, the rest of the members on this council will only be formal representatives of the members of the gram sabha. To what extent will they be able to symbolically, descriptively and substantively represent the population under the jurisdiction of the Panchayat?

ENSURING SYMBOLIC, DESCRIPTIVE AND SUBSTANTIVE LEGISLATION

If a political representative is to symbolically represent the people, then he/she must stand for those being represented, invoke a response in them, and a degree of acceptance among those he represents. If he/she is to represent a people descriptively he/she would have to share the same identity and experiences as the represented, and make the presence of these felt in the setting/space of political authority and decision making. For a representative to represent a party substantively implies that he/ she would have to advance policies that serve the interests of the represented (Pitkin, 1967). Can our landed, upper caste, male candidate, symbolically represent the interests of a farmer who cannot pay his/her loan? Would he consciously and effectively bring the identity and experiences of a Dalit or a woman to bear on political decision-making? Will he substantively advance policies that would try to give an agricultural labourer a say in

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giving consent to, and receiving compensation for, the acquisition of land on which she is dependent on for her livelihood?

Some might say that these questions are irrelevant. At the end of the day, as long as the representative can voice concerns of the represented as a whole, the identity of the representative does not matter. But this is exactly what the makers of the Indian Constitution, especially Babasaheb Ambedkar, cautioned against. Ambedkar argued that the basic rights and interests of the free and equal citizens of India ought not to be left to the goodwill of the upper castes, or those who were not from oppressed groups alone. It should **not be the privilege** of these dominant groups to make decisions for everyone, rather it should be **the right** of different groups to represent themselves, assert their experiences as those that must also define the public political culture of the country, and not have to depend on anyone else to do the same for them (Ambedkar, 1944). The Haryana Panchayati Raj Amendment and the Court's defense of it goes against this vision of the founding political figures of this country. In the process, it also contradicts several policies such as reservations for women, Scheduled Castes and Scheduled Tribes within our political institutions, which were implemented to ensure that the historically disenfranchised are also present in political decision making bodies.

Further, without this symbolic, descriptive and substantive credibility on behalf of the political representative, how is trust to be developed between marginalized constituents and the political representative? (Williams, 2000) (Mansbridge, 2003) Institutions of democratic governance have to create social meaning of the ability to rule for members of a group, especially in contexts where this ability is seriously questioned or denied (Mansbridge, 2003). Instead the *Rajbala* judgment endorses a social meaning of representatives that places the honourable judges' preferences for representatives – formally educated, 'hygienic' and debtless - as prior to the expressed preferences of the marginalized constituents of the state of Haryana.

At this point, some may raise the question that to be a political representative is not to be a delegate, who only follows the expressed preferences of one's constituents (Madison, Hamilton, & Jay, 1787-8 (1987)), but, it is also the job of a representative to be a trustee: that is the representative is also required to use his/her own understanding of the best action to pursue (Burke, 1790 (1968)). Given that the setting where the activity of political representation is taking place in our case, that is, Panchayati Raj Institutions, the bulk of the work of local governments is not to define the foundational political ideas, or the major laws and policies that should give direction to its panchayat. This has largely been done for these institutions by those in higher levels of political representation like the State Legislature and the Parliament. Rather, the job of the political representative at the local level is to look into the implementation of policies defined by the government, the concerns of the population it represents, and the missing gaps in the same. This form of representation requires less of one's own decision making, and more of a facilitator of direct democracy at the local level, that is on bringing citizens directly into the deliberative process of democracy. This requires the political representative to follow the preferences of one's constituents more than making one's own decision on the best course of action to pursue. Even if the political representative has to make one's own decision in certain cases, then the criteria stipulated by the Haryana Panchayati Raj (Amendment) Act, 2015, as argued above, are hardly indicators of the source of better judgment of representatives in India.

Political representation at the local level, therefore, especially in a country as deeply unequal in India, has to focus on ensuring the presence of those who have been historically discriminated against in order to develop a critical mass belonging to these communities within structures of political authority. Protecting the idea of freedom and equality within Indian democracy would require protecting this idea of political representation.

