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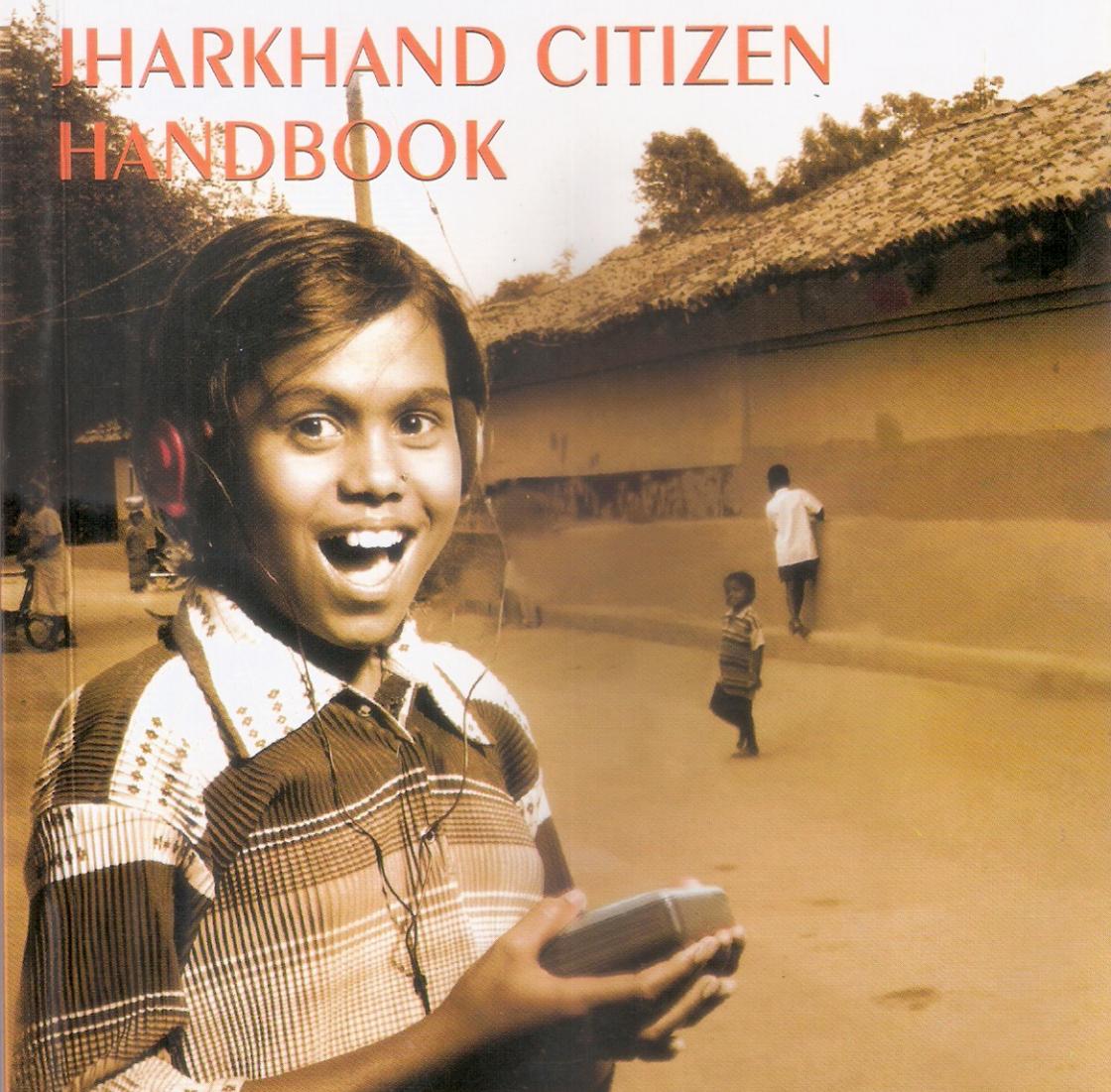
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STATE OF GOVERNANCE JHARKHAND CITIZEN HANDBOOK



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Report prepared by :
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Top Ten Findings

- In a recent study conducted by the Centre for Civil Society on the degree of compliance with Section 4 of the RTI Act, Jharkhand failed completely: it received a score of zero.
- Jharkhand has the lowest literacy rate in India at 54.13 %; the female literacy rate is an abysmal 39.39%.
- A recent study by the Centre for Environment and Food Security found that 99% of the surveyed *Adivasi* households suffered from chronic and endemic hunger, and 87% suffered from protein deficiency.
- The outreach service for complete immunisation to children at 7.5% is grossly short of the national average of 35%.
- Only 42% of population in Jharkhand has access to safe drinking water which is far less than the national average of 77%.
- The Forest Department did not utilize Rs. 388.95 crores out of the total budget provision of Rs 878.70 crores in 2001-02.
- Only 31% of the tribal population of approximately 70 lakhs (27% of Jharkhand's population) has been able to gain employment as unskilled workers.
- Jharkhand has run into a massive debt of Rs 160 billion in the process of building its infrastructure and pays Rs 14 billion as interest for the same.
- Jharkhand remains the only state in India which has not yet held any elections at the Panchayat or Municipal levels.
- Jharkhand spends a very high share (60%) of its total public expenditure on development and the provision of basic services such as education, health, water and sanitation, yet it is one of the least developed states in India.

Introduction

We are delighted to present the second *Jharkhand Citizen Handbook* in collaboration with *Prabhat Khabar*. The first *Handbook* was very well received by the government and the citizens of Jharkhand and has generated critical discussions on many issues of governance. This *Handbook* has ten thematic chapters: Right to Information: People's Right and Government's Denial; Education: Is Jharkhand On the Right Track?; Food Security: Miles to Go!; Health: Evident Problems, Eluding Solutions; Water: Managing for Households, Farms, and Factories; Land and Forests: What would be Left?; Labour and Employment: Taking the Benefits of Reforms to Workers; Infrastructure: The Foundation for Growth; Department of Home: Working towards a Safer Future; and The Third Tier of Governance: Acts without Actions. Last year, we focused on individual departments and gave a very detailed analysis of each department. This year we have focused on top ten areas of concern or themes and analysed departments that deal with those areas. In this approach, the focus remains on issues that the people are most interested in.

Under the chapter on Right to Information, we point out that the Jharkhand government has now framed its own rules regarding payment of fees and information charges, which are along the lines of the central RTI Act. In a recent study conducted by the Centre for Civil Society on the degree of compliance with the Section 4 of the RTI Act that requires *suo moto* publication of important information, Jharkhand failed miserably: it received a score of zero while Uttaranchal and Chattisgarh, which were created at the same time, scored 76% and 11% respectively. May be because of this abysmal failure, the state is experiencing a vibrant citizen activism. The Jharkhand RTI Forum comprising the organisations and individuals working for the right to information was constituted in July 2006 to spread awareness about the RTI Act. As a first step, the Act should be demystified and made available in local and tribal languages so that nobody is excluded from the access to information. All public authorities must develop online information systems and publish *suo motu* as much information as possible, particularly all the information that has been requested more than five times. The State Information Commission must take action against gross violations of Sections 4 and 6 of the RTI Act.

The study on the state education system tells us that, according to the 2001 Census, Jharkhand has the lowest literacy rate in India at 54.13 %, next only to Bihar. The female literacy rate is an abysmal 39.39% and for men is 67.94%. According to the Annual Survey of Education Report 2005, Jharkhand has the third highest percentage of students who are out of school, right after Bihar and Rajasthan. According to the 7th All India School Education Survey, the rate of enrolment of girls in rural areas as of September 2002 has increased slowly, but it is still less than 50% at each stage of schooling. We suggest to ease regulations to set up educational institutions as this would encourage more schools to open and thereby create competition within private schools and between private and state schools, which would result in improving quality and lowering of fees. Instead of spending huge amounts to fund schools, the government could fund students through vouchers or scholarships that would give them a choice in school and compel

schools to compete to attract them. Government and government-aided schools must be funded in proportion to the number of students and their learning performance.

The food security of the state is rather poor with a shortage of more than 20 lakh tonnes of food grains every year. Overall, 2.66% of the residents of Jharkhand suffer from food insufficiency; 2.04% do not get sufficient food some of the months, and 0.62% do not get sufficient food in any of the months. The problem of food insufficiency is more in rural areas than in urban areas. In rural areas, 3.31% of the people suffer from food insufficiency—2.58% some of the months and 0.73% throughout the year. In urban areas, less than one percent of the people suffer from food deficiency—0.62% some of the months and 0.34% throughout the year. The tribals are the worst sufferers of food insecurity. Total 5.85% of the tribal population suffers from food deficiency—4.96% some of the months and 0.89% throughout the year. According to a recent analysis of National Sample Survey data, only 20% of the grain released through the PDS in Jharkhand reaches the intended households — the rest is sold on the black market. This figure is startling in the face of the study done by the Centre for Environment and Food Security on the political economy of hunger in *Adivasi* areas in Jharkhand and Rajasthan. According to the report, 99% of the surveyed *adivasi* households suffered from chronic and endemic hunger, and 87% suffered from protein deficiency. Overall 90% of respondents felt that there was decline in their food security over the past two decades. As reforms, it is suggested that food vouchers and comprehensive long term strategies be established, and there should be an encouragement to new livelihood opportunities in order to enhance incomes.

There is massive shortage of health care infrastructure in Jharkhand. According to the Jharkhand Development Report, the state falls short of more than 2798 rural health sub-centres, 1740 health posts, 174 community health centres, 19 sub-divisional hospitals and 10 district hospitals. According to the Jharkhand health department, the state health services suffer from absence of private structures, a weak public-private partnership and lack of regulatory mechanism to guide the private sector. More than 70% of the population uses private health services where as only 19% uses the public health services which becomes only 16% in rural areas. The outreach service for complete immunisation of children at 7.5% is grossly short of the national average of 35%. There are only 3 medical colleges for the entire state with annual graduates of only 180 doctors. Some of the reforms: Since most of the health programs in the state are centrally sponsored programs, better monitoring and evaluation strategy is needed in order to ensure proper implementation and access to people. Create courses for ‘Diploma Doctors’ where high school graduates can become healthcare providers with three years of medical training. Give small denomination health vouchers to the entire rural population, which can be used at private or government service provider. A similar experiment in Rajasthan found that doctors who never came to primary health centres suddenly stayed there for long hours since the vouchers became extra income for them. Medical services improved dramatically due to health vouchers. Also, the non-specialised work in hospitals should be contracted out for better and cost-effective service.

Water management is critical for Jharkhand's agriculture as well as industries. It has 29.7 lakh hectares of land usable for agriculture, of which only two lakh hectares of land is actually provided with irrigation. Of the irrigated land, 58.3% is irrigated using surface water and the rest with ground water. The ground water resource is at 5,482 million cubic metres. With this large supply, 8-10 lakh additional wells can be constructed. The Census of India 2001, states that only 42% of population in Jharkhand has access to safe drinking water which is far less than the national average of 77%. At the district level, only two districts in Jharkhand have complete access to safe drinking water. About 90% households do not have water closet (latrines) facilities. Jharkhand spends 60% of total public expenditure on basic services like education, health, water supply and sanitation. But the development is not as rapid as it should be with such expenditures. There is a serious concern with proper and efficient use of funds in Jharkhand. To reform the system, it is necessary to have community control and management of water bodies, firm project allocations of water, Participatory Irrigation Management (PIM), and water user associations for domestic water supply management. Jharkhand is fortunate to have high quantities of water resources; the real issue is of efficient and equitable management.

Almost 30% of the state is under forest cover which is 23,605 sq.km across 22 districts. Of this, 82% is protected, and approximately 17% is reserve forests. Jharkhand is also home to a tribal population of over 70 lakh, making up 27% of the population. Large proportion of schedule tribe and schedule caste population in Jharkhand is forest dwellers and depends on forests for daily livelihood and energy requirements. The Forest and Environment Department implements central and state schemes to protect forests and wildlife that mostly ignore the forest dwellers, and has a large bureaucracy and an even larger budget which is not utilised fully each year. The first reform is to include tribals who are primarily forest dwellers in the plans to protect and conserve environment and wildlife by promoting Community Forestry Management as done in Zimbabwe in the CAMPFIRE project. Recommendations for the Revenue and Land Reform Department are proper maintenance of title and land records and have a computerised system for land records.

On the issue of employment, the Jharkhand Vision 2015 Document points out that only 31% of tribal population has been able to gain employment in industries as unskilled workers. The Vision-2015 document estimates that 23.22 lakh families in the rural areas live below the poverty line, and the incidence of rural and urban poverty in Jharkhand is higher than in the rest of India. It is absolutely necessary to create an investment climate to attract private investments, to ease licensing regulations for entry-level professions, to enable social security for unorganised sector workers, and to guarantee education even to those children who may be compelled to work.

The Jharkhand State Industrial Policy 2001 recognised that "infrastructure is the most critical component for ensuring industrial growth." The state received grants and loans to finance its infrastructure plans worth Rs. 2,650 crore during 2001-02, Rs. 2,652 crore in 2002-03, and Rs. 2,935 crore in 2003-04. However, in 2004, in its Memorandum to the Twelfth Finance Commission, the Jharkhand government admitted that the state has an "abnormal deficiency of infrastructure." And recently, the *Economic Times* showed, "in

the process of building its infrastructure, Jharkhand has run into a massive debt of Rs 160 billion and pays Rs 14 billion as interest for the same.” Among suggestions: a) infrastructure schemes should be prepared after due planning and consultation with concerned agencies, stakeholders, and local bodies; b) infrastructure for industrialisation is necessary, but it should be placed within the legal framework of property rights, including those of the tribals; c) there should be rigorous financial evaluation and monitoring of expenditures; d) the operating costs of projects should be collected as much as possible through user fees; and e) private investments in infrastructure should be encouraged.

The largest allocation of the police in the state has been to the Village Police which spent Rs. 46.96 crore in 2004-05. The allocation under the Modernisation of Police Forces Scheme has not shown any consistent pattern except that the percentage of utilisation has decreased to a very negligible amount of just 7.33%. With regard to prison modernisation, the state and the centre have not allocated any amount in the past two years. Nonetheless, a study by the Centre for the Study of Developing Societies in collaboration with the CNN-IBN and The Hindu showed that in reply to the question whether they feel safe in their locality, 83% of all residents polled responded that they felt safe in their locality, 15% felt not so safe and a very minor 2% felt very unsafe. It is suggested that the Department improve community policing in villages to initiate greater engagement with the locals and to encourage their participation in maintaining law and order. The village police should educate the locals on details of the investigation process and the rights of the accused. Lok Adalats must be set up in large numbers to remove the backlog of cases and ensure speedy and efficient justice. A strong Witness Protection Act should be put in place since this would prevent witnesses from turning hostile.

The last chapter deals with the Third Tier of Governance in Jharkhand. It highlights the legislations pertaining to the devolution of functions, funds and functionaries to local bodies to enable them to function as institutions of self-government. Jharkhand however remains the only state in India which has not yet held any elections at the panchayat or municipal levels. The deep-seated anxiety and mistrust of the state government in devolving powers to local bodies is clearly reflected in the Jharkhand Panchayat Raj Act 2001. It is suggested that the government must bring the Jharkhand Panchayat Raj Act 2001 in as much harmony as possible with the spirit of 73rd and 74th Amendments. Jharkhand should learn from the experience of states like Chhattisgarh and Orissa, which also have a large tribal populations. Tatanagar should be viewed as a model of private provision of municipal services and state government should employ its lessons to assure better public services to all. There should be greater coordination among the three departments that are concerned with local bodies: The Department of Panchayati Raj, Department of Rural Development and the Department of Urban Development. Local bodies should be involved in the preparation of plans, schemes and budgets in a bottom-up fashion; the current top-down approach is anachronistic.

The preparation of this Jharkhand Citizen Handbook has indeed been a mammoth task and it would have been possible with the hard work and dedication of my CCS team as well as the supporting team at *Prabhat Khabar*. Ms. Renu Vinod, despite her prior

commitments, took over the overall responsibility of coordinating the efforts and of writing four chapters to get the Handbook ready in time for the Foundation Day. Ms. Sushmita Pratihast (three chapters) and Mr. Ali Mehdi (two chapters) worked long days and even during weekends and holidays to prepare their chapters. Ms. Shruti Rajagopalan not only wrote the critical chapter on land and forests but found time to edit the whole volume. The better readability of this *Handbook* is due to her sleepless nights. The *Prabhat Khabar* team efficiently collected and collated a number of government documents and reports, which formed an important basis of our research. We hope that these endeavours of the CCS and *Prabhat Khabar* teams would bear fruit in improved governance of Jharkhand so that all her citizens would be able to fulfil their dream of a good and fulfilling life.

Parth J Shah

Right to Information: People's Right and Government's Denial

-Renu Vinod

Introduction

In the first Jharkhand Citizen Handbook released in November 2005, the chapter on the Right to Information (RTI) focused on what is the RTI and the provisions under the Right to Information Act 2005 that elaborated on the rights of the citizen and the duties of the government under the RTI Act. At that time, the RTI Act had only been enforced on October 12 and several States and Union Territories, including Jharkhand had just begun to enforce the Act. However, it has been more than a year now and this chapter is intended as a reality check on the status of the Act's enforcement and implementation in Jharkhand.

The focus on the one hand, will be on the efforts of the government to furnish information in response to requests by citizens, and more importantly, to voluntarily publish information under Section 4 of the RTI Act. On the other hand, the chapter will focus on the efforts of citizens to spread awareness of the RTI Act to larger groups of persons for them to use it to get basic information of immediate relevance to them, such as ration cards and telephone connections and to enforce some degree of transparency in government functioning.

The chapter first delves briefly into what is the right to information and the rights and obligations of the government under it. Then, it will focus on what the government has done with regard to carrying out its obligations under Section 4 with regard to proactive disclosure of information to the public, the Jharkhand State Information Commission and finally, on citizen activism in Jharkhand.

The chapter will end with suggestion for reforms on what the government and citizens can do to improve the public's right to information in Jharkhand.

What is the Right to Information?

The right to information is a Fundamental Right under Article 19 (1) of the Constitution of India. Article 19 (1) provides that every citizen has the fundamental right to freedom of speech and expression. The principle underlying this right is that the absence of bona fide information regarding issues pertaining to public interest will serve only to fuel rumours and allegations against individuals and institutions. Moreover, an "aware" citizenry would be in a better position to perform their Fundamental Duties enshrined in Article 51A of the Constitution.

The principle underlying Article 19 (1) is that the absence of bona fide information regarding issues pertaining to public interest will serve only to fuel rumours and allegations against individuals and institutions. Moreover, an "aware" citizenry would be in a better position to perform their fundamental duties enshrined in Article 51A of the Constitution.

Public participation in decision-making is crucial to democratic governance. By having access to information regarding the activities of the government, the public can make decisions and form opinions that are fully informed.

Even today, many officials in the government believe that the information they hold regarding their activities is classified information to which the public has very little or no right. It is no secret that information is power and power corrupts. Having monopolised access to information, government officials today are all-powerful and citizens, in whose service they are supposed to function, have been reduced to the state of subjects.

Why is government information important to have access to?

- This information is a public resource, collected and stored using taxpayer's, i.e., *our* money. Therefore, we have a right to *know* and access this information.
- Government information records the activities the government undertakes to serve the public, on a day-to-day basis. Thus, information is a public resource recording what the government is doing with the public's money. Needless to say, the public has the right to *know* how this money is being spent.

Citizens' right to information has an all-important corollary: the duty of the State to proactively disclose information to the public. Such disclosure of information allows people to monitor the actions of representatives who claim to act in the interest of the public. This will gradually move the system towards more transparency and accountability.

What is information under the RTI Act?

With the enactment of the RTI Act in June of the said year, all State Acts were redundant. The RTI Act is applicable to all States and Union Territories except for the State of Jammu & Kashmir.

Section 2 (f) of the RTI Act defines information as:

“any material in any form, including records, documents, memos, e-mails, opinions, advices, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models, data material held in any electronic form and information relating to any private body which can be accessed by a public authority under any other law for the time being in force”

Furthermore, Section 2 (i) defines “record” as:

- “(a) any document, manuscript and file;*
- (b) any microfilm, microfiche and facsimile copy of a document;*
- (c) any reproduction of image or images embodied in such microfilm (whether enlarged*

or not); and
(d) any other material produced by a computer or any other device”

The right to information is defined in Section 2 (j) as the right to information, which is:

“held by or under the control of any public authority and includes the right to—

(i) inspection of work, documents, records;

(ii) taking notes, extracts or certified copies of documents or records;

(iii) taking certified samples of material;

(iv) obtaining information in the form of diskettes, floppies, tapes, video cassettes or in any other electronic mode or through printouts where such information is stored in a computer or in any other device”

Public Information Officer and Appellate Authority

Under Section 5 of the RTI Act, every government agency/board/corporation/department must designate public information officers (PIO) to furnish information to applicants. Assistant public information officers (APIO) also need to be designated to receive the applications for information or appeals and for forwarding the same to the PIO or appellate authority. However, whenever an information request is sent to the APIO, the public information officer/appellate authority would be given five extra days to provide the response.

The PIO has the following obligations under Section 5 of the RTI Act 2005

- Deal with requests from applicants and render reasonable assistance to them.
- Seek the assistance of any other officer as he or she considers it necessary for the proper discharge of his or her duties.
- Any officer whose assistance has been sought shall render all assistance to the PIO who has sought his/her assistance.

The information requests and rejection process

- Section 6 of the RTI Act states that in order to obtain information, an applicant can make a request either in writing *or through electronic means* in English or Hindi or in the official language of the area with accompanying fee to the PIO.
- Where an applicant cannot make such a request in writing, the PIO is duty bound to render all reasonable assistance to that person to reduce the request in writing.
- No information requisitioner needs to give a reason for filing an information request except details that may be necessary for contacting him/her.
- When the information is held by another government body or is the subject matter of another government body, it is the duty of the agency/board/corporation/department

that received the request to transfer the same and intimate the applicant immediately. Such transfer must be made immediately and in no case should it be made later than 5 days after receipt of the request.

- Section 7 of the RTI Act provides that the PIO must provide information or reject the request within 30 days of having received the information request. In situations where the information sought concerns the life and liberty of a person that should be provided within 48 hours of the receipt of the request. If a PIO fails to comply with the time limits, then s/he shall provide the information free of charge to the applicant
- Under Section 8, where a request has been rejected, the PIO must state to the requester the reasons for such rejection, the period within which an appeal against such rejection should be made and the particulars of the appellate authority.

Appellate Authority

Section 19 of the RTI Act implies the creation of a first Appellate Authority within a government agency/board/corporation/department. Under this Section, there should be an officer senior to the PIO, to whom an appeal, in case of rejection of an information request or dissatisfaction with the information obtained, may be preferred.

Fees

The Jharkhand government has framed its own rules regarding payment of fees and information charges. These rules are on the same lines as the Central government Fees and Cost Rules under the RTI Act:

- A request for obtaining information under subsection (1) of Section 6 shall be accompanied by an application fee of Rs. 10/- by way of cash against proper receipt or by demand draft or bankers cheque payable to the Accounts officer of the Public authority.
- For providing the information under Subsection (1) of section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or banker's cheque payable to the Accounts Officer of the public authority at the following rates:
 - a) Rs. 2/- for each page (in A-4 or A-3 size paper), created or copied;
 - b) actual charge or cost price of a copy in larger size paper;
 - c) actual cost or price for samples or models; and
 - d) for inspection of records, no fee for the first hour; and the fee of Rs. 5/- for each fifteen minutes (or fraction thereof) thereafter.*

For providing the information under Sub section (5) of Section 7, the fee shall be charged by way of cash against proper receipt or by demand draft or banker's cheque payable to the Accounts officer of the public Authority at the following rates:

- for information provided in diskette or floppy – Rs. 50/- per diskette or floppy; and

- for information provided in printed form at the price fixed for such publication or Rs. two per page of photocopy for extracts from the publication.

*It is disappointing to note that, unlike the Central government, which amended its Fees & Costs Rules in October 2005 to increase the time duration for charging against inspection of records to “rupees five for each subsequent hour (or fraction thereof)”, the Jharkhand state has not made any such amendment in its rules notified in November 2005.

Under Section 7 (5) of the RTI Act, no fees shall be charged from persons who are below poverty line.

Proactive Disclosure under Section 4 of the RTI Act 2005 in Jharkhand

Section 4 of the RTI Act¹ establishes proactive disclosure or the government’s Duty to Publish information. It obligates all public authorities at every level of government, to provide essential details about their functioning. This Duty to Publish obligates them to publish details about budgets, subsidies, licenses and projects, as well as contact information of their Public Information Officers.

Section 4 is the most important part of the RTI Act; it will enable even the poorest groups in society to access information, they might be hesitant to ask for.

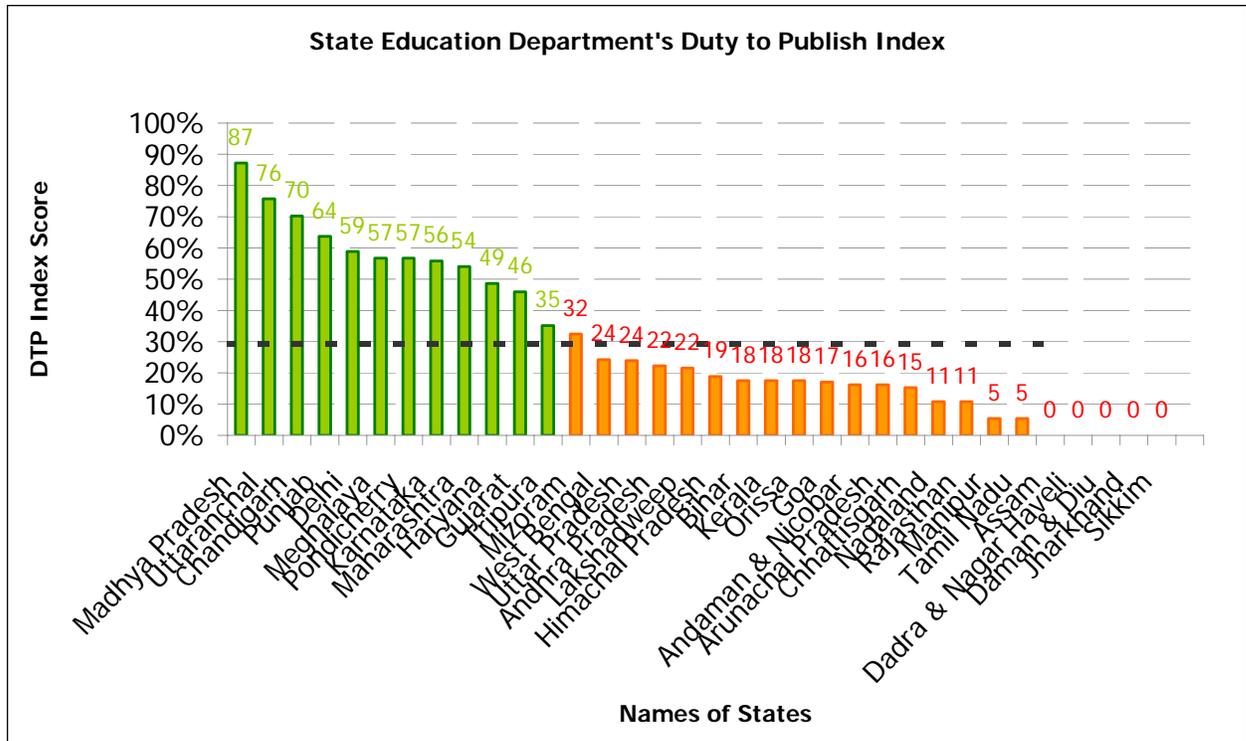
A report published by Centre for Civil Society (CCS) in October 2006 found that 75% of States and Union Territories whose agencies/boards/corporations/departments in the field of Education it studied do not provide even half the information they are duty bound to, under section 4 of the RTI Act.

Illustrating the dismal state of affairs, more than half of the 112 public authorities studied did not provide the names, designations or contact information of their Public Information officers, the most basic information needed to file an RTI request.

However as the “Duty to Publish Index: Report card on RTI compliance of states” published by CCS found, the average state provides less than a third of the information required, this is 15 months after the Act was passed. Madhya Pradesh is the leader, having published 87% of the required information, respectively. Chandigarh (62%) and Delhi (54%) topped the Union Territories.

Unfortunately, Assam, Jharkhand and Sikkim are among those who didn’t publish any information at all and fall at the very bottom of the list with no score.

¹ For provisions of Section 4 of the RTI Act: See Annexure



From the above table, it is clear that while Uttaranchal, which was created at the same time as Jharkhand and Chattisgarh, has topped the list at second place with a score of 76%, Chandigarh and Jharkhand, with scores of 11% and 0, respectively, have failed the citizens of India and violated Section 4 of the RTI Act.

The Jharkhand State Information Commission should take cognisance of this lapse in the State Education public authorities and pull up the laggard authorities for denying the people’s right to information since they have the power to do so under Section 19 of the Act:

Section 19(8) deals with the powers of the Information Commission while deciding on appeals from citizens who have failed to secure information under the Act. The relevant provisions are indicated below:

In its decision, the Central Information Commission or State Information Commission, as the case may be, has the power to—

- a) require the public authority to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—
 - i. by providing access to information, if so requested, in a particular form;
 - ii. by publishing certain information or categories of information;
 - iii. by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
- b) require the public authority to compensate the complainant for any loss or other detriment suffered;

c) impose any of the penalties provided under this Act;

Needless to say, the most potent provision in this clause is 19(8)(c), which gives the Information Commission the powers to impose a penalty on those public authorities that have not complied with the provisions of this Act: be they with regard to their duty to *furnish* information, or their duty to *publish* information proactively.

The Jharkhand State Information Commission

Under Section 15 of the RTI Act, the State Information Commission will consist of the Chief Information Commissioner and Information Commissioners, the latter not exceeding 10 in number. This Section also provides that the members of the State Information Commission “shall be persons of eminence in public life with wide knowledge and experience in law, science and technology, social service, management, journalism, mass media or administration and governance.”

The Jharkhand State Information Commission is comprised of the following members:

Chief Information Commissioner

Mr. Harishankar Prasad (Retired Judge)

Information Commissioners

1. Baidya Nath Mishra (Ex-Resident Editor, Prabhat Khabar)
2. Rambilas Gupta (Retired Law Secretary, Jharkhand)
3. Gangotri Kujur
4. Sristi Dhar Mahto
5. Prafull Kumar Mahto
6. Harish Chandra Patar Munda

Under Section 18 of the RTI Act, the Information Commission is duty bound to receive and inquire into an appeal when:*

- an applicant has not been able to submit an information application because no Public Information Officer has been appointed or because the Assistant Public Information Officer has not forwarded his/her application to the Public Information Officer/Appellate Authority
- information has been refused under this Act
- a response has not been given within the time limit specified under the Act
- a fee has been requested which the applicant considers unreasonable

* For procedure for filing an appeal/complaint with the Information Commission: see Annexure 3

- an applicant believes that s/he has been provided false, misleading or incomplete information under the Act

Powers of the Information Commission:

Under Section 19 (8) of the RTI Act 2005, the Jharkhand State Information Commission can and should require the agency/board/corporation/department to take any such steps as may be necessary to secure compliance with the provisions of this Act, including—

- by providing access to information, if so requested, in a particular form;
- by appointing a Central Public Information Officer or State Public Information Officer, as the case may be;
- by publishing certain information or categories of information;
- by making necessary changes to its practices in relation to the maintenance, management and destruction of records;
- by enhancing the provision of training on the right to information for its officials;
- by providing it with an annual report in compliance with clause (b) of sub-section (1) of section 4.

Citizen Activism in Ranchi

In July 2006, the Jharkhand RTI Forum comprising the organisations and individuals working for the RTI in Jharkhand was constituted to create a common forum to spread awareness about the RTI Act, the people’s rights and the government’s duties under it and tackle the obstacles in the implementation of the Act. The Forum celebrated 15 August 2006 as Information Independence Day and 12 October 2006 as Information Day. Mr. Vishnu Rajgadia is the Convener of the Forum. Its Executive Members include eminent personalities from different fields within the State and 2 students each from the Department of Journalism of Ranchi University, Department of Journalism St. Xaviers College and the Prabhat Khabar Institute of Media Studies.

Use of the RTI Act 2005

Citizens’ use of the RTI Act seems to be restricted to Ranchi. The potency of the information legislation has not spread to other areas of Jharkhand. However, as one of the successful case studies (in the Box) will show, individuals and groups that are using the Act are also helping marginalised and helpless persons such as BPL workers and Scheduled Tribes use this Act.

However, the case studies illustrated below will also show that experience of the citizens of Ranchi with the RTI Act 2005 has been a mixed bag. While the telephone office and the Food Supply Office have been more forthcoming with regard to parting with information, some other government agencies/boards/corporations and departments such as the Vidhan Sabha Secretariat and the Industrial Development Bank of India, Kolkata Branch have not been as cooperative.

Getting a telephone is now just a RTI application away...

After an unsuccessful wait and several trips to the telephone office for six months for a telephone connection, a computer professional in Ranchi, Pawan Kumar, approached the Anti Drive Campaign to file a right to information application. To his surprise, the very next morning, he saw cable lines being dug outside his home to connect his phone. By the same afternoon, he had his telephone connection.

So is getting a ration card

Sokol Marandi, a Below Poverty Line labourer had been trying to get a ration card for over 6 months. The Anti Bribery Campaign of Ranchi helped Sokol Marandi draft his application and submit to the Food Supply Office. The next morning, the Marketing Officer visited his village and assured Marandi that he would provide him his ration card. That very afternoon Marandi was handed over his ration card.

To the Vidhan Sabha Secretariat: Who pays for your food?

A reporter from Prabhat Khabar, Shri Shakti Pandey, filed an information request with the Jharkhand Vidhan Sabha Secretariat, seeking information regarding the number of shops, canteens and stalls with the name of their owners, the amount of advance received from them and the monthly rent collected from them for the period up to 28 January 2006. However, no information was forthcoming from the Secretariat more than six months after filing the requisition.

During this period, the applicant appealed to the first appellate authority in the Department of Personnel and Administrative Reforms as well as the Speaker of the Jharkhand Assembly. When no response was received from either, the applicant appealed to the State Information Commission on the 31st of July 2006.

When the Information Commission called for a hearing on the matter, the Vidhan Sabha Secretariat insisted on the use of a lawyer to state its case. However, the appellant objected to this violation of the RTI Act 2005 under Section 5 (iv) and (vi) and Section 7 (2) (4) of the Appeal Procedure Rules, 2005, which does not allow taking the help of any other person bearing his/her office. The appellant also pointed out that this is a gross mis-utilisation of public money.

Meanwhile the party against whom the appeal is made has requested the State Chief Information Commissioner for another date. This plea has been accepted and the hearing has been extended to 5 September 2006.

Where are the factories?

Industrial Development Bank of India, Patna sanctioned a loan of more than Rs. 20 crore to start 3 factories in Tupudana Industrial Area of Ranchi in 1998. Two factories were never completed, while the third was closed just after the construction began. The land allotted for this industrial purpose is lying futile. Rajgadia from Hindi Daily Prabhat Khabar filed a RTI application to IDBI, Kolkata for getting facts regarding the dues. But he has been denied on the ground of section 8(d) of the RTI Act.

Knowing fully well that procuring huge amounts of loan in the name of setting up industries and not following up with the actual work is one of the easiest ways of looting public money, the applicant has now filed an appeal with the State Information Commission.

The appeals process is currently underway.

Recommendations for Reforms

Section 4 (4) of the RTI Act mandates that dissemination of information should occur in the following manner:

‘For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.’

This provision is especially important for citizens who live in rural areas and have no access to the Internet. The provision that includes the “inspection of offices of any public authority” is significant here, because it gives the public the legal right to demand inspection of documents in Government offices.

This process should be made citizen-friendly with Government Agencies, Boards, Corporations and Departments fixing a time once or even more than once every week for members of the public to inspect documents. Also, information that has been oft-requested should be made freely available in the office for people to inspect and if necessary photocopy, as and when required.

Moreover, the Act should be demystified and translated into regional and local languages, including tribal languages, so that even the marginalised and the minorities can understand and use the Act. Section 6 (1) mandates this and can be extended to include the tribal language spoken in an area. It states that:

“A person, who desires to obtain any information under this Act, shall make a request in writing or through electronic means in English or Hindi or in the official language of the area in which the application is being made”

In today’s technologically advanced world, the Government cannot ignore the fact that increasing numbers of offices are using information technology in every day office

functioning. In this context, the Government of Jharkhand must help its Agencies/Boards/Corporations and Departments to move towards the effective electronic management of records. Since the use of computers is increasing, State Government cannot use any excuse to lag behind in this process of electronically publishing its records, especially those under Section 4 and managing all its electronic records efficiently. In addition, the RTI Act mandates that given the resources, *all* government bodies must move towards the computerisation of its records and connecting all its information via an efficient network:

- Develop a timeframe for the conversion of information into electronic records. In order to do this quickly and efficiently, Government bodies would need to re-evaluate existing norms and change them wherever necessary, to permit the smooth transition from current practices
- The Karnataka Government has a successful electronic land records management system called *Bhoomi*. After testing this new system on a pilot basis in four or five sub-districts of the State, the Government expanded the project to cover land records management in the entire State. Similarly, Jharkhand can create a new system of indexing and managing its records electronically, which it can test in a few districts before expanding to the entire State.
- Government bodies must develop online information furnishing systems. By achieving such a system they must allow citizens to file applications online, permit payment using an online credit card, and process appeals online as well.
- Government bodies must also publish *suo motu* all information that has been requested more than five times and information, which has the potential of being requested several times. To begin with, they can focus on bodies that deal with the public on a more regular basis such as the Department of Human Resources Development and Department of Food & Civil Supply, apart from bodies that provide public services such as power, water etc.
- The State Information Commission must enquire seriously into gross violations surrounding both the government's duty to *furnish* information under Section 6 as well as its duty to *publish* information under Section 4. It must use its powers provided to it under Sections 18 and 19 of the Act to bring to book those Agencies, Boards, Corporations and Departments that have violated the said provisions.
- Finally, an attitudinal shift is the need of the hour. Government bodies must make the process of obtaining information as citizen friendly as possible instead of finding ways and means under Section 8 of the Act to deny information.

Annex I

Section 4 of the RTI Act 2005, dealing with proactive disclosure of information:

- 4** (1) Every public authority shall—
- (a) maintain all its records duly catalogued and indexed in a manner and the form which facilitates the right to information under this Act and ensure that all records that are appropriate to be computerised are, within a reasonable time and subject to availability of resources, computerised and connected through a network all over the country on different systems so that access to such records is facilitated;
 - (b) publish within one hundred and twenty days from the enactment of this Act,—
 - (i) the particulars of its organisation, functions and duties;
 - (ii) the powers and duties of its officers and employees;
 - (iii) the procedure followed in the decision making process, including channels of supervision and accountability;
 - (iv) the norms set by it for the discharge of its functions;
 - (v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
 - (vi) a statement of the categories of documents that are held by it or under its control;
 - (vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
 - (viii) a statement of the boards, councils, committees and other bodies consisting of two or more persons constituted as its part or for the purpose of its advice, and as to whether meetings of those boards, councils, committees and other bodies are open to the public, or the minutes of such meetings are accessible for public;
 - (ix) a directory of its officers and employees;
 - (x) the monthly remuneration received by each of its officers and employees, including the system of compensation as provided in its regulations;
 - (xi) the budget allocated to each of its agency, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;
 - (xii) the manner of execution of subsidy programmes, including the amounts allocated and the details of beneficiaries of such programmes;
 - (xiii) particulars of recipients of concessions, permits or authorisations granted by it;
 - (xiv) details in respect of the information, available to or held by it, reduced in an electronic form;

(xv) the particulars of facilities available to citizens for obtaining information, including the working hours of a library or reading room, if maintained for public use;

(xvi) the names, designations and other particulars of the Public Information Officers;

(xvii) such other information as may be prescribed and thereafter update these publications every year;

(c) publish all relevant facts while formulating important policies or announcing the decisions which affect public;

(d) provide reasons for its administrative or quasi-judicial decisions to affected persons.

(2) It shall be a constant endeavour of every public authority to take steps in accordance with the requirements of clause (b) of sub-section (1) to provide as much information suo motu to the public at regular intervals through various means of communications, including internet, so that the public have minimum resort to the use of this Act to obtain information.

(3) For the purposes of sub-section (1), every information shall be disseminated widely and in such form and manner which is easily accessible to the public.

(4) All materials shall be disseminated taking into consideration the cost effectiveness, local language and the most effective method of communication in that local area and the information should be easily accessible, to the extent possible in electronic format with the Central Public Information Officer or State Public Information Officer, as the case may be, available free or at such cost of the medium or the print cost price as may be prescribed.

Explanation.—For the purposes of sub-sections (3) and (4), "disseminated" means making known or communicated the information to the public through notice boards, newspapers, public announcements, media broadcasts, the internet or any other means, including inspection of offices of any public authority.

Annex II- Information Exempted Under Section 8 of the Act

8 (1) Notwithstanding anything contained in this Act, there shall be no obligation to give any citizen,—

(a) information, disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence;

(b) information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court;

(c) information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislature;

(d) information including commercial confidence, trade secrets or intellectual property, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information;

(e) information available to a person in his fiduciary relationship, unless the competent authority is satisfied that the larger public interest warrants the disclosure of such information;

(f) information received in confidence from foreign Government;

(g) information, the disclosure of which would endanger the life or physical safety of any person or identify the source of information or assistance given in confidence for law enforcement or security purposes;

(h) information which would impede the process of investigation or apprehension or prosecution of offenders;

(i) cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers:

Provided that the decisions of Council of Ministers, the reasons thereof, and the material on the basis of which the decisions were taken shall be made public after the decision has been taken, and the matter is complete, or over:

Provided further that those matters which come under the exemptions specified in this section shall not be disclosed;

(j) information which relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the Central Public Information Officer or the State Public Information Officer or the appellate authority, as the case may be, is satisfied that the larger public interest justifies the disclosure of such information:

Provided that the information which cannot be denied to the Parliament or a State Legislature shall not be denied to any person.

(2) Notwithstanding anything in the Official Secrets Act, 1923 nor any of the exemptions permissible in accordance with sub-section (1), a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

(3) Subject to the provisions of clauses (a), (c) and (i) of sub-section (1), any information relating to any occurrence, event or matter which has taken place, occurred or happened twenty years before the date on which any request is made under section 6 shall be provided to any person making a request under that section:

Provided that where any question arises as to the date from which the said period of twenty years has to be computed, the decision of the Central Government shall be final, subject to the usual appeals provided for in this Act.