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IV

THE WAY FORWARD

Those questioning the judgment are now demanding that the case be referred to a constitutional bench within the Supreme Court that could decide on the serious ramifications to our democratic political culture and values of free and equal citizenship, swaraj and universal adult franchise. A constitutional bench, consists of five judges who would decide on whether the right to contest an election is a constitutional right in India. There are others who suggest that Parliament must take serious cognizance of the Amendment and assert the right to stand for elections as a fundamental political right. This is a right that has long been settled as a fundamental and unquestionable political right extended to all citizens in liberal democracies across the world. Post-colonial India's public reason has strongly asserted equality and dignity to all citizens as a foundational political value. It is up to the Supreme Court's constitutional bench and the Legislature to take seriously this attack on the foundational political values that define our polity and reassert the right of all citizens to the equality of opportunity to become political representatives in our democracy.

Bibliography

- Ambedkar, B. (1944). *Annihilation of Caste*.
- Burke, E. (1790 (1968)). *Reflections on the Revolution in France*. London: Penguin Books.
- Chishti, S. (2015, December 21). Those Without Education, Toilets, have reason to agitate, to Disqualify Them is Unclear Thinking. *The Indian Express*, pp. <http://indianexpress.com/article/india/india-others/chinese-had-a-bigger-vision-for-education-than-we-had-amartya-sen/>.
- Chopra, R. (2015, December 13). Thanks to Haryana law and SC Order, these Women and their Village will Fall Off the Map. *The Indian Express*, pp. <http://indianexpress.com/article/india/india-news-india/thanks-to-haryana-law-and-sc-order-these-women-and-their-village-will-fall-off-the-map/>.
- Development & Panchayats Department, Haryana. (2015, September). *The Haryana Panchayati Raj Election (Second Amendment) Rules, 2015*. Retrieved December 18, 2015, from www.harpanchayats.gov.in: http://www.harpanchayats.gov.in/web/department-of-panchayati-raj-haryana/hidden-/asset_publisher/BIldmM0nyFKQ/content/the-haryana-haryana-panchayati-raj-election-second-amendment-rules-2015-final/5579304?redirect=http://www.harpanchayats.gov.in/
- Jaising, I. (2015, December 11). A Judgement on Democracy That is Frightening in Its Implications. *The Wire*, pp. <http://thewire.in/2015/12/11/the-supreme-courts-judgement-is-frightening-in-its-implications-17131/>.
- Kumar, M. (2015, December 17). The Supreme Court's Judgement on the Haryana Panchayati Raj Act Privileges the Privileged. *The Caravan*, pp. <http://www.caravanmagazine.in/vantage/the-supreme-courts-judgement-on-the-haryana-panchayati-raj-act-privileges-the-privileged>.
- Madison, J., Hamilton, A., & Jay, J. (1787-8 (1987)). The Federalist Papers. In I. Kramnick, *The Federalist Papers*.
- Mansbridge, J. (2003). Rethinking Representation. *American Political Science Review*, 515-28.
- Pitkin, H. (1967). *The Concept of Representation*. Berkeley: University of California Berkeley Press.
- Rajagopal, K. (2015, December 14). Questions aplenty on Haryana Panchayat Poll law. *The Hindu*, pp. <http://www.thehindu.com/news/national/other-states/questions-on-haryana-panchayat-law/article7983643.ece>.
- Rajbala & Ors vs State of Haryana & Ors, Writ Petition (Civil) No. 671 (Supreme Court of India December 10, 2015).
- Rawls, J. (2005). *Political Liberalism* (2nd Edition ed.). New York: Columbia University Press.
- Williams, M. (2000). The Uneasy Alliance of Group Representation and Deliberative Democracy. In W. Kymlicka, & W. Norman, *Citizenship in Diverse Societies* (pp. 124-153). Oxford: Oxford University Press.

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Headlines

Maharashtra Government Justifies its Beef Ban to High Court Saying There's No Right to Choice of Food

(The Huffington Post, December 17, 2015)

The Maharashtra government today justified in the Bombay High Court its decision to impose the ban on beef contending that the state was empowered to take such a step under the directive principles of the Constitution.

Advocate General Srihari Aney argued that 'right to eat a particular kind of food' is not part of 'right to privacy' enshrined under article 21 of the Constitution which guarantees right to life. There is no fundamental right guaranteed under the Constitution to have a choice of food, Aney said and added that the state was empowered to impose the ban on beef.