9 Without prejudice to the provisions of section 8, a Central Public Information Officer or a State Public Information Officer, as the case may be, may reject a request for information where such a request for providing access would involve an infringement of copyright subsisting in a person other than the State.

10 (1) Where a request for access to information is rejected on the ground that it is in relation to information which is exempt from disclosure, then, notwithstanding anything contained in this Act, access may be provided to that part of the record which does not contain any information which is exempt from disclosure under this Act and which can reasonably be severed from any part that contains exempt information.

(2) Where access is granted to a part of the record under sub-section (1), the Central Public Information Officer or State Public Information Officer, as the case may be, shall give a notice to the applicant, informing—

(a) that only part of the record requested, after severance of the record containing information which is exempt from disclosure, is being provided;

(b) the reasons for the decision, including any findings on any material question of fact, referring to the material on which those findings were based;

(c) the name and designation of the person giving the decision;

(d) the details of the fees calculated by him or her and the amount of fee which the applicant is required to deposit; and

(e) his or her rights with respect to review of the decision regarding non-disclosure of part of the information, the amount of fee charged or the form of access provided, including the particulars of the senior officer specified under sub-section (1) of section 19 or the Central Information Commission or the State Information Commission, as the case may be, time limit, process and any other form of access.

Annex III

The procedure for filing an appeal or complaint with the Information Commission

The *Jharkhand Right to Information (Appeal Procedure) Rules, 2005* details the procedure regarding making an appeal or complaint with the Jharkhand State Information Commission.

1. An appeal to the Commission should contain the following information, namely:
 - (i) name and address of the appellant;
 - (ii) name and address of the Public Information Officer against the decision of whom the appeal is preferred;
 - (iii) particulars of the order including number, if any, against which the appeal is preferred;
 - (iv) brief facts leading to the appeal
 - (v) if the appeal is preferred against a refusal, the particulars of the application, including number and date and name and address of the Central Public Information Officer to whom the application was made;
 - (vi) prayer or relief sought;
 - (vii) grounds for the prayer or relief;
 - (viii) verification by the appellant; and
 - (ix) any other information, which the Commission may deem necessary for deciding the appeal.

2. Every appeal made to the Information Commission should be accompanied by the following documents, namely:
 - (i) self-attested copies of the Orders or documents against which the appeal is being preferred;
 - (ii) copies of documents relied upon by the appellant and referred to in the appeal; and
 - (iii) an index of the documents referred to in the appeal.

3. In deciding the appeal the Commission may follow the following procedure:
 - (i) hear oral or written evidence on oath or on affidavit from concerned or interested person;
 - (ii) peruse or inspect documents, public records or copies thereof;
 - (iii) inquire through authorised officer further details or facts;
 - (iv) hear Public Information Officer, Assistant Public Information Officer or such Senior Officer who decide the first appeal, or such person against whom the complaint is made, as the case may be;
 - (v) hear third party; and
 - (vi) receive evidence on affidavits from Public Information Officer, Assistant Public Information Officer, such Senior Officer who decided the first appeal, such person against whom the complaint lies or the third party

4. Notice to be issued by the Commission may be served in any of the following modes, namely:

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post with acknowledgement due; or
- (iv) through Head of office or Department.

5. The order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by the Registrar or any other officer authorised by the Commission for this purpose.

Annex IV- The following Government bodies are exempted from the purview of the RTI Act

THE SECOND SCHEDULE

Intelligence and security organisation established by the Central Government

1. Intelligence Bureau.
2. Research and Analysis Wing of the Cabinet Secretariat.
3. Directorate of Revenue Intelligence.
4. Central Economic Intelligence Bureau.
5. Directorate of Enforcement.
6. Narcotics Control Bureau.
7. Aviation Research Centre.
8. Special Frontier Force.
9. Border Security Force.
10. Central Reserve Police Force.
11. Indo-Tibetan Border Police.
12. Central Industrial Security Force.
13. National Security Guards.
14. Assam Rifles.
15. Special Service Bureau.
16. Special Branch (CID), Andaman and Nicobar.
17. The Crime Branch-C.I.D.- CB, Dadra and Nagar Haveli.
18. Special Branch, Lakshadweep Police.

Source: <http://righttoinformation.gov.in/>

The Third Tier of Governance in Jharkhand: Acts without Actions

- Ali Mehdi

There has been a series of legislations regarding decentralisation of governance in India. The Government of India Act of 1919 marked the first major step in this direction, while Article 40 of the Constitution made it a Directive Principle that the “State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government.” In 1991, following the realisation that Panchayati Raj Institutions (PRIs) have not been able to acquire the status of responsive people’s bodies in spite of having existed for a long time, the 73rd and 74th Amendments were introduced. The former was appended to the Constitution as Part IX (The Panchayats), with the Eleventh Schedule, involving 29 functions to be performed by the Panchayats at the village, intermediate and district levels. It was inserted Part IXA (The Municipalities), with the Twelfth Schedule, involving 18 functions to be performed by the Municipal Councils, Nagar Panchayats and Municipal Corporations. An exception was made to the administration and control of the Scheduled Areas and Scheduled Tribes, which was enshrined in Part X (The Scheduled and Tribal Areas) with the Fifth Schedule. PESA Act, 1996 (Provisions of Panchayats [Extension to the Scheduled Areas]) extended the provisions of 73rd Amendment to Fifth Schedule areas of nine States, including those in Jharkhand. Finally, at State level, there is Jharkhand Panchayat Raj Act 2001 (PRA).¹

The 73rd and 74th Amendments to the Constitution of India confer constitutional status on Panchayats at the rural and municipalities at the urban level respectively, provisioning for the devolution of functions, funds and functionaries to them by the State governments so that they could perform as the third tier of governance. Fifteen years later, the question stands: has constitutionalisation of such local bodies made any difference on the ground? Under the purview of the *State of Governance – Jharkhand Citizen Handbook 2007*, we are concerned with the performance of the Government of Jharkhand on this front. As part of the Jawaharlal Nehru National Urban Renewal Mission, the implementation of the provisions of the 74th Amendment has been made mandatory for select cities that wish to seek grants from the Union government under the mission. In Jharkhand, three cities have been listed: Dhanbad, Jamshedpur (also known as Tatanagar) and Ranchi.

First of all, since the State of Jharkhand came into existence in November 2000, seven years after the 73rd and 74th Amendments came into force, we cannot justifiably hold the governments of the new State responsible for not acting on earlier provisions. However, six years have passed, and Jharkhand remains the only State in the Republic of India which has not yet held any elections at the Panchayat or municipal levels. Being a new State, it could have made use of the momentum and the emerging framework to include the provisions of the Amendments and started with a decentralised form of governance. Not only that this did not happen, the deep-seated anxiety and mistrust of the State government in devolution of powers to local bodies is clearly reflected, as we can see, in the PRA. And this, despite the fact that Jharkhand, in contrast to the other two newly-

¹ Relevant portions of these Acts have been given as Appendix.

formed states – Uttaranchal and Chhatisgarh – emerged out of people’s movement. This makes it even more unfortunate that the lawmakers of the State are so hesitant in assigning significance to voices and aspirations of those based on whose struggle the State came into existence. The government is also losing the much needed resources for infrastructure development of its three cities that fall under JNNURM. It remains to be seen whether it will be able to avail funds, or deliver on the promise, under the mission by acting on mandatory reforms with the provisions of the 74th Amendment. As a matter of fact, these three cities are also the industrial centres of the State, and the centrality of infrastructure in such centres goes without elaboration. The State has presumptuously invited the big industrialists of the country and abroad, projecting itself as a resource-rich region, but lack of sufficient infrastructure might hold its ambitions from going too far, so the State government has to well realise.

Coming to a discussion of specific laws, it needs to be said that, although one could point fingers at 73rd and 74th Amendments themselves, or to other provisions, but since we are concerned with the performance of the State of Jharkhand on these fronts, we desist from criticising them directly unless they have been touched upon in the portions of PRA referred to in this article, or in cases where they have been neglected or amended in the State Act.

First, with reference to Article 243B of Part IX, and 243Q of Part IXA, no Panchayats or municipal elections have been held at any level by Government of Jharkhand till date. Section 1 of the PRA talks of a selective enforcement of the Act, but apparently not even that has yet happened. Intervention by NGOs at the State and Central level, nor the repeated reminders of Union Ministries of Panchayati Raj, Urban and Rural Development have had any effect in this regard. The Government of Jharkhand was requested vide letter no. N-11025/23/2005-UCD, dated 31.5.2005, to conduct elections of municipalities without further delay.² Unfortunately, neither this nor other efforts have borne fruit. According to Annual Report 2005-2006 of Union Panchayati Raj Ministry, there are 3746 Gram Panchayats, 211 Intermediate- and 22 District-level Panchayats, totalling 3979 Panchayats, in Jharkhand. For not holding elections in Panchayats and municipal bodies, one could well imagine the financial and democratic loss that people of Jharkhand have incurred since the formation of the State (we shall discuss this in detail towards the end while talking about the relevant departments). Under Eleventh Finance Commission, Rs. 241 crore were allocated for Panchayats and around Rs. 27 crore for municipalities in Jharkhand for period 2000-01 to 2004-05. Under Twelfth Finance Commission, for 2005-2010, Rs. 482 crore has been allocated for Panchayats and Rs. 98 crore for the municipalities. Will the State be able to avail allocated resources this time, even though it has lost out on previous promises? Panchayati Raj is often said to be ‘a silent revolution;’ unfortunately, it has been silenced in the State of Jharkhand, until now.

The government had provided an explanation in the Third Report of Standing Committee on Urban Development: “The Government of Jharkhand has informed that the reasons for pendency of the election for ULBs is that after the creation of new State, action has been

² Tenth Report of the Standing Committee on Urban Development (2004-2005), presented in the 14th Lok Sabha on 2.8.2005.

taken up to adopt the Acts and Rules which were regulated in the State of Bihar.” Six years on, is the process still on? Considering costs for economic development and social justice, it is deplorable in the light of Article 243G of Part IX and 243W of Part IXA that people’s participation in / ownership of development schemes and projects, and related to functions mentioned in the Eleventh and Twelfth Schedule respectively. The government should pay relatively lesser attention to its PR exercise, and more to action on the ground.

Figure I- Model of a Panchayati Raj Building. Model without Action!



Source: http://www.jharkhand.gov.in/depts/panra/panra_photo.asp (Accessed on 28/10/2005 at 12:45)

Elections were scheduled for early 2006, but got delayed due to court disputes regarding reservations for tribals. The Jharkhand High Court rejected the provisions of PESA and PRA regarding reservations for SCs and STs. In response, the Union Panchayati Raj Ministry filed special leave petition in the Supreme Court seeking to quash the judgment of Jharkhand High Court, while at the same time asking the Chief Minister of Jharkhand to hold Panchayat elections in the State at the earliest as per the provision of PESA and the Constitution. On August 1, 2006, Union Panchayati Raj Minister, Mr. Mani Shankar Iyer, told Rajya Sabha that “the Central Government has requested the Additional Solicitor General to make a special mention in the Supreme Court for an early hearing of the case relating to holding of Panchayat Elections in Jharkhand.”³ Elections are still to be held.

³ Govt. seeks early hearing of Jharkhand panchayat polls case
<http://www.empowerpoor.org/programmereport.asp?report=340> (Accessed on 15/10/2006 at 13:40).

It is the same situation with constitution of State Finance Commission (SFC) under Article 243I of Part IX. The case was held up by the Jharkhand High Court, but was later disposed of. The Government approved the constitution of SFC, promising that it shall shortly become functional. The first SFC was constituted on 28.1.2004, while the second is due in 2009. Regarding the first SFC becoming functional, that shall happen only when elections for local bodies are held. In comparison, a number of states have already constituted the second SFC, with exact dates for the third notified. West Bengal has even constituted the third SFC. Regarding constitution of the second SFC in Jharkhand, the State government has told the Union government that the proposal has been cleared, but is being held back by a litigation pending in the Jharkhand High Court. At a more basic level, under Article 243I, “the Governor of a State shall constitute a Finance Commission,” while Section 114 of PRA says “the State government may ... constitute a Finance commission.” Not only is there hesitation in the devolution of power top-down to local bodies, but also bottom-up to the Governor.

Likewise, the District Planning Committee (DPC) to consolidate and coordinate the plans of the Panchayats and municipalities at the district level has not yet been constituted in Jharkhand. In the Tenth Report of the Standing Committee on Urban Development, it is noted that Jharkhand among some other States has been lagging behind in the setting up of the DPCs. It was requested, vide letter No. G-20011/1/2004-UCD, dated 21.4.2005, at the level of Chief Secretary to constitute the Committee at the earliest. In Seventh Report of Standing Committee on Urban Development, presented to Lok Sabha on 25.4.2005, it was informed by the Government of Jharkhand that the provision for DPC has been made in the PRA. “However, the same have not been constituted as elections to urban local bodies in the State are yet to be held.” An instance of acts without actions. Another problem at the DPC level is that under 125(c) of PRA, a minister of Jharkhand State shall chair the DPC. What kind of autonomy could be ensured under such a system? As far as the curtailment of autonomy of the local elected bodies is concerned, all sections of the PRA mentioned here – besides sections 1 and 10 – are perfect examples. Section 30 gives open-ended powers to the State government to remove the Mukhia / Up-Mukhia from his / her office; Section 33, subsection 1, involves members of relevant Lok Sabha and State Legislative Assembly in the Panchayats – a provision which is also contained in the 73rd Amendment – but fails to make the reverse provision, of Panchayat members in the Lok Sabha or State Legislative Assembly. Why is not their involvement at the higher level provisioned for? Is there no need for their voices to be taken to the second and first tiers of governance? Section 74 again gives power to the State government to take away or annul the rights of Panchayat officer bearers. Section 78, subsection 2, does the same at the level of day-to-day functioning. Section 90, 92 and 113 gives it power to appoint its officials for the functioning of Panchayat offices, governed by its own service conditions, leaving the elected Panchayat members with no leverage to put them under their control. Whose orders are these State government officials, or bureaucrats, going to carry out? To whom are they going to report? Outward democracy and inward hegemonisation of the Panchayats by the State government, this is what describes this situation the best perhaps. Why are not Panchayats given the right to hire and fire officials for their functioning, preferably from within their own Panchayat area, also providing employment for locals? Sections 101, 102 and 103 again restrict the functional capabilities of Panchayats, while

Section 105 pushes them towards State-type bureaucratisation (paper-work, etc.), losing out on the charm of informal style of participatory governance. Section 107 provides the State government with the power to dissolve the Panchayats as it deems suitable.

In monetary terms, Sections 93 and 99 restrict the taxation powers of Panchayats, and indirectly affects the system of revenue sharing between the State and local bodies. It was suggested, and perhaps suitably, by the present Union government in mid-2004 that the Centre directly transfers money to local governments, instead of channelling it through the State, who have retained funds earmarked for them through the Finance Commission, Planning Commission and others. The States opposed the Centre's proposal, fearing that their powers might be curtailed. "One way out of this impasse may be for states to give local governments greater effective taxing powers, and to improve their collection capabilities" (Singh 2004: 14); but as we see here, the Government of Jharkhand has tried to arbitrarily restrict and jeopardize the taxation capabilities of the local bodies.

Section 10(5) of the PRA talks of preserving the traditions, customs and identity of communities in the scheduled areas. This not only reflects a stagnant view of the culture and identity of scheduled communities, rather attempts to ossify them under legislation, in the name of respect for their traditional values. Even though this might help to appease members of such communities for the moment, in the long run, it is going to do harm to their socio-cultural development, and that of the State as a whole. Lessons are offered by the continent of Africa, where communities were perceived as having 'unique' cultures, distinct from the modern civilization and values, and exhorted to conform to and retain their primitive culture and traditions. The consequences are there for us to observe. This provision of the PRA could as well lead to tribal / ethnic clashes in Jharkhand. However, it is notable that it provides for customary forms of dispute settlement only to the extent they "are not inconsistent with the Constitution," while no such qualification is made under Article 4d of PESA. In this sense, PRA is more balanced, but opens the door to interpretations with various intents.

As far as special provisions under the Fifth Schedule and PESA are concerned, let us hear the comments of an expert commentator on local self governance situation in Jharkhand, Prof. Nandini Sundar of Delhi University; she said in a workshop organised by UNDP: "In practice, experience with the Fifth Schedule has been very disappointing. The Tribes Advisory Councils have hardly any teeth, laws applicable to the rest of the state are routinely extended to scheduled areas, the Governor rarely exercises the powers vested in him/her, and the overall result is there for people to see in the miserable human development indicators for adivasis" (Sundar 2005: 1-2). Theoretically, it gives blanket powers to the Governor and President, but as Prof. Sundar says, its all act without action. As far as PESA is concerned, she says: "The Act is internally contradictory, by providing both for elections to the village panchayats (Clauses 4 c & g) and upholding custom, which involves non elected headmen at the village and pargana level. In fact, the legal challenges to PESA within Jharkhand (Champia vs State of Jharkhand; Adivasi Aatu Boisi vs State of Jharkhand), which try to invoke the central PESA against the state act, and argue that there should be no elections, ignore the weakness of the central act itself on this point. As far as elections are concerned, the Jharkhand PRA merely reproduces

this feature of PESA” (Sundar 2005: 2). Considering this contradiction, PRA (Section 10(5)) seems to be more balanced, insofar as it puts Constitution before tribal customs and dispute settlement mechanism. If these go against the spirit of the 73rd and 74th Amendments of participatory democracy, what should be done? The answer is not easy to reach at, but this does not mean that questions should not be raised.

Towards the end, it would be useful to consider the structure and functions of the three Jharkhand government departments that are ostensibly concerned with implementation of decentralisation laws – Departments of Panchayati Raj, Urban and Rural Development.

Department of Panchayati Raj

The Minister-in-charge for this and Department of Rural Development is Shri Enos Ekka, who has come under widespread criticism for spending Rs. 50 lakh on his son’s birthday recently held in his Simdega district where lack of employment opportunities has driven a number of people to other States. Between 1989 and 1999, self-confessedly, he lived in a house built under the Indira Awas Yojna (IAY), a Central government sponsored scheme under the Department of Rural Development.⁴ Anyway, the department of Panchayati Raj has a Principal Secretary, a Director, a Deputy Director, and an Assistant Director.

Since no elections have been held in Panchayats as of now, there is not much information on the department website. It gives the legislative provisions (PRA and its amendments), state overview (number of voters at various levels, details of wards of Gram Panchayats, Panchayat Samitis and Zila Parishads, reservation for women, scheduled castes and tribes), details on various Panchayat levels (area wise), model of Panchayati Raj building, scanned letters and instructions of the State government and State Election Commission regarding ballot box, counting of votes, candidates, voters’ list, paper seal & ballot paper. A lot of e-documentation, with little action on the ground! The most useful part for our purpose is the Jharkhand Panchayat Raj Act 2001, which we have scrutinised above.

Department of Rural Development

The department has a Principal Secretary, two Joint Secretaries, an Engineer-In-Chief, two Deputy Secretaries, a Secretary To Secretary, and two Under Secretaries. There is a Director for Panchayat Raj, and a Panchayat Raj Financial Corporation.

The department implements a number of programmes aimed at rural poverty alleviation through creation of infrastructure and providing employment opportunities for the rural poor. It provides credit and subsidies for self-employment, employment generating assets to the families below poverty line with the coordination of financial institutions. It also monitors PRIs for active participation of rural people in rural development programmes.

Some of the major schemes carried out by the department are the Swarn Jayanti Gram Swarojgar Yojna (SGSY), Sampurna Gramin Rojgar Yojana (SGRY), Employment Assurance Scheme (EAS), National Rural Employment Guarantee Act (NREGA), Jawahar Gram Samridhi Yojna (JGSY), Indira Awas Yojna (IAY), Drought Prone Area Programme (DPAP) and National Rural Health Mission under the centrally sponsored

⁴ The Times of India, New Delhi, 31/10/2006, p. 12.

schemes funded by Central and State governments in the ration of 75:25. Under the State plan schemes, there is the community development programme, basic minimum services, Panchayat Raj and minimum needs programme. Then, there is the Member of Parliament Local Area Development Schemes (MPLAD), under which MPs can suggest works up to Rs. 2 crore per annum to be taken up in their constituency.

A sum of Rs. 64 lakh has been provided for fulfillment of Panchayat requirements: Rs. 6 lakh for headquarter establishment, Rs. 48 lakh for the establishment of DPRO, and Rs. 10 lakh for establishing a training institute for non-government Panchayat Raj members.⁵ Then, there is the assistance provided to local bodies (table 1). In spite of so much money in their name, elections to none have been held. Where have Rs. 191.11 crore gone?

Table I- Assistance provided to local bodies (in crore of rupees)

Bodies	2000-01	2001-02	2002-03	2003-04	2004-05
Zila Parishads & PRIs	0.46	Nil	7.75	21.29	8.83
Municipal Corporations & Municipalities	1.99	39.58	44.20	18.18	48.83

Source: CAG State Audit Report for Jharkhand, 2004-05.

The Comptroller and Auditor General (CAG) of India's State Audit Report for Jharkhand for the year 2004-05 has made a number of criticisms on the financial administration and management of the department. Let us consider some of the most important ones here:

1. The department prepared its budget without assessing the actual requirements. As a result, there were huge savings (table 2), most of which were surrendered on the last day.

Table II- Department Savings (in crore of rupees, percentage of savings in brackets)

Head	2000-01	2001-02	2002-03	2003-04	2004-05
Revenue Voted	181.31 (64)	149.43 (35)	655.11 (64)	643.56(65)	746.33(60)
Capital Voted	10.41 (12)	247.81 (48)	305.24 (56)	197.12(37)	234.01(30)

⁵ <http://www.jharkhand.nic.in/governance/ruraldev.htm> (Accessed on 16/10/2006 at 11:45).

2. The implementation of centrally sponsored schemes suffered due to the selection of ineligible beneficiaries, diversion of scheme funds, and unfruitful and inadmissible expenditure of scheme funds.
3. The SGRY was implemented through DRDAs in the absence of elected Panchayati Raj Institutions. A review on implementation of SGRY during the period 2002-05 revealed that Rs. 76.99 crore of scheme funds remained unspent.
4. 919 IAY schemes involving Rs. 1.65 crore remained incomplete.
5. Under MPLADS, utilisation of funds was less than 50% due to delay in sanction and non-commencement of works, land disputes and poor progress in execution of works. Inadmissible works were sanctioned, and funds were given to registered societies in which the recommending MP was the Chairman.
6. Idle investment and expenditure on idle staff amounting to Rs. 1.67 crore was made.
7. Embezzlement of funds to the tune of Rs. 50 lakh and avoidable expenditures of Rs. 90.56 lakh were made.

Department of Urban Development

The Minister-in-charge for the department is Shri Harinarayan Rai. There is a Secretary, a Special Secretary, three Deputy Secretaries, a Senior Personal Assistant, an Under Secretary. One of the central objectives of the department is to implement the provisions of the 74th Amendment as contained in the Twelfth Schedule. But as we have seen above, there have been no elections for the local bodies, nor have the relevant committees been constituted. The planning and development work of the department includes road construction, water supply, implementation of sewerage system, sanitation and urban development, most of which come under the Twelfth Schedule itself, to be performed by the urban local bodies. Expenditures and basic details for these heads are provided on the department's website, but since they relate to the chapter on 'Infrastructure', they are dealt with there.

Recommendations for Reform

Reforms may be suggested in a three tier framework: on acts, on actions and departments.

Acts

1. The State government should try to bring the Jharkhand Panchayat Raj Act 2001 in consonance with the spirit of 73rd and 74th amendments. Particularly, with regard to provisions of powers, curtailment of autonomy, and dismissal of local bodies, serious reforms are required in the State Act. The State government should not be hesitant in devolving functions, funds and functionaries to local bodies, which could only provide a helping hand to it in the development of the nascent State.
2. Ministers of State or the Central government should not have a prominent or chairing role in the local bodies, nor should other members of the respective Houses. Locally elected people should be in such positions. When there is no such provision for their representation at first and second tiers of governance, why should vice versa happen?

3. Officials for local bodies should be either directly hired by concerned bodies, or those whom the leaders of such bodies select should be designated by the State government from its stock. In any case, the officers' first point of reporting should be local bodies.
4. Regarding the provision of tribal traditions and customs, and reservations for SCs and STs, the spirit of the 73rd and 74th amendments should be the guiding light, while the overall framework of the Constitution of India should be honoured in any provision.
5. The Governor should be theoretically and practically involved in the performance of functions where the original provisions have been made for him / her.
6. As Central government suggested in mid-2004, funds earmarked for local bodies by it should be sent directly to them, instead of being channeled through State government.
7. Taxation exemptions should be the prerogative of local bodies, or at least none should be made without the prior consultation and recommendation of local bodies.

Actions

8. The first natural suggestion would be that the State government hold elections to local bodies at the Panchayat and municipal levels, and constitute relevant bodies, quickly.
9. Secondly, it should learn from the experience of States like Chhattisgarh and Orissa, which also have large chunks of tribal population. That would also give it a good idea of how to balance the provisions of 73rd and 74th amendments with those specifically for tribals as contained in relevant laws.
10. As far as the JNNURM reforms are concerned with respect to the 74th amendment, it should act instantly to get much needed infrastructure money from union government. To furnish infrastructure in the State, as we see in the chapter on 'Infrastructure', the State government is in massive debt and is paying a lot of interest. Implementing the provisions of the 74th amendment is one way to release the pressure by getting grants from the central government.
11. Tatanagar should be considered as model for private provision of municipal services. If it is found to be successful, while the 74th amendment is not seeing the light of the day in the foreseeable future, it could be considered for other urban areas of the State.

Departments

12. There should be greater coordination among the three departments that are concerned with local bodies. Similarly, at the Central government level between the ministries of Panchayati Raj, Rural Development and Finance, lack of which reflects in the State.
13. Rather than having a department for Panchayati Raj, the rural and urban development departments should be reorganised in a manner that they imbibe the spirit of the 73rd and 74th amendments.
14. Centrally sponsored schemes should be reduced or done away with, and so should the DRDAs. Local schemes as proposed and planned by local bodies should be the norm, and so should they be responsible for their implementation. Similarly the MPLADS.
15. Local bodies should be involved in the preparation of plans, schemes and budgets in a bottom-up fashion, not top-down as is the case at the moment.
16. Excess staff should be removed from Department of Rural Development, while there should be a punishment for concerned officials in case of financial mismanagement, excessive recurring savings in the budget, embezzlement of funds, lack of monitoring and internal audit, etc.

Sources

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Appendix: Summary of Relevant Laws

Article 243B(1) of Part IX says, that "there shall be constituted in every State, Panchayats at the village, intermediate and district levels" Article 243G deals with the powers, authority and responsibilities of Panchayats with reference to the preparation of plans and implementation of schemes for economic development and social justice, and those in the Eleventh Schedule. Article 243H improvises for the collection by and assignment to PRIs (Panchayati Raj institutions) of taxes, duties, tolls and fees; and grants from Consolidated Fund of the State. Constitution of a Finance Commission by the Governor is dealt with in Article 243I, while the audit of accounts is the theme of 243J. Under 243K, the Governor is responsible for appointing State Election Commission, entrusted with superintendence, direction and control of the Panchayat elections. Towards the end, the Eleventh Schedule outlines the functions of the Panchayats, some of which are related to land reforms, water management, small scale industries, rural housing, means of communication, electricity, poverty alleviation, education, market, health, and welfare of family and weaker sections. Part IXA talks of the constitution of Nagar Panchayats, municipal councils and municipal corporations (243Q); constitution / composition of wards committees (243S); reservation for SC, ST and women (243T); powers, authority and responsibilities of municipal bodies in preparation of plans for economic development and social justice, and implementation of entrusted schemes, including those related to matters in the Twelfth Schedule (243W); taxation powers and provision for grants from Consolidated Fund of the State (243X); the Finance Commission constituted under Article 243I, Part IX shall also deal with revenue sharing for the municipalities (243Y); audit of municipality accounts (243Z); elections to the municipalities as outlined in Article 243K (243ZA); constitution of District Planning Committee "to consolidate the plans prepared by the Panchayats and the Municipalities in the district and to prepare a draft development plan for the district as a whole" (243ZD); and lastly, the Twelfth Schedule, that mentions the responsibilities of municipalities with reference to urban / town planning, roads and bridges, water supply, public health, slum upgradation, urban poverty alleviation, provision of urban and public amenities, and like. Regarding administration and control of Scheduled Areas and Scheduled Tribes, the Fifth Schedule [Article 244(1)] outlines how the Governor, under the direction of the President of India, shall administer such areas, with the advice of Tribes Advisory Council. He/She may make regulations concerning transfer of land by or among members of ST, allotment of land to ST members, etc. (Part B, 5.2). And, these shall come into effect only after the President has given his/her assent (Part B, 5.4). The Governor will also have the "right to

repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question” (Part B, 5.3).

Under PESA, exceptions and modification to Part IX of the Constitution have been made, and the Legislature of a State cannot make any law which is inconsistent with “customary law, social and religious practices and traditional management practices of community resources” (Article 4a). Every Gram Sabha will safeguard and preserve the traditions and customs, cultural identity, resources and the customary mode of dispute resolution of the community (Article 4d). The reservation of seats for ST shall not be less than one-half of the total number of seats; and all seats of chairpersons of Panchayats at all levels shall be reserved for them (Article 4g). The relevant Gram Sabha / Panchayat shall be consulted by the State before making any acquisition of land in such areas for development projects and before rehabilitation of affected persons (Article 4i). Prior recommendations of the appropriate Gram Sabha / Panchayat is mandatory in granting license or mining lease for minor minerals in Scheduled areas (4k); and in grant of concession for the exploitation of minor minerals by auction (4l). To enable Panchayats in such areas to function as units of self-government, the State government has to ensure that they have the power to enforce prohibition / regulation of sale and consumption of intoxicants, prevent alienation of land in such areas, manage village markets, and to exercise control over money lending to ST, over institutions and functionaries in social sectors, and over local plans and resources, and that Panchayats in such areas have the ownership of minor forest produce (4m, i-vii). And, finally, the Jharkhand Panchayat Raj Act 2001. Section 1 says that the Act “shall come into force on such date as the Jharkhand Government may, by notification in the official gazette, appoint and different dates may be appointed for different areas and for different provisions” (iii). Section 10, subsection 5, says that Gram Sabhas in scheduled areas are responsible for the protection and preservation of traditions and customs, cultural identity and community resources, customary manners of disposal of disputes, those that are not inconsistent with the Constitution, of the members of Gram Sabha (i). Section 30 states that the Mukhia / Up-Mukhia may be removed from his / her office by State government if found guilty of misconduct, or negligence of duties, or any mean behavior. However, he / she shall be given the opportunity to explain before being removed from office. Section 33, subsection 1, mentions that every Panchayat Samiti shall consist of directly elected members and members of the Lok Sabha and the State Legislative Assembly, representing constituencies which fall wholly or partly within the Panchayat Samiti. Section 74 says that the State government has the authority to annul and replenish the powers, functions and duties of Panchayat office-bearers. Under section 78, subsection 2, the State government may increase / withdraw any functions and duties of the Panchayats. According to Section 90, State government may appoint one Secretary for a Gram Panchayat or a group of them; an Executive Officer for Panchayat Samitis; and Chief Executive Officers, Chief Planning Officers, and Chief Accounts Officers for Zila Parishads. They shall be responsible for the respective offices, and have all powers under PRA and as conferred later on. And, from time to time, the State government may post government officers and employees in as many number as deemed necessary. Their terms of service shall be such as prescribed by the State government (Section 92). Under Section 93, subsection 2, “the State Government may withdraw any taxation right transferred to a Panchayat Samiti” (vi). While Section 99 extends this right of the State

government to “exempt wholly or partly any person or class of persons or any property or properties of any description whatsoever from payment of any tax.” Section 101 gives the power to State government to postpone compliance of any order issued or any license or permission given by a Panchayat or prohibit performance of any function by a Panchayat. Section 102 gives power to the State Government to order for execution of works of the Panchayats in certain cases, as it may deem necessary in public interest. When any order has been issued, the concerned Panchayat shall be bound to comply with it; and if it fails, the State government shall have all the powers to get those directions complied at the cost of the Panchayat. Section 103 says that “notwithstanding any thing contained in this Act, it shall be lawful for the Government to issue directions related with the matters of State and National policies and the said directions shall be applicable to Gram Panchayats, Panchayat Samities and Zila Parishads.” Section 105, subsection 2, says that “all the rules applicable to a Government department such as slips, tender, quality, control, technical sanction, accounts, audit and supervision shall mutatis mutandis apply in implementation of plans and schemes.” Section 107 gives power to the State government to dissolve the Panchayats, if it considers that they are not performing, performing beyond their powers, misusing them, or not obeying the orders of the State government / competent authority, after issuing a notice to the Panchayat Head. Section 113 states that all officers under this Act shall be under the control of the same authority under whose administrative control they usually perform the functions of their office. Section 114 says “State government may as soon as possible and thereafter on the expiration of every five years, constitute a Finance commission.” And lastly, under Section 125(c), a minister of the Jharkhand State shall be the chairman of the District Planning Committee.

Food Security: Miles to Go!

- Sushmita Pratihast¹

Bird's Eye View

Department of Food & Civil Supplies

RTI

- a. Name of Public Information Officer (PIO): No
- b. Designation of PIO: No
- c. Contact Details (postal address, telephone number, fax number, E-mail ID): No

Same details for Appellate Authority

- d. Publishing information *suo moto* on the Department's website: No

2. Citizen charter: No

3. Annual Report: Yes

4. Budget: Yes; Inside Annual Report 2004-05, 2005-06

5. Whether annual report and budget are provided in non-technical form and in lay person's language: No

Introduction

The Public Distribution System (PDS) is one the main structures through which any state government tries to resolve the problem of food security to the poorest section of the state. The PDS was initiated with the aim of providing basic food items like wheat, rice, kerosene, sugar and other food items of reasonable quality at reasonable prices. For this purpose, the population was divided into Above Poverty Line (APL), Below Poverty Line (BPL) and efforts are made in order to achieve deeper penetration in the country through various schemes and programs. In order to achieve this purpose, the Department of Food and Civil Supplies came into existence on the 15th of November 2000 with the formation of the state of Jharkhand.

According to the 2001 Census, the state has a total population of 269, 09,428, at the rate 455 per capita per day, thus leading to a total requirement of 44 lakh ton food grains per day.² The state faces a shortage of more than 20 lakh ton of food grains every year. To meet this shortfall the Central Government provides only 12 lakh ton of food grains and the rest has to be procured from the market. However, the total amount of food grains provided by the Food Corporation of India does not reach the state due lack of railway services, storage services and lack of building infrastructure in order to redistribute the food grains in various districts of the state.

¹ *Material Collected by Subir Rana

² http://www.jharkhand.gov.in/depts/foodc/foodc_khada.asp

Administrative Structure

The main office of the Department of Food and Civil Supplies is situated at Dhurwa in Project Bhawan (HEC Campus). At the secretarial level, apart from the Secretary, there are two Deputy Secretaries of Jharkhand Civil Service, one Secretary and a Secretary of Food Commissioner. Apart from this, there is also one registrar. There are two posts of Section Officer and four Assistant Officer although the sanctioned number of vacancies for this post is 20. At the divisional level, the department is headed by a Deputy Director, Additional Deputy Director. Ranchi and Jameshedpur have special district officials. At the district level, there are District Supply Officers, Assistant District Supply Officers, Block Supply Officers and Supply Inspectors. For the sub-allotment of allotted food grains by the Centre, there are 4 sanctioned posts at the establishment level. Table I gives the employment status of the department at the secretariat, regional and at the directorate level.

Table I: Employment Status of the Department

Organisational level	Sanctioned Strength	Working Strength	Vacant Positions
Secretariat level	66	24	42
Regional level	536	183	353
Directorate level	25	3	22

Source: Website of Department of Food and Civil Supplies. Government of Jharkhand. Available at http://www.jharkhand.gov.in/depts/foodc/foodc_padasthapan.asp.

State of Food Security in Jharkhand

2.66% of the residents of Jharkhand suffer from food insufficiency. 2.04% do not get sufficient food some of the months and 0.62% do not get sufficient food in any of the months. The problem of food insufficiency is more in rural areas than in urban areas of Jharkhand. In rural areas 3.31% of the people suffer from food insufficiency 2.58% some of the months and 0.73% through out the year. In urban areas less than one percent of the people suffer from food deficiency-0.62% some of the months and 0.34% through out the year. The tribals are the worst sufferers of food insecurity. 5.85% of the tribals of this state suffer from food deficiency 4.96% some of the months and 0.89% through out the year. The condition of SCs is also very bad in this respect. Some of the OBCs and general cast people also suffer from food insecurity but their number is much smaller than the STs and SCs. The rural urban disparity (VISHAMTA) is found in all social groups. In rural areas food insecurity of all the social groups is higher than those living in urban areas. Those who suffer from food insecurity around three fourths face food deficiency for two to three months a year. Table II gives the total percentage of households not getting enough food by number of food deficient months.

Table II- Food Insecurity in Jharkhand

Social Groups	Rural				Urban				Combined			
	Number of food deficient months				Number of food deficient months				Number of food deficient months			
	1	2-3	4-5	6-12	1	2-3	4-5	6-12	1	2-3	4-5	6-12
ST	6.02	72.66	15.95	5.37	0.37	53.82	45.11	0.71	5.71	71.61	17.57	5.11
SC	8.00	76.72	13.26	2.03	8.08	76.10	10.45	5.37	8.01	76.67	13.03	2.29
OBC	5.97	76.52	13.74	3.77	12.75	65.35	15.94	5.95	6.65	75.40	13.96	3.99

Others	14.82	70.89	12.51	1.78	26.51	56.70	14.05	2.74	15.90	69.58	12.65	1.87
All	8.55	74.51	13.81	3.14	12.90	64.86	18.02	4.22	8.91	73.71	14.16	3.22

Source: NSSO-55th round (1999-2000), cited in Status of implementation of food security schemes in Jharkhand, by Dr. Ramesh Sharan & Neelkanth, Gram Swaraj Abhiyan, Ranchi, December 2002, page 3

The main reason for the extreme hunger and starvation in the marginalised sections of the state is due to lack of agricultural land and unemployment. The situation worsens due to continued absence of any social arrangements for food security in most parts of the state. Jharkhand, the public distribution system (PDS) is more or less non-functional. According to a recent analysis of National Sample Survey data, only 20% of the grain released through the PDS in Jharkhand reaches the intended households — the rest is sold on the black market.³ In absence of accountability mechanisms and inaccessible records, lack of awareness of entitlements, no power over the intermediaries who are supposed to help them, and no means of seeking redress when they are short-changed, the marginalised and poor are left in a pathetic inhuman state. With shortage of the food stocks at the Food Corporation of India and severe agrarian crisis, there is an urgent need for a system of crop procurement that provides price stability to farmers and ensures enough grain to meet the requirements of consumers, especially the poor.

Schemes and Programme of the Department

The schemes and programs run by the department are varied and highly specialised towards the local target groups; however their performance is still to be analysed. The per capita availability of food grains in Jharkhand is 230 gm/day against a requirement of 480 gm/day. This also satisfies only 48% of the total population and indicates serious food insecurity for the poor.⁴ For the purpose of achieving the desired food security in the state, the department runs 14,406 PDS shops in the state. There are various shops that are run by schedules castes, schedules tribes, minorities, cooperative societies and other sections of the society. The shops are run on the guidelines provided by the state department. The shops are supposed to provide rations to the BPL families on the instalment basis. The shops are to be closed if they do not follow the guidelines provided by the departments. These include irregular timings of opening and closing of shops, lack of provision of food grains to the BPL families on time and at the BPL rates, to possess the BPL cards, wrong entries on the BPL cards, black marketing and selling the food grains in the open markets and maintenance of the ration shops by someone else.

In order to control corruption in the distribution system, distribution cum vigilance committees has been formed that monitor the distribution system at the district level. They are supposed to inspect the process of distribution, to check the storage of food grains in ration shops, and run various other monitoring processes in the system. At present, following programmes are being run by the government under TDPS:

Above Poverty Line Programme

This programme has been implemented for families living above poverty line. According to Census of India 2001, there are 24,00,000 families living above poverty line in Jharkhand but central government allocates food grains for only 5,00,000 APL families. For the year 2006-07, the central government would provide for 5, 15,400 targeted families. APL families get wheat @ Rs 6.60 per kg and rice @ Rs.8.96 per kg. However, according to Annual Report 2004-05, since 2002-03, no food grains have been provided by the Food Corporation of India and thus, none of the APL families have benefited from the scheme.

³ Jean Dreze. 2003. *Praying for Food Security*. The Hindu. 27 October

⁴ Jharkhand Development Report. Planning Commission. Government of India

Below Poverty Line Programme

Under TDPs, BPL Programme was started for families living below poverty line. According to 2001 census, 29,00,000 families are living below poverty line but the central government only provides for 23,00,000 BPL families under TDPS. BPL families get wheat @ Rs.4.62 per kg and rice @ Rs.6.15 per kg. In 2004-05, according to the district report of the public distribution system, only 74% of total wheat and 38% of total rice allotted by the Central Government was distributed among BPL families. This number has come down to 53% of total wheat and 27% of total rice allotted in the year 2005-06.

***Antyodaya* Programme**

To make India a hunger free nation, the government has started this programme in 2000. Under this programme, lower 30% of BPL families have been considered as the poorest families and such families get 35 kg of food grains per month. They get wheat @ Rs. 2 per kg and rice @ Rs. 3 per kg. This programme would be covering 9, 00,000 families in 2006-07 as compared to 7, 00,000 earlier. This program has done better than previous programs. In 2004-05, the usage of allotted wheat and rice was 86% and 80% respectively. However the allotment has decreased to 69% in wheat and 61% in rice for the year 2005-06.

This statistics is startling in the face of the study done by the Centre for Environment and Food Security on the political economy of hunger in *Adivasi* areas in Jharkhand and Rajasthan. According to the report, 99% of the surveyed *Adivasi* households suffered from chronic and endemic hunger and 87% suffered from protein deficiency. It can be argued that these areas have limited effect of PDS, but these are exactly the areas where *Antyodaya* scheme is supposed to be benefit. However, even here, 90% of respondents felt that there was decline in their food security over the past two decades.