The High Court is hearing a clutch of public interest litigations challenging Maharashtra Animal Preservation (Amendment) Act. While the original Act of 1976 bans slaughter of cows, the recent amendment prohibits slaughter of bulls and bullocks too.

Senior counsel Aspi Chinoy, appearing for one of the petitioners, had previously argued that by criminalising even possession and consumption of beef the state government had violated the fundamental rights of the citizens. He had said that the right to choice of food fell under Article 21 of the Constitution.

Read More: http://www.huffingtonpost.in/2015/12/17/maharashtra-government_n_8824608.html?utm_hp_ref=india

Date Accessed: 17.12.2015

Economics

Table 1: General Inflation Rates in Indian States: October 2015 (%)

States	Rural	Urban	General
All India	5.84	4.44	5.08
Northern Region			
Jammu & Kashmir	7.91	3.29	6.03
Himachal Pradesh	9.95	3.24	8.15
Punjab	7.80	6.04	6.88
Chandigarh	18.08	0.33	1.97
Uttarakhand	4.96	5.30	4.77
Haryana	6.99	5.23	5.78
Delhi	8.31	5.94	6.90
Uttar Pradesh	3.84	4.33	3.64
Western Region			
Rajasthan	6.16	8.00	6.53
Gujarat	5.46	4.75	5.05
Maharashtra	8.07	3.85	5.48
Goa	9.13	6.77	6.96
Lakshadweep	14.76	2.42	8.51
Daman & Diu	20.72	9.30	15.59
Dadra Nagar & Haveli	22.38	9.10	15.48
Central Region			
Madhya Pradesh	4.94	6.13	5.31
Chhattisgarh	12.56	5.52	9.36
Southern Region			
Andhra Pradesh	10.90	6.13	8.83
Karnataka	7.74	3.24	5.40
Kerala	3.91	-0.08	2.30
Tamil Nadu	4.87	4.44	4.78
Puducherry	9.64	5.06	6.64
Andaman & Nicobar Island	18.94	4.05	11.31
Northeastern Region			
Arunachal Pradesh	4.85		
Assam	4.54	3.38	3.77
Manipur	20.23	5.26	14.46
Meghalaya	-1.80	5.46	-1.45
Mizoram	7.60	3.97	5.43
Nagaland	12.31	6.09	9.48
Tripura	8.55	5.88	7.40
Sikkim	13.51	1.54	10.73
Eastern Region			
Bihar	5.70	5.49	5.23
Jharkhand	6.74	3.88	5.27
West Bengal	1.44	4.17	2.38
Odisha	7.80	1.09	5.47

- **Source:** State-wise monthly inflation rates are estimated from year on year Consumer Price Index (CPI) data of MOSPI.
- There is one month time lag in CPI data (From the month February 2015 onwards the New Series is introduced with base 2012=100) provided by MOSPI, Government of India.
- The 2014 October data at state-level with base 2010 is here converted to new base 2012 with linking factors of MOSPI 1.22, 1.20 and 1.21 for rural, urban and combined respectively.

Economics

Lessons on Literacy

(*The Buisness Line*, December 20, 2015)

An interesting finding of the S&P survey is that people who already have access to products such as bank accounts and bank loans, even if poor, have a far better understanding of financial concepts than those who don't. This is a clear message that a critical piece in ensuring universal financial literacy is to make sure that no Indian citizen is denied basic access to regulated savings or credit products. So, financial inclusion initiatives such as the Jan Dhan Yojana or the Jan Suraksha Yojana, far from putting the cart before the horse, are just what small savers need to escape the clutches of Ponzi scheme operators and moneylenders.

Read more: <http://www.thehindubusinessline.com/opinion/editorial/lessons-on-literacy/article8011006.ece?homepage=true>

Date Accessed: 21.12.2015

Governance & Development

POLITICS AND GOVERNANCE

The Top delivery Challenge in India

(The Livemint, December 17, 2015)

The Mission Indradhanush initiative aims to provide 100% vaccination coverage to more than 90% of newborns by 2020. Smart technology, targeted resources and human resolve are required in equal measures. Though the first two often receive attention, front-line health workers are essential in the war against vaccine-preventable diseases and form the backbone of the immunization programme.