***Annapurna* Programme**

This programme has been started with retrograde effect from 15th August 2002. Under the programme 54,000 persons of 65 years and above eligible for old age pensions but are not the beneficiaries of the National Old Age Pension have been selected for this programme. Here each beneficiary has been given 10 kg of rice per month free of cost. The distribution of rice to the beneficiaries is being done by the district administration by organising camps. In the current financial; year 2006-07, number of beneficiaries has increased up to 2 lakh.

Levy Sugar and Kerosene Oil

Under this scheme, the Central Government receives 6948 tonnes of sugar which has to be re-allocated among BPL families. The government has fixed Rs.13.50 per kg consumer prices for levy sugar. The state receives 22,612 kilo litre of kerosene oil from the Ministry of Petroleum and Natural Gas. On the basis of number of families, kerosene oil is generally re-distributed to each district of the state. Each family gets 4 litre of kerosene oil per month except some areas. In the city areas, each family gets only 3 litre of kerosene oil whereby the consumer price for kerosene oil has been fixed between Rs. 9.46 to Rs 10.91.

Distribution of Iodised Salt and LPG Gas Stoves

In the financial year 2004-05, this programme has been started to provide 2kg of iodised salt at a subsidised rate of 0.25 paise per kg to the BPL and *Antyodaya* families. In the financial year 2004-05, the Central government has started a programme to distribute LP Gas Stove to BPL and *Antyodaya* families free of cost. Under this programme, there is a target to provide single burner LP Gas Stove, 5 kg of filled in gas cylinder, a pressure regulator, and rubber tube to 1,00,000 families in a year.

Establishment of Village Grain Bank

Village Grain Bank has been proposed in the areas inhabited by tribal and the drought prone areas affected by hunger. The Central Government would provide 40 quintals of food grains to each village grain bank without charging any cost. Budgetary allocation for this programme in the financial year 2006-07 is Rs. 375 lakh.

De-Centralised Procurement System

There is a need to develop de-centralised procurement system to give minimum support price to the farmers. An amount of Rs. 100 lakh have been allocated to start procurement centres in villages and to transport rice from rice mills to the PDS shops.

Table III provides the details of the sanctioned budget estimate and allocation for 2004-05 and 2005-06 from various schemes and programmes run by the department. The demand for grants for the 2005-06 is Rs 6444 lakh for the year 2005-06 and Rs 7125 lakh for 2006-07.

Table III- Sanctioned Budget and Expenditure for 2004-05 & 2005-06 (Rs in lakh)

Scheme	2004-05		2005-06	
	Allocated Budget	Actual expenditure	Allocated Budget	Actual expenditure
<i>Antyodaya Aann Yojana</i>	1156	763	1527	1271
<i>Annapurna Yojana</i>	417	381	1521	1267
Consumer Protection	267	195	254	250
State Consumer welfare Fund	-	-	45	
Distribution of LPG gas stove	-	-	1015	321
Distribution of Iodised salt	933	531	2097	1258
Total	2773	1870	6459	4367

Source: Annual Report 2004-05, 2005-06. 2005, 2006. Department of Food and Civil Supplies. Government of Jharkhand

Consumer Rights and Protection

Very closely related to the Department of Food and Civil Supplies is the Department of Food, Supply and Commerce, which is the nodal department in the state for promoting consumer awareness, empowerment of consumers and consumer organisation. The Department is responsible for implementing the Consumer Protection Act, 1987, enacted to provide simple, speedy and inexpensive redressal for the consumer grievances. The Act necessitates

establishment of separate three-tier quasi-judicial consumer dispute redressal machinery at the national, state and district level commonly known as consumer courts. This system is substantiated by the Prevention of Food Adulteration Act, 1955 that ensures weighing and measuring instruments used by all commerce and trade establishments provide a correct reading of the weight and measure of the goods sold by them.

These Acts have not been implemented very effectively in Jharkhand. The State Commission came into existence only in 2001 and thus, there is huge number of pending cases. There has been no action plan for protection of rights, awareness and empowerment of consumers in the state. In the absence of enforcement mechanism and adequate infrastructure, the state is in poor condition.

The Department is headed by a Secretary, assisted by Deputy Secretary along with the State Commission. The District Forums are headed by the Presidents who are responsible for implementing the Act at the district level. The State Commission and each district forum have a president and two members, including a woman. Despite the department being responsible for implementing the Consumer Protection Act, the Health Department is responsible for implementing the Food Adulteration Act and Agriculture Department implements the Standards of Weights and Measures Act. It is clear that a common man would be lost in this maze of bureaucracy that state has interwoven, apparently with good intention of protecting consumer rights!

In beginning 2004, the State Commission had recorded 114 consumer cases. In the period ranging January – December 2004, 2817 were pending at the beginning of the year and 3215 were filed during the year, out of which 3217 were disposed in the year and 2815 cases are pending at the end of 2004.⁵ The State Consumer Welfare Fund has to be used to make the consumers aware about their rights through NGO's. To make them aware, this fund would be spent on organising meetings as well as advertising in newspapers. In the current financial year 2006-07, the state government would provide Rs.25, 00,000 to the State Consumer Welfare Fund.

Ensuring Consumer Protection: Issues and problems

The most important problem of ensuring consumer protection is the delay in constitution of the State Commission (SC) and the District Forums (DF). The SC came into existence only in 2001. Most of the district forums are not constituted and those that are constituted are non-functional, which leaves hundred of cases pending. Also the state should have a State Consumer Protection Council and District Protection Councils; however those are not formed by the government in Jharkhand.

The functioning of the SC and the District Forums is impeded due to inadequate administrative support, manpower shortage and insufficient infrastructure. The Bangla Committee recommended uniform staffing patterns, however this was not followed and most of the district forums do not have full staff strength. Most of the DFs do not have President and Members and thus adversely affects the functioning of the DFs contributing to increase in the pendency of cases. The infrastructure (buildings, water, electricity) of the DFs and the SC is in bad shape and the financial allocation for this purpose is also either too less or not utilised properly. The financial allocation to the SC by the Government of India is also not given by the Department.

⁵ Annual Report 2004-05. 2005. Department of Food and Civil Supplies. Government of Jharkhand

Rs 36 lakh was provided for computerisation of SC and DFs in 2004-05, however no computerisation has been done yet.

The Enforcement mechanism is also in shambles. There are deliberate delays in disposal of complaint cases and finalisation of execution cases, the position of the consumer dispute cases filed and disposed during the years 2001-05 in respect of the State Commission and 22 district Forums is detailed in Table IV below.

Table IV- Consumer Disputes in State Commission and District Forums

Year	State Commission			District Forums		
	Total Cases in the year	Disposal during the year	Pending cases at the end of the year	Total Cases in the year	Disposal during the year	Pending cases at the end of the year
2001	47	0	47	4799	1074	3725
2002	627	505	122	5196	2233	2963
2003	780	666	114	5928	3225	2703
2004	676	306	370	5356	2911	2445
2005	590	275	315	3472	768	2704
Total	2720	1752	968	24751	10211	14540

Source: CAG State Audit Report, 2004-05. 2005. Comptroller and Auditor's General Report. Government of India

Close scrutiny of the records reveal that there has been no formation of the Consumer Welfare Fund in the state, though budget was allocated of Rs 35 lakh. The activities for consumer awareness were neglected in the state and efforts to educate consumer about their rights were not undertaken by the state government. There is no separate monitoring cell in the state for supervising the implementation of the abovementioned acts and SC has been inefficient in monitoring the DFs. The number of inspections carried out by the Weights and Measurement Department and Food Inspectors were inadequate.

This problem only gets aggravated when it is analysed in the light of budget allocation and expenditure. Table V gives the budget allocation and expenditure incurred on consumer affairs by the Department during 2000-2005.

Table V- Budget Allocation and Expenditure on Consumer Affairs

Year	Budget Allocation	Actual Expenditure	% of Unspent Budget
2000-01	0.52	0.41	21
2001-02	3	2.01	33
2002-03	3.9	1.47	62
2003-04	2.75	1.83	33
2004-05	3.85	2.59	33
Total	14.02	8.31	41

Source: CAG State Audit Report on Jharkhand, 2004-05. 2005. Comptroller and Auditor General. Government of India

Thus, as it can be seen that as we analyse more data, the dismal state of the issue becomes clearer. It is only to be hoped that adequate action should be taken in order to bring respite to the problems of people.

Recommendations for Reform

There is an urgent need to ensure food security in Jharkhand and at a massive scale. This would require government to initiate programs that would effectively provide it with reasonable cost. At a macro level, agriculture needs to be stabilised and livelihood options have to generate to meet the challenges of Jharkhand. One of the main problems with the PDS in India is that the state governments are unable to identify the target population and thus most of the time, the number of ration cards that have been issued is more than the number of total households. According to one estimate (Panagariya, 2002), of every Rs 100 spent on targeted public distribution, only Rs 3.70 reaches the poor. The functions of the FCI should be converted into operations of private retail outlets.

The poor can be aided through food vouchers, which every BPL family can collect periodically from government offices. Food vouchers are a superior method of transferring purchasing power to the poor. Most of the BPL families are identified in the survey and so it would just place the money in the hands of the poor and affected sections, thus increasing benefits. This system can curb corruption and empowers the poor rather than the owner of fair price shops. It is heard commonly that the fair price owners sells a part of his supply in the open market and officially claims to have sold it to the BPL families and pocket the subsidy in the process. This abuse will be eliminated by food vouchers since the shop owner has to deliver the stamps to the appropriate authority to make his claim for cash and in order to get the stamps, he will have to sell the grain to the people who have the stamps. An often repeated argument against food vouchers is that they will be sold for cash, with money being spent on other goods. However, even the grain bought at BPL prices is sold for cash.

In order to combat the problems of hunger and mass migration, the National Advisory Board recommends that new livelihood opportunities should be provided and women enterprises should be made in charge of the public distribution system in every panchayat. Women's self-help groups (SHGs) could also be given the responsibility of implementing various government schemes like *Antyodaya*, *Annapoorna*, and Food-for-Work. More effective schemes are needed to ensure better agricultural practices and livelihood opportunities should be identified. Acknowledging traditional trade, forestry and handicraft business and encouraging them would increase the purchasing power of the poor and increase food security. Floriculture, mushroom-farming, and the cultivation of medicinal plants could be particularly beneficial to Jharkhand's tribal population. However, farmers need to be organised into cooperatives, and their capacities built through training. They have also to be supported through adequate credit and infrastructure facilities, and rainwater management. Alternate cropping systems should be adopted, and food and vegetable processing units equipped with modern packaging facilities with help of public-private partnership and private sector investment. The agricultural produce market should be developed and deregulated in order to have help small and marginal farmers in selling their produce and increase income. Micro-credit through self-help groups has proved to be one of the most effective ways of making credit available to the rural poor. However, the area of micro-credit remained largely untapped in Jharkhand. There is a need to strengthen self-help groups, to make them eligible for credit linkages with banks.

In Jharkhand, ten villages have been identified for Sustainable Agriculture and Food Security Programme. The aim is to provide a stable economic situation and providing food security so

that women face lesser hardships in maintaining the families during unfriendly economic situation and also to ensure that their life-style is improved in the process. The project plans at agro-based economic development at Patamda block of Jharkhand and ensure food security for them through increase of agricultural yield by bringing additional land under cultivation through land reclamation, introducing multi-cropping pattern replacing the mono-crop system, arranging irrigation through construction of irrigation boxes, tank de-siltation, encourage the villages to reduce excessive dependence on chemical pesticides and fertilizers, and use good quality seeds for better production, grow new type of vegetables

Proper implementation of the Consumer Protection Acts and awareness among people is an important concern and should be dealt with it seriously. According to the CAG, the State Government should accredit a laboratory where product testing should be done and existing laboratories should be upgraded. Adequate infrastructure and mechanism should be put in place to ensure speedy disposal and proper compensation. The number of food inspector should be increased and recommendation of the Bangla Committee should be implemented.

Food security is one of the most serious concerns that Jharkhand faces and it needs to identify it as one of the most important one in its priorities. With 40% of rural population, there is an urgent need for community participation and effective government intervention in order to bring about both short and long term food security to the people of Jharkhand.

References

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State of Education: Is Jharkhand on the Right Track?¹

-Renu Vinod

Introduction

Even as a state in its nascent stages in November 2000, it was home to prestigious higher educational institutions as it inherited institutions such as Birla Institute of Technological Sciences, Mesra and Indian School of Management, Dhanbad.

Schooling in Jharkhand normally begins at the age of 5 years and consists of the primary school (Class 1–5), middle school (Class 6–8), secondary school (Class 9–10) and higher secondary school (Class 11–12). Schools may be categorised as government schools, government-aided schools and private schools. These schools are affiliated either with the State Board of Secondary Education or the CBSE or the ICSE. The Government of Jharkhand runs various schemes to universalise elementary education in the State and increase enrolment of students in schools. All the educational ventures are developed and implemented by the Human Resources Ministry in Jharkhand through the department of Primary Education and Department of Secondary Education. According to the 2001 census the literacy rate of the state is 54.13%, a cause of concern for the State Government.

Table I- Institutions and Enrolment

Institutes	Total No.
Schools	21386
Universities	5

Source: [jharkhandeducation.net: http://jharkhandeducation.net/educationprofile/facts&figures/](http://jharkhandeducation.net/educationprofile/facts&figures/)

Table II- Demographics

6-14 Population (2001)			11-14 Population (2001)		
Persons	Males	Females	Persons	Males	Females
3456314	1816165	1640149	1798033	942359	855674

6-14 population (2001)			Total Population of Jharkhand (2001)		
Persons	Males	Females	Persons	Males	Females
5254347	2758523	2495823	26909428	13860859	13048569

Source: <http://www.jepc.nic.in/Children.htm>

Department of Human Resources Development

¹ Material for this chapter has been translated from Hindi by Rajan Kumar

Main objectives

Objectives of the Department of Human Resources Development:

- To bring literacy rate of Jharkhand to 95% by 2010
- To provide primary education to all children of the State by 2010
- To bring dropout rate to zero
- To provide Higher Secondary education to maximum population (no number targeted)

Administrative structure

The Department of Human resources Development is divided into the Main Line and the Directorate Line. The Ministry and Secretariat comes within the Main Line and consists of the following posts:

Hierarchy

Department of HRD/Secretariat of the State Government

Minister (Shri Bandhu Tirkey)

Secretary

Special Secretary

Joint Secretary

Deputy Secretary-2

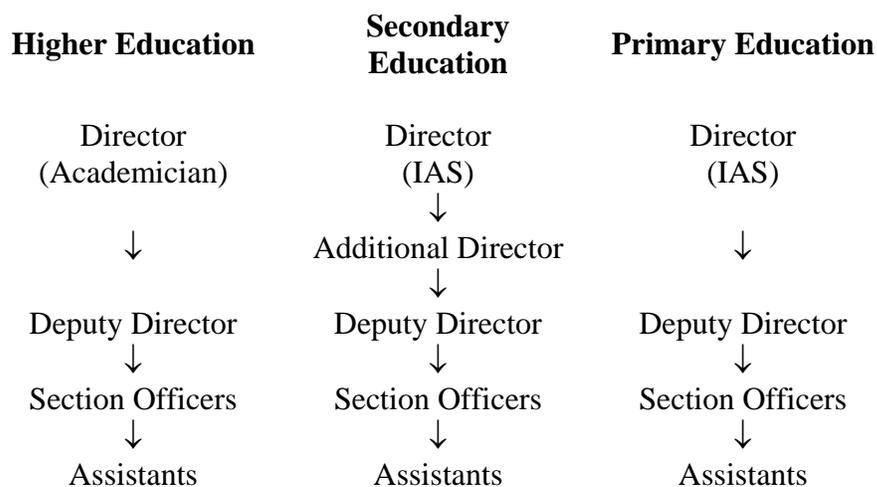
Under Secretary-2

Section Officers

Assistants

The Directorate hierarchy consists of three Departments: Department of Higher Education, Department of Secondary Education and Department of Primary Education. The administrative structure in these three Departments is as follows:

Table III- Directorate hierarchy



Bird's Eye View: Governance

1. Right to Information

a. Appellate Authority (AA): Mr. Sukhdev Singh

Designation of AA: Secretary

Tel No: 0651-2400797

b. Public Information Officer (PIO): Mr. J. Toppo

Designation of PIO: Joint Secretary

Tel No: 0651-2400641

c. Assistant Public Information Officer (APIO): Mr. Sitaram Bari

Designation of APIO: Deputy Secretary

Tel No: 0651-2400886

d. Information published *suo moto* on the Department's website:

http://www.jharkhand.gov.in/depts/hreso/hreso_index.asp#

2. Citizen charter: Not available on Department website

3. Annual Report: Not available on Department website (however it is available on Jharkhand Government website)

4. Budget: Not available on Department website (Only on Jharkhand Government website)

5. Whether Annual Report and Budget are provided in non-technical form: No

Literacy in Jharkhand: Current Scenario

According to the Jharkhand Development Report (Planning Commission) the 2001 Census has found out that Jharkhand has the lowest literacy rate in India at 54.13 % next only to Bihar. Similarly, while the female literacy rate is an abysmal 39.39 according to the 2001 Census, the same is 67.94% for men. However, while the decadal increase in literacy levels has been 13.86% for men, it has been 12.14% for women.

Table V: Literacy rate in percentage in Jharkhand: Decadal Performance:

Sl.	District	Total Literate	Male	Female	Literacy Rate (In Percentage)	
					1991	2001
1	Dumka	699682	468188	231494	34.02	48.31

2	Godda	371184	258025	113159	34.02	43.73
3	Deoghar	475684	331435	144249	37.92	50.53
4	Sahebganj	279980	184378	95602	29.37	37.91
5	Pakur	171056	115149	55907	23.96	30.54
6	Hazaribagh	1081921	690735	391186	41.21	58.05
7	Chatra	273166	179084	94082	27.84	43.35
8	Koderma	210679	142440	68239	38.52	52.73
9	Dhanbad	1366678	871572	496106	54.24	67.49
10	Bokaro	942078	610688	331390	51.14	62.98
11	Giridih	679053	476833	202220	32.24	45.16
12	Ranchi	1537826	941317	596509	51.52	65.69
13	Lohardaga	158918	100668	58250	40.79	53.97
14	Gumla	578182	354358	223824	39.67	52.35
15	E.Singhbhum	1184657	708476	476181	59.05	69.42
16	W.Singhbhum	871410	575772	295638	38.92	50.7
17	Palamu	766490	520077	246413	33.52	45.67
18	Garhwa	320533	230771	89762	26.06	39.39
19	Jharkhand	11969177	7759966	4210211	41.39	54.13

Source: jharkhandeducation.net: http://jharkhandeducation.net/educationprofile/facts&figures/
Last updated on 5 October 2006

The following table shows the position of Rural Jharkhand vis-à-vis other States surveyed to determine the percentage of out of school children in the Annual Status of Education Report (ASER Report):

Table VI: Percentage of Out of School Children

Rank	State	% Out-of-school children	Rank	State	% Out-of-school children
1	Goa	0.3	10	West Bengal	4.4
2	Kerala	1.6	11	Chhattisgarh	4.7
3	Karnataka	1.9	12	Haryana	5.3
4	Uttaranchal	2.0	13	Uttar Pradesh	7.3
5	Tamil Nadu	2.7	14	Andhra Pradesh	7.4
6	Maharashtra	2.8	15	Orissa	8.9
7	Gujarat	3.6	16	Jharkhand	9.8
8	Madhya Pradesh	4.0	17	Rajasthan	10.4
9	Punjab	4.3	18	Bihar	13.5
				All India	6.6

Source: ASER Annual Status of Education Report 2005

These numbers obviously paint a dismal picture for Jharkhand. For a State that proposes to increase the literacy rate from 54.13% to 95% by 2010 and have all children enrolled in school by 2005, this survey is a reality check. Jharkhand has the third highest

percentage of students who are out of school, right after Bihar and Rajasthan. These numbers clearly show that Jharkhand has managed to maintain its reputation as one of the most backward States in India with the very low development indicators.

For a State with such an ambitious target the numbers, from 7th All India School Education Survey's Provisional Statistics for Jharkhand as of September 2002, tell a different story:

Table VII- Stage-wise percentage of girls' enrolment:

	1993		2002	
	Total	Rural	Total	Rural
Primary Stage	38.33	36.5	44.27	43.57
Upper Primary Stage	33.48	28.44	40.09	37.30
Secondary Stage	29.40	23.50	36.43	31.10
Higher Secondary Stage*	27.71	21.62	34.80	26.01
All Stages (I-XII)*	36.28	34.40	42.55	41.87

*This includes enrolment of classes XI and XII attached to degree colleges

Source: 7th All India School Education Survey

The statistics show that the rate of enrolment of girls in rural areas has increased slowly however it is still less than 50% at each stage. Yet another indicator of development in education is the number of teachers in a school. The following statistics present an even grimmer picture:

Table VIII- Percentage of Primary Schools with respect to number of teachers

	1993		2002*	
	Total	Rural	Total	Rural
No Teacher	2.76	2.88	4.33	4.37
One Teacher	30.10	31.25	31.78	32.74
Two Teachers	51.10	51.37	52.36	52.56
Three Teachers	11.64	11.11	8.48	7.87
Four Teachers	3.03	2.59	2.15	1.89
Five or more Teachers	1.37	0.80	0.90	0.57

* Teachers in the year 2002 include para-teachers also

Source: 7th All India School Education Survey

As the table shows, in the past 10 years, for each number of teachers, there has been no noteworthy increase in the percentage of teachers in primary schools. In fact, except for cases of primary schools with two and three teachers, the percentage has been consistently decreasing, as the number of teachers per primary school rises.

Budget

According to the CAG report for 2004-05, Jharkhand's revenue expenditure jumped by 29% from Rs 5406 crore in 2003-04 to Rs 6976 crore in 2004-05. General Education where there was more expenditure (of Rs 322 crore) is one of the main areas responsible for this increase in the State's revenue expenditure.²

Table IX- Budget Allocation for Department of Human Resources Development for the Past Five Years

Year	Plan				Non Plan			
	Primary Education	Secondary Education	Higher Education	Total	Primary Education	Secondary Education	Higher Education	Total
2001-02	896,917,500	327,939,500	361,365,000	1,586,222,000	--	--	--	--
2002-03	744,952,000	343,512,000	237,388,000	1,325,852,000	12,312,999,000	1,683,020,000	1,239,828,000	15,235,847,000
2003-04	1,000,000,000	329,812,000	329,812,000	1,467,200,000	7,130,976,000	1,926,435,000	1,239,828,000	10,297,239,000
2004-05	2,501,850,000	401,300,000	401,300,000	3,048,990,000	7,807,923,000	1,772,343,000	1,220,013,000	10,800,279,000
2005-06	2,750,000,000	500,000,000	500,000,000	3,500,000,000	9,094,606,000	2,830,948,000	2,205,102,000	14,130,656,000

Source: Issued by the Department of Human Resources Development, Jharkhand

From the above table, it is clear that 2004-05, a total of Rs.138.49 crore (Plan and Non Plan) was budgeted for General Education. Out of this amount, Rs. 77.75,066 (Budget 2006-07) was spent by the Department (University & Higher Education) on Adult Education. In 2005-06, a total of Rs. 176.30 crore (Plan and Non Plan) was budgeted for Education but no funds have been set aside for Adult Education. The Government has not even mentioned in its Department's achievements with respect to Adult literacy in the State or whether they have shifted their priorities, which resulted in no additional funds being allocated for Adult Education.

Table X- Budget Figures for University and Higher Education (In Crore)

University & Higher Education	Actuals		Budget Estimate		Revised Estimate		Budget Estimate	
	2004-05 (Non-Plan)	2004-05 (Plan)	2005-06 (Non-Plan)	2005-06 (Plan)	2005-06 (Non-Plan)	2005-06 (Plan)	2006-07 (Non-Plan)	2006-07 (Plan)
Adult Education		77.75(lakh)						
Sanskrit Studies (Language Development)	102.72		140.77		140.80		151.65	

²CAG Report (Civil & Commercial) 2004-05

http://www.cag.gov.in/html/cag_reports/jharkhand/rep_2005/civil&com_chap_1.pdf

Total Expenditure 12.60 19.61 24.68 31.52 24.68 31.52 16.79 35.30
Source: Annual Budget 2006-07, Government of Jharkhand Website: www.jharkhand.nic.in

On the other hand, the table above shows that the Department (University and Higher Education) has spent Rs. 102.72 crore in 2004-05 for “Language Development”, particularly “Sanskrit Studies”. This amount steadily increased in the budget for 2005-06 (Non Plan) provisioning Rs. 140.80 crore for Sanskrit Studies and again the Budget provisioning for the current year, 2005-06 (Non Plan) estimated at Rs. 151.64 crore. This amount could instead have been used to fund a pilot project to fund students and not schools.

An audit of State Government Departments and their field functionaries (Civil & Commercial) performed by the CAG for 2004-05 ‘revealed instances of losses, overpayment and wasteful expenditure: “idle investment and nugatory expenditure on idle staff of Rs 4.25 crore were noticed in Human Resource Development Department (Rs 1.22 crore)”’³

Table XI- Scheme wise Summary of Works for Jharkhand:

S. No.	Name of the Scheme	Total Sanctioned Cost of Works (in Rs.)	Total Number of Works
1	Building for Government Educational Institutions	4,15,76,164	105
2	Building for Government aided and unaided educational institutions	1,50,85,700	29
3	Computer for Government and Government aided educational institutions	53,31,466	15
4	Other projects for educational institutions	91,30,896	37
Total:		7,11,24,226	186

*Source: jharkhandeducation.net: <http://jharkhandeducation.net/educationprofile/facts&figures/>
 Last updated on 5 October 2006*

From the above table, it is seen that a lot of money goes into maintaining buildings for imparting education. However, it is time for the Government to ask itself whether all this money being spent on buildings has resulted in a corresponding increase in the number of students in schools or number of teachers in schools.

A report on elementary education in India by the National Institute of Educational Planning and Administration has concluded that Jharkhand is one of the States with more

³ CAG Report 2004-05: http://www.cag.gov.in/html/cag_reports/jharkhand/rep_2005/civil&com_over.pdf

than 90% of its schools in rural areas. However, a large number of its girls are still out of school. The report has suggested “unless special efforts are made beyond doubt, it will not be possible at least for Bihar and Jharkhand to achieve the goal of universal retention in the near future”⁴

⁴ Mehta, Arun C, *Elementary Education in India: Analytical Report 2004: Based on DISE Data*: National Institute of Educational Planning and Administration, New Delhi, 2004

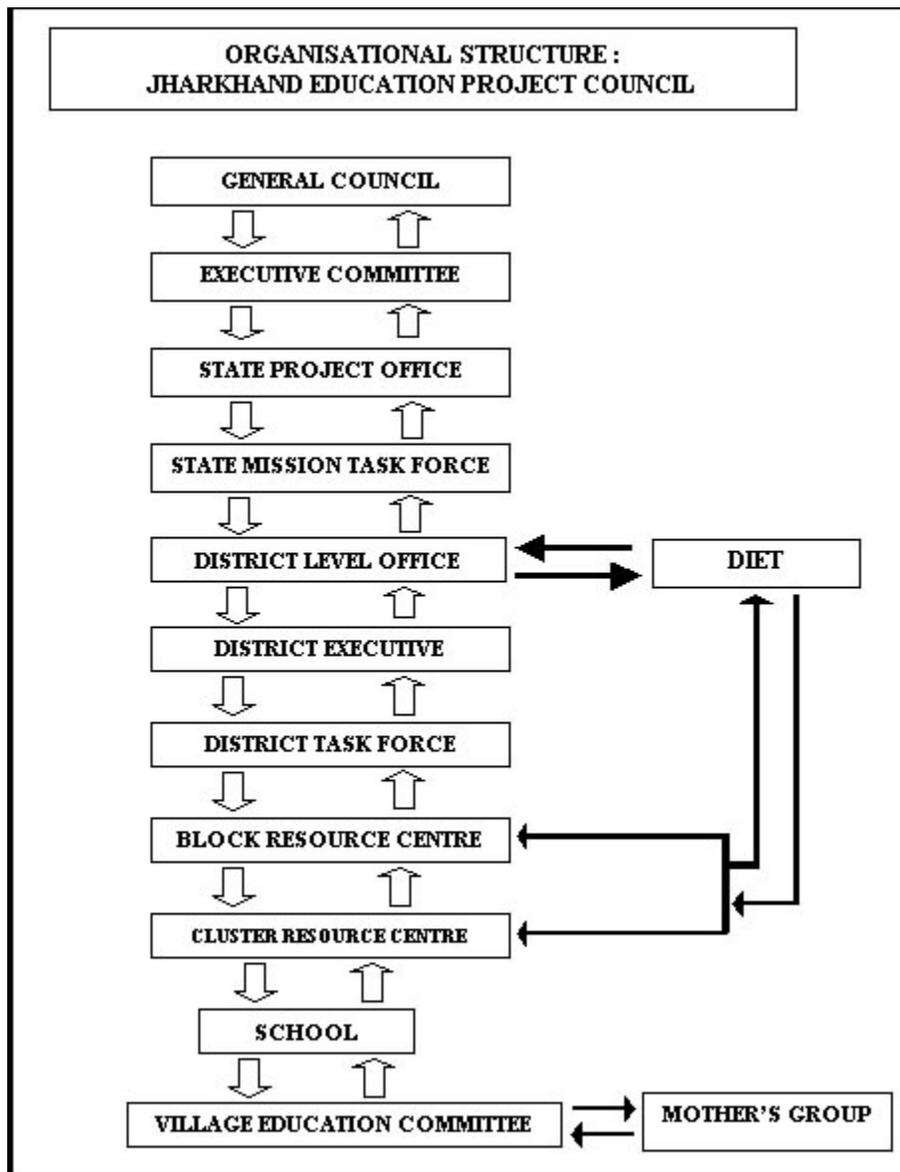
Schemes

Department of Primary Education

Sarva Siksha Abhiyan

The Jharkhand Education Project Council (JEPC), an autonomous body registered under the Societies Registration Act, 1860 implements the Sarva Siksha Abhiyan (SSA) which is a Government of India project implemented by the Jharkhand HRD Ministry. The JEPC was constituted on 12 April 2001 and functions as a State Implementation Society.

Table XII- Organisation structure of the JEPC



Source: http://www.jepc.nic.in/Org_Struct.htm

The Chief Minister of Jharkhand is the Ex-officio Chairperson of the General Council and the Development Commissioner, Government of Jharkhand heads the Executive Committee. However, both the General Council and the Executive Committee have public representation. The General Council has among its members, representatives from NGOs engaged in education, representation of teachers, representatives from SCs/STs and “renowned women” who have made a contribution in the fields of primary, informal and adult education. The Executive Committee has membership of two “pedagogues”, representation from the UNICEF, Teachers Association, NGOs, and women representatives.

The State-level office is manned by officials and specialists in Education, and other related areas such Women and Child Welfare, while at the district level, there is an Executive Committee that supervises and provides necessary support for the ground-level implementation of the programme. This Committee also has representation from the public (including parents and teachers). The other District-level management include the District-level office and the district task force, both of which contain district-level officials who implement the programme there.

The main aim of the *Sarva Siksha Abhiyan*, as mandated by the JEPC, which has been implementing it since 2001-2002, is: “to provide useful and relevant elementary education for children in the 6-14 age group by 2010.”⁵

In the 2004-05 Annual Report, the Department of Human Resources Development, Department of Primary Education cites the following achievements under the SSA.

The Department has sanctioned a total of Rs. 416 crore towards this scheme. This is a shared collaboration with the Central Government’s grant amounting to Rs. 155 crore and the State Government’s grant totalling Rs. 87.10 crore.

Under this Scheme, 3747 Education Guarantee Centres (EGCs) were transformed into Primary Schools and 7,012 Assistant Teachers were arranged for these schools. 1366 Primary Schools were transformed into Middle Schools and 298 Primary Education Guarantee Centres were transformed into High Primary Education Guarantee Centres. 493 teachers were arranged for the High Primary Education Guarantee Centres.

Though the Department states these broad achievements, it does not specify whether the new Primary Schools, Middle Schools and Higher Primary Education Guarantee Centres have resulted in a proportionate increase in enrolment of students in these educational institutions. The teacher-pupil ratio (see below table), however seems to have turned out to be more favourable.

The following table shows the percentage Pupil-Teacher ratio in Primary, Upper Primary and Secondary Schools in 1993 and 2002 for rural Jharkhand out of this ratio in the entire State:

⁵Jharkhand Education Project Council website: <http://www.jepc.nic.in/SSA.htm>

Table XIII-Comparison of Pupil-Teacher Ratio in 1993 and 2002⁶

	1993		2002*	
	Total	Rural	Total	Rural
Primary Schools	44.15	44.08	58.72	59.18
Upper Primary Schools	42.95	41.53	56.97	60.10
Secondary Schools	36.32	35.44	41.61	43.09

Source: 7th All India School Education Survey

In addition, in the Annual Report of 2004-05, the Department of Primary Education further achievement in the establishment of Education Guarantee Centres in 846 villages and arranging 7323 teachers for State schools. Free books were distributed: 66,510 sets of Urdu books and 34, 78,068 sets of Hindi books. However, the figures in the following table show that the Department has a long way to go before it makes the transition from mere statements of goals achieved to actual achievement and implementation.

Table XIV: Sanctioned Posts and Actual Position in Primary and Upper Primary Schools

SNo.	District	Post Sanctioned in Govt. Primary Schools	Teachers in Position (Govt. Primary Schools)	Post Sanctioned in Govt. Upper Primary Schools	Teachers in Position (Govt. Upper Primary Schools)	EGS Teachers
1	Ranchi	3755	2891	3816	2369	1665
2	East Singhbhum	2783	2117	3999	2189	522
3	West Singhbhum	3662	2347	964	916	789
4	Saraikela	2061	1660	586	568	668
5	Hazaribag	2545	1753	1555	1202	937
6	Koderma	588	462	364	310	200
7	Chatra	1027	805	629	553	823
8	Dumka	2393	1751	1298	1146	1047
9	Jamtara	1193	686	687	471	266
10	Giridih	2496	2119	1402	1221	1567
11	Deoghar	1506	1255	1288	805	814
12	Sahibganj	1284	1109	813	779	812

⁶ Pupil Teacher Ratio=Enrolment in a school category/Total number of teachers in that school category
*Teachers include para-teachers

13 Pakur	1102	967	640	497	245
14 Dhanbad	1955	1645	2657	2037	900
15 Palamu	1777	1680	1561	1359	1158
16 Lathehar	1105	784	854	552	552
17 Bokaro	1589	1282	1263	964	670
18 Gumla	1205	949	1083	816	780
19 Simdega	1134	542	996	401	319
20 Garhwa	1342	1086	670	542	536
21 Lohardagga	628	468	596	490	282
22 Godda	2203	1749	1416	1128	389
Grand Total	39333	30107	29137	21315	15941

Source: <http://www.jepc.nic.in/Teacher.htm>

Though some districts such as Giridh, Palamu and Dhanbad fare better than the others, it is clear from the table that in no district one can find more number of teachers in actual positions as against the number of sanctioned posts.

The Department of Primary Education must also consider seriously the findings of the Comptroller & Auditor General. According to the CAG report for 2005, in two districts of Jharkhand, school grant of Rs 47.88 lakh was released to 2,369 schools, which actually do not exist!

Midday Meal Scheme

The Supreme Court had, in its landmark order on the 28th of November 2001 directed that State Governments and Union Territories should introduce cooked mid-day meals in every government and government-assisted primary schools with a minimum content of 300 calories and 8-12 grams of protein for a minimum of 200 school days.

The Jharkhand Government has stated in its Annual Report of 2004-05 that this scheme is in collaboration with the Central Government, which provides the rice and the State Government providing other foodstuff at the rate of Rs. 2 per child per day. Under this scheme, a total of 21,426 schools and 28,29,183 students have been covered in the past 5 years. The State Government has spent a total of Rs. 58,53,93,404 on this scheme. In the year 2004-05, 300 calories of food including 8 to 10 grams of protein were provided per child per day for 250 days.

As per the Midday Meal Status of Implementation Report of the Department of Human Resources Development, Government of India⁷, the Jharkhand Government has covered 21559 primary schools and 21559 Education Guarantee Schools. The number of students who have enrolled in these schools is 41.02 lakh. In addition, the central assistance

⁷ Ministry of Human Resources Development, Government of India, Department of Elementary Education: (<http://education.nic.in/mdm/mdmstatus.asp>)

towards allocation of food grains is 0.83 lakh Metric Tonnes, which is a percentage increase of 53.19% as of December 2005⁸.

However, the Central Government's stated achievements seem blown out of proportion given that an order of the Supreme Court noted as late as the 2nd of May 2003 that Jharkhand (along with Uttar Pradesh and Bihar) was found to not even have begun implementing the provisions of this scheme. It also reported that the counsel for Uttar Pradesh and Jharkhand could not give a "satisfactory reason for non-implementation" and that "no reply or affidavit was filed" by these States.⁹

Education in the local language:

The Jharkhand Government, in order to fulfil the mandate provided in Article 350 A of the Indian Constitution that primary education should be provided in the mother tongue and the regional language is permitting classes to be conducted in Hindi, Bengali, Oriya, Urdu, Santhali, Mundari, Oraon, Kharia, Kurmali, Khortha, and English (for the Anglo Indian community).

Review of Department of Secondary Education for the year 2004-2005

The Department has focused on introducing computer education in the schools and building residential schools for SC/ST students.

The Vidya Vahini Pilot Project for Computer Education has begun with a budget of Rs. 21 lakh. Under this project, an Information Technology Department has been set up in 20 schools and one training centre established in Hazaribagh to train 13,756 students in computers. In addition, 120 schools including 12 State schools have been sanctioned Rs. 6.10 crore to improve computer literacy among their students.

The Kasturba Gandhi Balika Vidyalaya, a residential school for SC, ST, OBC and Minority girl students from difficult areas where the literacy rate is less than the national literacy rate, is a scheme approved by the Central Government, which the Government of Jharkhand has sanctioned funds at Rs. 8.2 crore for the building and Rs. 3 lakh for the kitchen in 2004-05. According to the Annual Report of 2004-05, this plan would be taken into the financial year 2005-06. Twenty five per cent of the total costs i.e., an additional Rs. 11.20 crore would be borne by the State Government.

**Proposed Schemes of the Department of Human Resources,
Government of Jharkhand for 2005-06**

Primary Education

- Setting up the Kasturba Gandhi Residential School for SC/ST/OBC girls in those areas where the female literacy rate is less than the National Literacy Rate. 25% of the total costs would be borne by the State Government i.e., Rs. 11.20 crore

⁸ Ibid

⁹ http://www.righttofoodindia.org/mdm/mdm_scorders.html

- Providing a total of Rs. 1 crore of financial aid to unaided schools
- Continue implementation of Sarva Siksha Abhiyan at Rs. 100 crore
- Extending the Midday Meal scheme in a joint collaboration with the Central Government, to all Education Guarantee Centres, Campaign schools and Minority schools for 36,67,566 students at Rs.1,83,37,83,000.
- Distributing free textbooks to 10,05,613 general and backward class students at Rs. 1.5 crore

Secondary Education

The Department would be initiating three new schemes for the Financial Year 2005-06. These include:

- Upgrading Middle Schools to High School status at Rs 3,12,64000
- Holding special tuition classes for SC/ST and Below Poverty Line students of Class X for English and Maths at a total of Rs 9 lakh
- Conducting inter school competitions such as quiz, sports and debates to promote a spirit of healthy competition among students and schools. This project would be initiated at Rs.10 lakh
- Providing financial aid to 127 unaided schools at a total of Rs. 5 crore
- Scholarships for Below Poverty Line students at Rs 90,60,800
- Establishment of Model schools, which would include developing basic infrastructure and transforming 620 secondary schools into model schools at Rs. 34.83 crore
- Setting up the Netarhat Residential School at 50 lakh, Sainik School Tilaya at Rs. 1,08,48,200 and the Indira Gandhi Residential School at Hazaribagh, at Rs. 8.2 crore for the building and Rs. 3 lakh for the kitchen

Other Non-Government Schemes¹⁰

Civil society groups such as Usha Martin have contributed in the field of education in Jharkhand by emphasising on public-private partnerships. The Usha Martin group has introduced the Krishi Gram Vikas Kendra, under which they have tried to empower villagers by introducing schemes and initiatives in fields such as education, agriculture and health.

In its Annual Report for 2005-06, they have stated that they set up 42 Education Guarantee Schools in Namkom Block, Ranchi in 2002-03 under the government's *Sarva Siksha Abhiyan*, which have now been upgraded to primary schools. Another programme under the *Sarva Siksha Abhiyan*, which is the Bridge School program in Gamharia in Jamshedpur has run 26 centres for out of school children. As a result of this program, the Annual Report claims that more than 80% of children were successfully enrolled in mainstream schools. The Report does not however, mention how many children were enrolled in the Bridge School Program.

¹⁰ Usha Martin Group, *Hand in hand with hope Krishi Gram Vikas Kendra Annual Report 2005-06*, Ranchi, 2005-06

A new programme that would be started is the Village Literacy Program to “mobilise every village for 100% functional literacy”. This program would target 100 villages in Namkum (Ranchi), Patratu (Hazaribag), Patan (Palamu), Gamharia (Saraikela), Kharsawan and Saranda (West Singhbhum). The program will, in its first year, select adjacent geographical areas/clusters that have 20-25 villages.

Recommendations for Reforms

Despite the promise of universalisation of elementary education in Jharkhand, problems abound with respect to low rate of enrolment of girl students in rural schools, low teacher-pupil ratio and relatively high rate of out of school children. Nevertheless, the Government of Jharkhand has spent increasing amounts on improving Education either on building new schools and Education Guarantee Centres or pumping more money into the *Sarva Siksha Abhiyan* and the Midday Meal Scheme. It is now time to step back and look at the big picture: is the Government spending all its money in the wrong areas under Education and is the role of the Government in Education as crucial as it is made out to be?

With the underlying theme in this Handbook being development with greater participation from the civil society, it is our endeavour to suggest some reforms that give more scope for participation and increased quality of service to the intended beneficiaries, i.e., students and their parents.

Encourage *edu-preneurs* to participate in providing Education

The Government of Delhi recently removed the cap on the number of Essentiality Certificates, which is the licence it issues to open schools. This has opened up the field of school education in the National Capital Territory. The result of this removal is that more numbers of private individuals would be encouraged to open schools and allow more numbers of children to access this vital service.