Read more: <http://www.livemint.com/Opinion/MgJQAc2gs4m8FctXTpbNLM/The-top-delivery-challenge-in-India.html>

Date Accessed: 18.12.2015

Why Reservations are Desirable

(The Livemint, December 17, 2015)

Arguments for doing away with reservations after so many years of independence are based on two premises. One is that social inequalities have been bridged during this period and second to fulfil reservations in higher education, cut-offs are lowered for reserved category seats and hence merit might get compromised. Economic and social entitlements crucially determine the access to primary education, the state of which is far from satisfactory in India.

Read more: <http://www.livemint.com/Opinion/vq7cTOUmxzDSB4x5QwguVL/Three-charts-that-show-why-reservations-are-desirable.html>

Date Accessed: 18.12.2015

Islands of Competence

(Mihir s Sharma, The Buisness Standard, December 20, 2015)

Even a cursory examination of the Indian state reveals that it is not, in fact, the shortage of money that causes most interventions to fail. It is the shortage of managerial skill or of attention. This means that even if projects like the bullet train make apparent financial sense on paper, there is still a decision to be taken: Will they suck up scarce resources of administrative skill that could better be used elsewhere?

Read more: http://www.business-standard.com/article/opinion/mihir-s-sharma-islands-of-competence-115122000641_1.html

Date Accessed: 21.12.2015

ENVIRONMENT

To Clear Air, Supreme Court Bans Sales of Big Diesel Cars in Delhi

(Aditi Shah, Reuters, December 16, 2015)

The Supreme Court has ordered a temporary ban on the sale of large diesel cars in New Delhi to combat toxic smog in the city, prompting concern in the auto sector as some carmakers say they may reconsider investment plans in the country. According to an order passed on Wednesday, the registration of sport-utility vehicles and other diesel cars with an engine capacity of 2,000 cc or more is banned in Delhi and the surrounding region with immediate effect until March 31.

Environmental campaigners and the lawyer who brought the case to the Supreme Court, however, say they want to see the order extended beyond the capital to other smog-choked cities.

The court - which said the order would not hit India's "common man" - stopped short of banning the smaller cars that clog India's roads. But it did also prohibit trucks from passing through the city to reach other states and banned all trucks over 10 years old from the capital.

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Read More: <http://www.reuters.com/article/india-autos-pollution-idUSKBN0TZ0GS20151216>

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Who is Going to Clean the “Swachh Delhi” Programme of its Indifference Towards Municipal Workers?

(Ishan Marvel, *The Caravan*, December 15, 2015)

After talking to more than a dozen sanitation workers from the north and east corporations of the Municipal Corporation of Delhi (MCD), it became apparent that the plight of the men and women who actually do the cleaning has rarely been addressed.

There are three categories of MCD workers. The wages they receive, rarely on time if at all, are a pittance. Arrears have been running into months and years for most. This issue has led to numerous strikes, but the resolution, especially since 2014 when the Aam Aadmi Party (AAP) and the BJP took over the Delhi and Central governments respectively, remains jammed amid the tug of war between state and centre.

On top of late or non-payments, these workers must also contend with the worry that reimbursements for any injury or accident sustained in the line of work may take years. Prem Chand, a permanent sanitation worker with East MCD quipped, “We deserve better. Forget gloves or gum boots, we even have to buy our own broomsticks for 100 rupees! They say they spent several crores on the Swachh Bharat Abhiyaan but those of us who do the work haven’t seen any of it.” On this point, Gehlot declared, “It is all a façade, the government only spins tales.”

Read More: <http://www.caravanmagazine.in/vantage/swachh-delhi-program>

Date Accessed: 17.12.2015

AGRICULTURE

100 Debt-Ridden Farmers in Maharashtra to Auction Their Organs

(Rupsa Chakraborty, *The Asian Age*, December 17, 2015)

Condemning a recent incident where a debt-ridden farmer was forced to sell his kidney, 100 farmers from Aurangabad will hold a protest on Thursday where they will auction their organs to the public to repay their debt.

“We are suffocating under the burden of debt. Every day, goons of moneylenders keep knocking at our doors. Due to this, we can’t even go outside. We have no other option but to sell our body parts,” said Jayaji Suryavanshi, a farmer and social activist.

Mr Suryavanshi said that the farmers will conduct an auction of their body organs on Thursday where the going price for a kidney would be anywhere between Rs 2 and Rs 3 lakh and for eyes it would be Rs 1 lakh.