It has been noticed in the past decade that not only has the number of private schools increased, but also the enrolment in primary classes of private aided schools between 1986 and 1993 has grown at 9.5% per annum while this increase in government/local body schools has only been 1.4% per annum. This is testimony of the fact that the demand for private education has increased in India. The people of Jharkhand should also be allowed to make the choice between enrolling in a government or local body school and a private school.

The easing of regulations would not only allow more numbers of private parties to enter, but this would also encourage competition among them, thereby resulting in enhanced quality and lowering of rates, which would permit students from all backgrounds students to benefit.

Fund Students, Not Schools

Instead of spending increasing amounts to fund schools, the government could fund students through vouchers or scholarships. This will allow them to choose their school,

thus, making schools accountable to parents and students. As things stand today, the Government of Jharkhand has budgeted money in two continuous Annual Plans for the establishment of residential schools for girls from very backward regions in the State. (For the same the planning commission has announced a pilot project to be included in the XI plan.)

Instead of this, the State Government should issue education vouchers, which would increase the purchasing power of poor parents to send their children to a school of their choice. This would result in schools competing to keep these students from leaving the school, thus directly improving the efficiency and quality of schools.

The education vouchers would be a good way of financing the education of highly disadvantaged groups like SC/STs and Minorities.

Fund Government and Government-aided Schools according to their performance

A major reason why Government schools provide poor quality education is because they are funded irrespective of how they perform. In such a situation, one way of ensuring that they perform better is by giving grants on a per student basis: schools can then decide how they would spend that money to attract and retain students. Needless to say, only those schools, which perform well in terms of high pass percentage in Classes X and XII, and having infrastructure for effective imparting of education, would succeed in attracting the most number of students.

Contract management of poorly performing government schools

Jharkhand has NGOs that work in the field of education. In this context, the Government of Jharkhand must not disregard the feasibility of contracting out schools that have consistently performed badly to private management including NGOs. These private groups can be supported by the Government by providing them resources - both finances as well as personnel.

Implement programs such as the Midday Meal Scheme

The State government must take its role in implementing this Scheme more seriously. After all, its successful implementation in other States has proven that this scheme acts as an incentive to the student to go to school. In Mumbai, a decentralised administration, and a continuing education for medical staff has worked for its schools. In the final analysis, access to basic human rights such as a nutritious hot cooked meal and an efficient school health programme, which this scheme would provide free of cost, go a long way in producing healthier and more productive citizens.

Health: Evident Problems, Eluding Solutions

- Sushmita Pratihast

Department of Health, Medical Education & Family Welfare

1. RTI
 - a. Name of Public Information Officer (PIO): No
 - b. Designation of PIO: No
 - c. Contact Details (postal address, telephone number, fax number, E-mail ID): No
 - d. *Suo moto* publishing on the Department's website: No
2. Citizen charter: Yes
3. Annual Report: No
4. Budget: No
5. Whether annual report and budget are provided in non-technical form and in lay persons language: No

Introduction

Inaccessibility to health care, especially in rural and tribal areas is one of the most important concerns of the state health departments and health agencies in Jharkhand. As per the 2001 Census, Jharkhand had a total population of 26.9 million of which 13.9 million were males and 13 million were females. The State's rate of growth of population has been fluctuating over two decades; however the growth rate is much higher than many states in India. The density of population has also increased considerably between 1991 and 2001 from 274 to 338 person's sq. km¹ with significant variation among districts in terms of population and distribution. This makes the task of proper provision of health care facilities across the state even more challenging. Table I gives a snapshot of the health status in Jharkhand between 1999-2003 estimated through the Sample Registration System.

Table I- Health Status of Jharkhand: A Snapshot

Year	Topic	Categories	percentage/ numbers
1999	Crude Birth rate	State	26.3/1000
		Rural	28.5/1000
		Urban	19/1000
1999	Crude Death Rate	State	9/1000

¹ Website of Jharkhand Government. Available at www.jharkhand.gov.in

		Rural	10/1000
		Urban	6/1000
2000	Infant Mortality Rate	State	71/1000
1999	Family Planning (use of contraceptives)	State	25% of currently married women
2000	Maternal Mortality Rate	State	504/100, 000
1999	Reproductive health	Iron & Folic Tablets (IFA)	33.3% pregnant women
		Unsafe Child Devlivery	3/4 of all deliveries
		reproductive health problems in women	45%
1999	Child Care	Diarrhoea and acute respriatory infections	more than 20% children
		moderat to severe anemia	56% children
		no immunisation	33% children
1999	Nutritional Status for women	anemia in women	more than 70%
		malnourishment in women	40% fo all women
2003	Endemic Diseases	tuberculosis	60, 000 new patients each year
		leprosy	4.9/10, 000
		malaria	86622 cases

Source: Website of Jharkhand State Government. Available at <http://www.jharkhand.gov.in/depts/health/retro.asp>

Mission and Objectives

The Department of Health, Medical Education and Family Welfare was formed with the immediate objective of providing quality health care services to the newly formed state of Jharkhand, especially in rural and remote places. Some of the main objectives that the health department wants to achieve are as follows:

- An integrated state-specific population and Reproductive and Child Health (RCH) policy in coordination with different departments
- Improvement in infant mortality rate, maternal and child health, nutrition in women, spread of family planning measures
- Complete immunisation against chronic diseases, respiratory infections, and diarrhoea
- Increase in awareness about AIDS
- Policy interventions for long term impact in the area of adolescent health, marriageable age for women and reproductive care for women
- Empowerment of women through approaches like financial sustainability, poverty alleviation and empowerment approach
- Awareness in men regarding family planning measures like male sterilisation and contraception

- Involvement of local non-governmental organisations and other civil society organisations in developing local approaches and strategies, innovations and alternative models of health care and participation of community
- Community involvement in problem identification and decision making by customised solutions, collaboration in planning for reproductive health care delivery, and active participation in RCH programme
- Developing participatory approach in municipality and rural panchayats for providing health systems in rural and urban Jharkhand

Organisational Structure

The Secretary of the Health and Family Welfare Department is responsible for the management of the Department and is assisted by a Director and the Additional Directors that form the Directorate. At the district level the Civil Surgeon-cum-Chief Medical Officer (CMO) is the head of medical and public health and the Additional Chief Medical Officer (ACMO) heads the District Family Welfare Bureau. They are assisted by the District Reproductive and Child Health (RCH) Officers. Medical Officers in charge of Referral Hospitals (RHs), Primary Health Centres (PHCs), Additional Primary Health Centres (APHCs) and Health Sub-centres (HSCs) are responsible at the block/ Panchayat level. There has been a major shortfall of the medical staff at the lower tier, where actual program implementation takes place. Table II shows the manpower shortage in the department as illustrated in the State Audit Report of Jharkhand by the Comptroller & Auditor General's (CAG) Report in 2004.

Table II- Manpower Shortage in Health Department (as of 2004)

Category of personnel	Sanctioned strength	Employed Staff	Shortfall	Percentage of shortfall
ANM	6014	4764	1250	21
Medical Officers	2484	1250	1234	50
A Grade Nurse	927	816	111	12
LHV	610	274	336	55
FW Workers	3234	2000	1234	38
Block Extension Education Officer	193	70	123	64
PHN	36	14	22	61
Sister/ Tutor	54	23	31	57

Source: CAG State Audit Report 2004. 2004. Government of India. Available at http://www.cag.nic.in/html/cag_reports/jharkhand/rep_2004/civ_chapter_3.pdf

Health Infrastructure in Jharkhand

The public health services in Jharkhand consist of sub-centres, primary health services, community health services and district hospitals where as the private sector consists of private dispensaries, private hospitals, charity and corporate hospitals. There are other health providers like NGO-run hospitals, missionaries and other religious organisation. Table III gives a bird's eye view of the health infrastructure provided by the state department of health.

Table III- Health Infrastructure in Jharkhand

Jharkhand Health Infrastructure	Number
Health Sub Centres	4,462
Additional Primary Health Centres	368
Block Primary Health Centres	193
Referral Hospitals	37
District Level Hospitals	22
Sub-Division Hospitals	10
Medical Colleges	3
Proposed Diagnostic & Trauma Centres	10
Ayurvedic Dispensaries	122
Homeopathic Dispensaries	54
Unani Dispensaries	30
Regional Planning Training Centre	1
Training Institutes Of Auxillary Nurse Midwives	11
Number Of Health Centres In Jharkhand	506
Hospitals	31

Source: Website of Jharkhand Government. Available at <http://www.jharkhand.gov.in/depts/health/Web%20Site/health%20policy/HEALTH%20INFRASTRUCTURE.htm>. Accessed on 12 October 2006

There is acute shortage of health care infrastructure in Jharkhand. According to the Jharkhand Development Report, the state falls short of more than 2798 rural health sub centres, 1740 health post, 174 community health centres, 19 sub-divisional hospitals and 10 district hospitals. The Comptroller and Auditor General Report 2004 describes the dismal state of health infrastructure. Three primary health centres (PHC) and 22 additional primary health centres APHCs had no building of their own. Five PHCs and 31 APHCs had only temporary electric connection. No generator facility was available in 14 PHCs and 33 APHCs. In 18 PHCs and 33 APHCs no labour rooms were available while there was no operation theatre in 15 PHCs and 32 APHCs. Even construction of 10 sub-divisional hospitals were not completed and handed over to the Chief Medical Officer despite releasing Rs 32 crore during 2000-01. Machines and equipments worth Rs 1.09 crore were bought for 119 APHCs but were not utilised due to lack of accommodation and indoor facilities.²

According to the Jharkhand state health department, the state health services suffer from absence of private structures, a weak public-private partnership and lack of regulatory mechanism to guide the private sector. This comes as a serious contradiction against the statistics revealing the accessibility of health services. More than 70% of the population use private health services where as only 19% use the public health services which only get diminished to only 16% in rural areas³. The public health institutions at the primary health care level provide services for implementation of all

² CAG State Audit Report 2004 on Jharkhand. 2004. Government of India. Available at http://www.cag.nic.in/html/cag_reports/jharkhand/rep_2004/civ_chapter_3.pdf. Accessed on 24 October 2006

³ Website of Jharkhand State Government. Utilisation of Health Services. Available at www.jharkhand.gov.in. Accessed on 20 October 2006

national health programs but the utilisation is really low due to low credibility of health staff, poor infrastructure, lack of essential equipment, inadequate drug supplies, inefficient logistic systems and low level technical skills of workers. Most of the functions provided by referral, district and sub-divisional hospitals have overlapping functions leading to duplication of services rather than differentiation and specialisation of services. At the secondary level, the institutions have low bed occupancy ratio and underutilisation of existing health facilities. Non-existence of structure and systems has led to overburdened, ineffective and poorly functioning peripheral institutions. The outreach service for complete immunisation services to children at 7.5% is adequately short of the national average of 35%.⁴ In terms of provision of medical education, the health department falls really short with provision of just 3 medical colleges for the entire state with an annual output of only 180 students every year. It not only burdens the existing medical staff around the state in provision of health services but also denies access to the students living in far-flung areas.

Budgets and Finances: An Overview

After seeing the dismal state of health services, it would be important to see the cost associated with these inefficiencies. Since the inception of Jharkhand in 2000, the state government has allotted significant percentage of State Domestic Product (SDP) on provision of health services. However, when compared to the achieved targets, it still leaves a lot of room for improvement. Table IV gives a discouraging view of the state health expenditure in Jharkhand.

Table IV- Financial Management of the budgets (Rs in crore)

Year	Topic	Budget provision	Grants Released	Expenditure	% expenditure to total grants released
2001-02	Medical & Public Health	106	90	66	
	Family Welfare	83	82	55	
	Capital outlay on medical & Public health	4	4	4	
	Total	193	176	125	71
2002-03	Medical & Public Health	92	64	59	
	Family Welfare	80	71	55	
	Capital outlay on medical & Public health	4	1	1	
	Total	176	136	115	85
2003-04	Medical & Public Health	78	78	61	
	Family Welfare	80	80	46	
	Capital outlay on medical & Public	15	15	1	

⁴ Health Policy Report. Ministry of Health, Family Welfare, Medical Education and Research. Government of Jharkhand

	health				
	Total	173	173	108	62
Grand Total		542	485	348	71

Source: CAG State Audit Report 2004. 2004. Available at http://www.cag.nic.in/html/cag_reports/jharkhand/rep_2004/civ_chapter_3.pdf

It is startling to see that in the year 2003-04, the health expenditure of the department is only 62% of the total grants released. The story was no better in the previous years with only 71% in 2001-02. It is useful to analyse the demands for grants by the department over the years. Table V gives details of the budget estimates for the year 2004-05, 2005-06 and 2006-07.

Table V- Budget Estimates for 2004-2006 (Rs in lakh)

Revenues	Service	Budget Estimate 2004-05	Budget Estimate 2005-06	Revised Budget Estimate 2005-06	Budget Estimate 2006-07
	Medicine and Public health	26,034	59,881	61,458	67,707
	Family Welfare	9,001	17,612	18,859	14,993
	Secretariat: Social Service	89	145	146	154
Capital		4,372	6,300	6,300	14,349
Total		39,495	83,938	86,763	97,203

Source: Demand for grants 2004-06. Government of Jharkhand.

Out of the total revenues generated by the state, some portions also come from the Health and medical education departments. The revenues generated by the department were to the tune of Rs 396 lakh and Rs 553 lakh for the years 2003-04 and 2004-05 respectively. However the actual disbursements out of the revenue account of the state to the department are Rs 17,094 lakh in 2003-04 and Rs 23,326 lakh in 2004-05.⁵ The annual budget estimates of the departments have huge reserves both for the state funded as well as central funded program. A brief snapshot of the budget estimate and actual expenditure over the years is given in Table VI below.

Table VI: Budget Estimate and Expenditure of the Department. (Rs in lakh)

Topic	Budget Estimate (2005-06)		Budget Estimate (2006-07)		Actual Non-plan expenditure (2003-04)	Actual Non-plan expenditure (2004-05)
	Plan	Non-plan	Plan	Non-plan		

⁵ Annual Financial Statements, 2003-04, 2004-05. Government of Jharkhand.

Urban Health Services	6,212	18,967	6968	16508	4829	5450.4
Rural Health Services	1622	19420.3	3900	20331.2	6278	10051
Medical training & research	80	10413	180	7878.3	2813	422
Family Welfare	NA	769.3	NA	1515.2	NA	389

Source: Budget Reports. 2004-06. Plan and non-plan expenditure statement, 2003-04 – 2006-07. Government of Jharkhand

The health budget for the past years and analysis of the emerging trend would be a good indicator of the health care provisions in the state. The Jharkhand government has an annual budget of Rs 380 crore for the health sector, including family welfare. Most of the budget is to meet non-plan expenditures, such as salaries of staff, leaving no resources for infrastructure development and new programs. The total health and family welfare budget of Jharkhand for 2002–03 is Rs 352 crore. Of this, Rs 202 crore constitute non-plan allocations (58%), Rs 61 crore constitute plan allocations (17%), and the remaining Rs 89 crore (25%) are for the centrally supported family welfare programme. The budget allocations are grossly inadequate to improve and upgrade infrastructure facilities, create new institutions, and implement innovative programmes to achieve programme objectives. However, even though we say this, there have been various cases of inordinate and nugatory expenditure. One of the prime examples is the Lady Health Visitor Training School that has only one superintendent and nine other staff and incurred a cost of Rs 40 lakh for the period of 4 years 2000-04.⁶

Schemes and Programmes of the Department

The Department undertakes state and national level programs in order to provide health services. According to the Annual Report of the Department undertook the following works in the year 2004-05 and 2005-06 as detailed below.⁷

- Vitamin A, polio vaccination, Iron and Folic acid tablets and pesticides were distributed in each rural household of 7 districts across the state.
- In 2004-05, 2468 doctors, 2126 para-medical staff have been contracted for providing rural health services.
- The budget allocation of Rs 8 crore was increased to Rs 9 crore from first quarterly to third quarter of 2004-05 so that all the dispensaries have the life saving drugs.
- Initiation of mobile clinics in the remote places and provision of drinking water and sanitation in 193 primary health centres was done.
- Under the centrally funded National Malaria Control Program, 100 metric ton of synthetic parathyroid at the cost of Rs 100 crore was sprinkled
- Conversion of a 750 bed general hospital into a leprosy research centre acquisition of 150 vehicles for the district health authorities and referral hospitals

⁶ CAG State Audit Report of Jharkhand 2004. 2004. Government of India. Available at http://www.cag.nic.in/html/cag_reports/jharkhand/rep_2004/civ_chapter_4.pdf. Accessed on 24 October 2006

⁷ Annual Reports. 2005, 2006. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand

The work done is quite substantial; however it gets tinted when it is observed that the list is for two years, at least, that is what the Annual Report claims. The work done has been duplicated in both years' annual reports, which is disappointing. Still, it would have been a consolation if the expenditure also would have remained the same! However in the presence of differential and huge amount of money being spent each year, it is deplorable to see the amount of work done by the department. The health care system is in dismal state as most of the health sub-centres are not functional in most districts and inaccessibility of the medicines. The system is also fraught with corruption as some officials charge money for free medicines.⁸ Definitely, the need of the hour is better implementation of contract and performance level systems in the state than what exists today in the wake of serious non-functioning of health care systems. Most primary health care centres in the village are empty and the private health care comes from the alarming number of quacks in the area.⁹ Some of the major schemes that are run in the state are malaria control, leprosy abolition, filaria control, blindness control, population control, tuberculosis control, maternal and child health program, other health schemes and strengthening other medicinal forms like homeopathy, Unani and others.

Communicable and non-communicable diseases

Most of the programs are centrally designed and funded that concentrate on eradication and control of diseases like malaria, filaria, leprosy, and blindness. Even though epidemiological information system state-area specific plans have been made, there is a still room for lot of improvement.

National Malaria Control Program

The Malaria Control Program is implemented through 50% stake of both the State and the Centre. The Central finances are required for distribution of medicine, sprinkling of repellents, training of employees and people awareness, where as the state is responsible for salaries of the staff, establishment cost, distribution of insecticides, and other operational costs. The number of deaths in the state has seen a fluctuating trend with 51 dead in 2001 to 18 in 2003 and then 61 in 2004¹⁰. It is interesting that the administration blames the increase in the deaths in 2004 on the increase in the immunity in the mosquitoes and also lack of awareness among people. There have been increasing trends in the number of people who find the life saving drugs, and immunisation services for malaria, *kala azar* and rabbies highly inaccessible, which suggest the poor health care system in the state.¹¹ The Department has spent the centrally sponsored Rs 96 lakh on sprinkling 450 metric tons of DDT in 2004-05. The non-plan expenditure report of this national public health program is strange because not only the targets and achievements are very vague; the money spent on the money also is not properly documented. The actual non-plan expenditure is Rs 676 lakh for the year 2003-04 and Rs 7 lakh only for 2004-05!¹²

National Filaria Control Program

The National Filaria Control Program is also a partially state-central sponsored program. Since November 2004, Mass Drug Administration is being run in 15 districts of the state. The expenditure

⁸ Hindu. 2003. *Health services in Jharkhand dismal!*. 20 December

⁹ Hindu. 2005. *India's poor need a radical package: Amartya Sen*. 9 January

¹⁰ Annual Report, 2004-05. 2005. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand

¹¹ Hindu. 2004. *Jharkhand Health Care System improving*. 28 February

¹² Annual Report 2004-05, 2005-06. 2005, 2006. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand

for distribution of medicine was Rs 75 lakh. The Department claims to make Jharkhand Filaria Free by 2015. The non-plan expenditure for the year 2003-04 is Rs 124 and Rs 145 lakh for the year 2004-05.¹³

National Blindness Control Program

This program is a centrally sponsored program and is monitored at the state level and implemented by the district blindness control committee. In this program, there are concerted efforts to encourage cataract operations, eye check-up of school children, people awareness campaign and establishment of eye banks. Table VII below gives the targets and achievements of the blindness control program for 2004-05. The targets for 2006-07 for blindness control are 70, 000 for cataract operations, 8 lakh school children to be given full eye check up, to gather 150 eye balls in the eye bank and train 15 surgeons for lens transplantation.¹⁴

Table VII- Targets and Achievements of National Blindness Control Program

Program	Target (2004-05)	Achievement (2004-05)	Targets (2005-06)	Estimation of achievements (2005-06)
Cataract operation	70000	32440	25,262	40000
Eye-check up for school children	250000	424204	297135	500000
school teachers training	3000	570	1832	2500
School children with eye defects	49000	3552	8851	12000
number of people given free glasses	14700	998	901	12000
eye transplantation	90	25	100	25

Source: Annual Report, 2004-05. 2005. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand

In the wake of the targets and achievement, the non-plan expenditure of the program has been Rs 31 lakh for 2003-04 and Rs 43.24 lakh for 2004-05. The budget estimate for non-plan expenditure for the 2006-7 is Rs 161 lakh.¹⁵

Reproductive and Child Health

The Reproductive and Child Health program (RCH) is a centrally funded scheme aiming to provide children with complete immunisation and pregnant women with at least three antenatal check ups, two doses of TT injections and 100 large iron and folic acid (IFA) tablets and safe deliveries by trained personnel. Table VIII gives the major objectives of the RCH program in Jharkhand.