The upcoming auction comes in the backdrop of the recent busting of an international kidney racket in Vidarbha, a drought-prone region which records the highest number of farmer suicides.

Read More: <http://www.asianage.com/india/100-debt-ridden-farmers-maharashtra-auction-their-organs-225>

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Centre Considering one Comprehensive Policy for Food Sector

(*Free Press Journal*, December 18, 2015)

Union Food processing Minister Ms. Harsimrat Kaur stressed on the need of framing a comprehensive policy for the food sector that would help, enhance farmers’ income and provide processed food products to consumers at affordable rates. In her address she said, “I think there should be one comprehensive food policy, which encompasses policies for agriculture, distribution of food and food processing — that is the need of the hour and we are thinking on those lines.” She also emphasised upon the need to make

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agriculture a more profitable profession so that farmers are able to raise their income levels.

Read more: <http://www.freepressjournal.in/centre-considering-one-comprehensive-policy-for-food-sector/737915>

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Society

SOCIAL JUSTICE

Fadnavis Says No Notification on Muslim Reservation

(Alok Deshpande, *The Hindu*, December 17, 2015)

Chief Minister Devendra Fadnavis on Wednesday informed the Assembly that the government will not issue a notification to reinstate five per cent reservation in educational institutes for backward castes in Muslim community, since no legal framework exists to support it. The Chief Minister's remark came after Minority Affairs Minister Eknath Khadse assured the House that the government was positive on reservation demands of Muslim community.

A year ago, the BJP-led government had issued an ordinance ensuring reservations for both Maratha and Muslim communities in educational institutes and jobs. The ordinance was later challenged in the Bombay High Court, which put a stay on it.

While the educational reservation for backward castes in Muslim community was cleared by the court, the issue of Maratha reservation is still pending. Meanwhile, the ordinance was lapsed and the opposition is demanding a new notification during the ongoing session to continue educational benefits to the Muslim community.

Read More: <http://www.thehindu.com/news/cities/mumbai/fadnavis-says-no-notification-on-muslim-reservation/article7999010.ece?homepage=true?w=homemumbai>

Date Accessed: 17.12.2015

SOCIAL CONFLICT AND VIOLENCE

83 percent of Indians Value Religious Freedom, Pew Survey

(*The Huffington Post*, December 21, 2015)

The Pew Global Research, which conducted the [Global Attitudes Survey 2015](#), covering 38 countries (including the US, UK, France and many countries in Africa, Southeast Asia and the Middle East), and interviewing 40,786 people this year, found a large support amongst those polled in India for religious freedom.

Read more: http://www.huffingtonpost.in/k-s-venkatachalam/the-pew-global-attitudes-b_8660284.html?utm_hp_ref=india

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India and World

INDIA IN THE WORLD

ISRO to Launch Six Singaporean Satellites

(Gurdip Singh, *Outlook*, December 16, 2015)

Indian Space Research Organisation's PSLV rocket will today launch six Singaporean satellites which would help the city-state gather information on disaster monitoring and urban planning.

"The satellites will be able to produce information at a much higher frequency. This will surely be very important when you use it for disaster monitoring in the region like Southeast Asia," Project Director of the Satellite Programme at the National University of Singapore (NUS) Professor Goh Cher Hiang said.

"For urban planning, before you plan a township, you would want to take a look at the terrain, take a look at the area around it, see what you have there, what kind of obstacles you may face, where are the draining systems, main highway," President of the Communication and Sensor Systems Group at ST Electronics Tang Kum Chuen said.

Read More: <http://www.outlookindia.com/news/article/isro-to-launch-six-singaporean-satellites/923981>

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Opinions/ Books

OPINIONS

Re-examine Literacy Criteria for Panchayat Polls: Amartya Sen

(Free Press Journal, December 18, 2015)

Nobel Laureate Amratya Sen advocated for a constitution bench to deliberate on the Supreme Court's upholding of the Haryana government's decision to make literacy an essential criterion to contest Panchayat election. In his statement in Delhi he said, "We need to distinguish between what our objectives are and what is the state of the country... It does not mean that everybody should be literate and have a toilet in their homes and till that happens, we deny the people their privileges... We do not have to deprive the people who are already deprived and take away what is their privilege,"

Read more: <http://www.freepressjournal.in/re-examine-literacy-criteria-for-panchayat-polls-amartya-sen/738144>

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