¹³ Annual Report 2004-05, 2005-06. 2005, 2006. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand

¹⁴ Annual Report, 2004-05. 2005. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand

¹⁵ Budget Reports 2006-07. 2006. Non-Plan Expenditure 2006-07. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand. Available at <http://www.jharkhand.nic.in/Budget/budget06/pdfs/nonplan/npn2210.pdf>. Accessed on 20 October 2006

Table VIII: Objectives and Targets of Reproductive and Child Health Program in Jharkhand

Heading	2005	2010	2015
3 antenatal checkups, 2 TT doses, 100 IFA tablets	60%	70%	above 85%
Increase safe deliveries (22% in 1999)	35%	50%	75%
Reduce RTIs in men		below 10%	
Increase complete immunisation coverage (9% in 1999)	40%	70%	100%
Polio Free state	100		
decrease infant mortality rate	50/100 0	40/1000	below 25/1000
Increase awareness of AIDS (15% in 1999)	70%		

Source: Document on Population and Reproductive and Child Health Policy.

The Central program is implemented at the State level through Inter-Departmental Coordination Programme constituting of Chief Secretary and health and family welfare secretary. It also has representation from the other departments, non-governmental organisation and private sectors. At the district level, health management committees are formed for monitoring the implementation of the population, reproductive and child health policy plan.

The RCH program is not a success at least in the state of Jharkhand. In the area of family planning the target number of people were for the year 2004-05 is 220 lakh out of which only 60 lakh were included under the family planning scheme, accounting for only 27% success. In the area of immunisation, only 29 lakh people were covered against the target group of 44 lakh people, accounting for about 65% success. This is very inadequate in context of the targets that the state has to achieve and is no different for the next year 2005-06. Rather the family planning success rate has gone down to 15% and immunisation has remained the same as 65%.¹⁶

A detailed study of the antenatal care and provision of professional deliveries in the state in comparison to other newly formed state are quite surprising.¹⁷ According to the study, in which around 400 women were surveyed in Jharkhand, it was startling to see that the antenatal checkups are really low in Jharkhand with only 33% receipts of IFA tablets, with 64% of the women in the not getting prenatal care at all. The prenatal care given by health care workers at home was as low as 4% and from the doctors is 28% of the total sample studied. The performance of Family Welfare Programme was poor as shortfall in achievement in sterilisation, Intra Uterine Device, Conventional Contraceptive Users and Oral Pills Users ranged up to 52.63 per cent, 78.57 per cent, 76.58 per cent

¹⁶ Annual Report, 2004-05, 2005-06. 2005, 2006. Ministry of Health, Medical Education, and Family Welfare. Government of Jharkhand

¹⁷ Pandey, Arvind, Roy, Nandini, Sahu, D, Acharya, Rajib. *Maternal Health Care Services. Observation from Chattisgarh, Uttaranchal and Jharkhand. Economic and Political Weekly*

and 71.79 per cent respectively.¹⁸ Table IX gives the financial management of the program in the state.

Table IX: Allotment and expenditure on the Family Welfare Program

Year	Allotment	Expenditure	Savings	Percentage
2001-02	1.5	0.96	0.54	36
2002-03	1.16	0.69	0.47	41
2003-04	1.2	0.88	0.32	26
Total	3.86	2.53	1.33	34

Source: CAG State Audit Report 2004. Government of India. Available at http://www.cag.nic.in/html/cag_reports/jharkhand/rep_2004/civ_chapter_3.pdf

Leprosy Control Scheme

The National Leprosy Abolition Scheme was started by the Centre in 1998. Since then, surveys spanning five phases, 95,160 patients have been found. The average of leprosy occurrence at 2.21/10,000 in the state is much higher than the national average of 1.98/10,000.¹⁹ However, in 2006, a revised estimate gives only 1.40/10,000 of leprosy patients in the state. The non-plan expenditure on the leprosy control program is Rs 440 lakh in 2003-04 that increased to Rs 685 lakh in the year 2004-05 and the non-plan budget estimate for the next year 2006-07 is Rs 1016 lakh.²⁰

Other Health Schemes

There have been systemic and programmatic interventions for mental health disorders, malnutrition and under-nourishment in women and health services for elderly. Upgradation of health care facilities and community mental health projects has been undertaken. Food security to the poor and convergence of services at the community level has been done to increase the nutrition level. Registration of marriage and adolescent health education program has been initiated in order to ensure adolescent health. However, there has been no enumeration of the resources and finances that goes into ensuring these services.

Drug Policy

The systems and structures used for drug policy are very inadequate in the state. Jharkhand State Medicine Policy have the objectives of ensuring availability and accessibility of safe, effective and good quality medicine through efficient procurement and distribution system. It also aims to promote rational use of medicines in the public health facilities through improved information and technology. However, lots need to be done in Jharkhand before this state is achieved. There are separate committees and health professionals who select medicines for procurement and supply for different levels of institutions in the health system. Although WHO has laid down the guideline, it has not been adhered to and also selection of medicine has been done in an arbitrary manner. The

¹⁸ CAG State Audit Report on Jharkhand 2004. 2004. Available at http://www.cag.nic.in/html/cag_reports/jharkhand/rep_2004/civ_chapter_3.pdf. Accessed on 25 October 2006

¹⁹ Annual Report, 2004-05, 2005-06. 2005, 2006. Ministry of Health, Medical Education, and Family Welfare. Government of Jharkhand

²⁰ Budget Reports 2006-07. 2006. Non-Plan Expenditure 2006-07. Ministry of Health, Medical Education and Family Welfare. Government of Jharkhand. Available at <http://www.jharkhand.nic.in/Budget/budget06/pdfs/nonplan/npn2210.pdf>. Accessed on 25 October 2006

process through which the medicines are selected is fraught with many weaknesses. There is a perennial delay in medicine selection due to infrequent committee meetings. Most products are brand names that are combinations of medicines; it makes it difficult to procure. Mostly medicine selection is not done on the basis of morbidity patterns and needs for health facility and half of them are not even procured. The distribution system for secondary and primary health care facilities suffers from lack of logistics management and control. Stock outs are common and distribution is made through rather push than pull mechanism. Storage is also inadequate and the personnel handling the storage are not trained in stores management. Even the access to these medicines by poor people at the primary and tertiary level is very low. Only 60% of the medicines prescribed are available at the hospital pharmacy and most of them have to procure it from the market.²¹

In terms of drug control, the non-plan expenditure has been only Rs 31 lakh for 2003-04 that increased to Rs 38 lakh in 2004-05. A similar trend is seen in public health laboratory as well where only Rs 45 lakh has been spent.

Recommendations for Reforms

Briefly, the state is witnessing extreme neglect of health care services and its access to people in the state. Lack of infrastructure, medical and para-medical staff, inadequate drugs and most important, credibility of the government health services are some the main reasons for the poor state of health in Jharkhand. Provision of health services is a tricky business and it requires involvement of the state with private partnership and voluntary organisations. Some of the main recommendations made by CAG in terms of health is to ensure proper infrastructure to the health centres at the lowest tier, more focus and better planning both in terms of targets and outcomes in national health programmes, proper procurement, storage, and distribution of life-saving drugs and proper induction and training of the medical staff as well as ensuring that they are available at the centres all the time.

As most of the health programmes in the state are centrally sponsored programs, better monitoring and evaluation strategy is needed at the state level in order to ensure proper implementation and access to people. The primary health centres should be made adequate so that they reach people in the remotest areas, with proper provision of medical staff and drugs. As nearly 40% of the state is rural, government should concentrate on the rural health services and should largely leave the urban health services to private providers. Increase the quantity and quality of primary health centres so as to avoid overcrowding of super-speciality hospitals. One way of doing it would be expanding the concept of health vouchers for the entire rural area and for any kind of health services. Presently the system is being used only for the centrally funded Reproductive and Child Health Program and is restricted to only poor pregnant women. However this concept can be broadened for providing health care services in general to people living in rural and tribal areas. Seva Mandir's voucher program in Udaipur, India, which was started in 2004, aims at better monitoring the work of village health workers (co-motivators) and trained birth attendants (TBAs). It evolved as an alternative paying method for village health workers who formerly received a fixed amount irrespective of the number and quality of the services they delivered. Seva Mandir's main focus in the health voucher program has been on monitoring health workers and tracking service delivery and payment. In addition, Seva Mandir tries to increase the number of health providers so that patients will have more choice in the future. Different vouchers are distributed for the various services covered in the

²¹ Drug Policy Report. Ministry of Health, Family Welfare, Medical Education & Research. . Government of Jharkhand

program: immunisation for children, registration of births and deaths, provision of child delivery services as well as ante- and post-natal services (Seva Mandir 2004).²² In similar manner, the medical staff at the primary health care centres can redeem a part of the voucher for the services that he provides. The funding of the vouchers can also be done privately, by charity foundations and multi-lateral organisation that already focussing on health services in state.

In order to meet the medical manpower shortage, it would be helpful, if college graduates with two years training are allowed to treat common disease after brief but rigorous training. The illegal quacks that form a large part of the private health care services should be bought under new training system. Simply banning them would not obviate their need. A very innovative and unique Program run by the “The Usha Martin Group” in association with the Krishi Gram Vikas Kendra is fulfilling the need of medical staff in a very effective way. Their initiative is to teach and encourage better health practices, through community participation and capacity building, are focussed on key health concerns of reproductive sexual health, low birth weight, family planning and AIDS and access to facilities. In partnership with ICICI Bank and US-AID, they provide quality health services like hospitals, equipments, mobile health clinics and health sub-centres to rural and tribal areas. Through their Community Health Worker Training Program provide training to young people who later get employed with private nursing homes and hospitals. Such initiatives should be encouraged and expanded to the whole state in order to make quality health care services accessible to people through public-private partnership.

More transparency should be brought in the process of procurement of drugs and other equipments by putting up tenders, all submitted bids, and final selected bids with details of procurement on the website of the department. Similar procedures should be adopted for drug control as well. The violations of drug control should be treated as criminal offence and monetary fines should be imposed. Bureau of Indian Standards allows NGOs and other laboratories to do the tests to check compliance, this practice should be encourages in order to have better drug control mechanism. Public laboratories are not doing the requisite job and thus testing samples should be contracted out. The government contract would also provide the required data to develop better quality laboratories.

The non-specialised services in hospitals should be contracted out for better and cost-effective services. Heads of hospitals should be people who have done hospital management rather than senior doctors. As one peruses through the list of targets that the department has for next year, it is apparent that most of the targets are vague and can not be measured against specific outcomes, which is one of the major impediments of the health sector. Most the targets are incorporated in the vision statement which spans over 20 years and thus, is not tracked every year. As health provision is a huge task, most of the times outcomes are open ended and is left to the interpretation of the officials and politicians, which is also reflected in the way resources, both human and financial are used for these purposes. In the entirety of the problem, the health department has an immense responsibility of taking ahead the mammoth task.

²² Susanne Casel. 2006. *Health Vouchers: A Solution to India's Health Care Problems*. Centre for Civil Society. New Delhi.

Land and Forest: What would be Left?

-Shruti Rajagopalan

Introduction

Jharkhand is undoubtedly a natural resource rich state in India especially in forests and minerals. Almost 30% of the state is under forest cover which is 23,605 sq.km across 22 districts. 82% of this forest cover is protected, approximately 17% is reserve forests and a small part of the forests are unclassified. The Jharkhand Forest and Environment ministry was created in year 2000 when Jharkhand was formed as a separate state for the protection of this forest cover. In the present government Shri Sudhir Mahato is the Minister for Forests and Environment and is also the Deputy Chief Minister of Jharkhand.

Jharkhand is also home to some of the poorest landless peasants in the country along with a third of its population being tribal. Land rights and traditional property rights have eroded in erstwhile Bihar over five decades and Jharkhand continues to struggle with those problems. Therefore the Land Reform Department maintains land records, makes them accessible as well as actually distributing surplus land as part of its land reform program.

Bird's Eye View

Forest and Environment Department

RTI

- a. Name of Public Information Officer (PIO)
- b. Designation of PIO
- c. Contact Details (postal address, telephone number, fax number, E-mail ID)

Same details for Appellate Authority

- d. *Suo Moto* Publishing link on the Department's website

2. Citizen charter: No

3. Annual Report: Yes

4. Budget: Yes

5. Whether Annual Report and Budget are provided in non-technical form: No

Forests Resources at a Glance

Table I and Table II paint a very clear picture of the forest resource in Jharkhand illustrating the amount and kind of forest cover in the state along with the area under forests in each district. Table III is a census of the wildlife found in these forests and a substantial portion of the funds for the department goes towards protecting the wildlife in these areas. These tables give a clear picture of how resource rich the state is and how a large percentage of population depends on the forests for its livelihood.

Table I- Forest Area and Cover in Jharkhand

Recorded Forest Area	
Reserved Forest (RF)	4,387.20 sq. km
Protected Forest (PF)	19,184,78 sq. km
Unclassed Forest (UF)	33,49 sq. km
Forest Cover :	
Dense Forest (Canopy density: >40%)	11,787 sq. km
Open Forest (Canopy density: 10-40%)	10,850sq. km
Scrub Forest	
	976 sq. km

Source: State of Forest Report, 2001; Forest Survey of India

Table II- District wise Forest area and per capita forest area in Jharkhand

District	Geographical Area in Hac.	Forest area in Hac.	Per capita Forest area in Hac.
Dumka	551800	160989	0.11
Pakud	69300	14027	0.02
Godda	211000	16231	0.02
Sahebganj	340600	8254	0.01
Deoghar	247900	23546	0.03
Hazaribagh	504900	242904	0.09
Chatra	370600	196152	0.32
Koderma	241000	89038	0.14
Giridih	488700	228930	0.10
Bokaro	292700	39355	0.05
Dhanbad	207400	26380	0.01
Ranchi	757400	179454	0.08
Gumla	295900	130835	0.11
Lohardaga	773300	36573	0.13
Palamau	797400	353133	0.21
Garhwa	477500	202840	0.25
Singhbhum East	542800	198240	0.12
Singhbhum	801200	213666	0.12

West			
TOTAL	7971400	2360547	0.10

Source: <http://jharkhand.nic.in/governance/forest.htm>

Table III- Wildlife Census Data as in 2002

Species	Number as in 2002
Tiger	34
Leopard	164
Elephant	772
Barking Deer	3672
Cheetal	16384
Sambhar	3052
Chausingha	62
Common Langur	44920
Common Otter	98
Hare	2718
Hyena	613
Indian Bison	256
Indian Giant Squirrel	395
Jackal	559
Jungle Cat	11
Monkey	64685
Nilgai	1262
Pangolin	57
Porcupine	425
Sloth Bear	1808
Wild Boar	18550
Wild Dog	537
Wolf	874
Dhanesh	56
Peafowl	5684
Jungle Fowl	325

Source: <http://www.jharkhand.gov.in/depts/fores/wcd.asp>

Mission and Objectives

Forests

The main objective of the Forest and Environment department is forest conservation, protection and maintenance of the forests. The forest cover is spread across the whole of Jharkhand mainly in Bolaro, Chatra, Deoghar, Dhanbad, Dumka, Garwah, Giridih, Godda, Gumla, Hazaribagh, Kodarma, Lohardaga, Pakur, Palamu, Purbi and Pashchimi Singhbhum, Ranchi and Sahibganj districts. Jharkhand is also home to a tribal population of over 70 lakh, making up approximately 27% of the population. Large proportion of schedule tribe and schedule caste population in Jharkhand is forest dwellers and depends on forests for daily livelihood and energy requirement. There live thirty types of

Scheduled Tribes in Jharkhand of which the Primitives Tribes are Asur, Birhor, Birajia, Korba, Mal Paharia, Sauriya Paharia, Sabar, or Hill Kharia and Parahiya and the Other Tribes are Biga, Banjara, Bathudi, Bedia, Bhumij, Binjhia, Chero, Chik Baraik, Gond, Gorait, Ho, Karmali, Khadia, Kharwar, Khond, Kisan, Kora, Lohra, Mahali, Munda, Oraon and Santhal. The Jharkhand government has elaborated on a nine point agenda for the land and forest department for the conservation of forest cover in these districts.

- Forest Conservation
- Conservation of Wild Animals and Birds
- Control of Forest Development Corporation
- Biological Parks Management
- Protection and Conservation of Environment
- Environmental Research and Education
- Maintenance and improvement of Ecology in the Urban and Rural areas.
- Formulation of Rules and Planning of Human habitations
- Control of all the officers employed in this Department Administrative control of all the buildings of this Department

The department, in its policies, must also respect the various rights of these tribes acquired over many centuries while protecting and conserving these forests. So the mission statement of the department is fairly simple “Green Jharkhand, Clean Jharkhand Rich Jharkhand, Strong Jharkhand”.

Land Reform

Jharkhand’s approach to the Revenue and the Land Reform Administration during has been formulated with the main objective of improved management of land in the state along with updation of land records and implementation of Tenancy Laws with emphasis on increasing Agricultural production. The function of revenue and land reform department is not only to ensure land reform in the district but it also guarantees equitable distribution of follow and waste land among landless poor, among tenants without land, monitoring mutation of holding and restoration of illegally acquired land from weaker sections of the society. To meet the expenditure in the legal procedure of restoration of such land, a legal aid has been provided for too. In the relief component the section monitors the draught relief as well as flood relief.

Organisational Structure

The Jharkhand Forest and Environment department operates at the Ministry Level headed by the Secretary and the Field Level headed by the Chief Conservator of Forests. The department is also in the process of creating the Forest Development Corporation and Pollution Control Board. Table IV gives the classification of employees in forest department and Table V gives the organisational strength of the department.

Table IV- Classification of Employees in Forest Department

Ministry Level	Number of Employees
----------------	---------------------

Secretary	1
Deputy Secretary	2
Under Secretary	1
Other Administrative Staff	-
Field Staff	Number of Employees
Principal Chief Conservator of Forests	
Chief Conservator of Forests	9
Conservator of Forests	18
District Forest Officer	85
Assistant Conservator of Forests	156
Foresters	1025
Forest Guards	3330

Source: <http://jharkhand.nic.in/governance/forest.htm>

Table V- Organisational Strength of Forest Department

Cadre	Authorised Strength	Working Strength
Indian Forest Service	130	116
Jharkhand Forest Service	156	137
Range Officer of Forests	383	224
Forester	1056	726
Forest Guard	3383	2050

Source: <http://www.jharkhand.gov.in/depts/fores/org.asp>

The overall in charge of this bureaucracy is the Minister of the Forests and Environment. The staffs at the ministerial level include a Secretary, two Deputy Secretaries, one under Secretary and other administrative personnel. At the field level, the department is headed by the Principal Chief Conservator of Forests under whose control is the Chief Conservators of Forests who oversee the Conservators of Forests, District Forests Officers, Assistant Conservators of Forests and Foresters and Forest Guards. The more senior officers are recruited from the Indian Forest Service and then the Jharkhand Forest Service while the lower level officers are recruited at the state and local level.

Chief Conservator of Forests are responsible for different activities undertaken by the central and state government such as forest protection, forest development, wildlife protection, trading of forest products and other internationally funded projects by the World Bank and the United Nations World Food Program.

From Table 5 it is evident that the authorised staff has not been fully employed for any of the posts. The biggest problem is faced at the field level especially in the case of *Vanrakshi's* or Forest Guards whose strength is currently not adequate to report and manage the entire field cover across 22 districts. This is especially true since there is attempt to micro-manage the forest resources by the government as opposed to a decentralised and joint management system by the forest dwellers and the government.

Therefore the efforts of the lower level field officers are fruitless because of not working in conjunction with the tribal population and micro management.

Budget- Outlays and Expenditure

Table VI- Allocation of Funds and Expenditure 1997-2002 (Rs in crore)

Year	Budget			Expenditure		
	Non-Plan	Plan	Total	Non-Plan	Plan	Total
1997-98	53.84	53.86	107.70	53.57	11.00	64.57
1998-99	70.55	141.17	211.72	67.56	19.55	87.11
1999-2000	88.52	91.22	179.74	85.17	13.69	98.86
2000-01 (Till 14.11.2000)	59.28	55.03	114.31	48.99	00.90	49.89
2000-01 (From 15.11.2000)	42.62	58.53	101.15	31.55	8.92	40.47
2001-02	88.83	75.25	164.08	77.67	71.18	148.85
Total	403.64	475.06	878.70	364.51	125.24	489.75

Source: CAG Report 2001-02

According to the CAG Report 2001-2002 (Civil); out of total budget provision of Rs 878.70 crore for the Forest and Environment department Rs 388.95 crore remained unutilised. The Department failed to utilise provision of Rs 388.95 crore [Plan: Rs 349.82 crore (74 per cent) and Non-plan: Rs 39.13 crore (10 per cent)] made in the budget during 1997-2002. Further entire provision of Rs 48.68 crore under 7 schemes remained unutilised due to un-realistic budgeting without ensuring implementation of the schemes. Rs 31.96 crore out of Rs 49.79 crore received from Government of India remained unutilised.

Other problems as pointed out with the 1997-2002 plan as pointed out by the CAG report is as follows:

- Irregular expenditure of Rs 80.49 lakh was incurred by 10 Forest Divisions on Roadside plantation works.
- Compensatory afforestation was not executed due to non-raising of demand of Rs 72.28 lakh on M/s Steel Authority of India Ltd.
- Unfruitful expenditure of Rs 94.24 lakh due to failure in installation of operational wireless system.
- Monitoring of the schemes was totally absent and evaluation was also not done by the department.
- 10 Forest Divisions unauthorisedly spent Rs 33.65 lakh on construction of wooden and boundary pillars without sanction.

- Scrutiny revealed that in 8 forest offices cash book was not maintained during 1997-02 in respect of cash drawn on bills presented to treasuries for payment of personal claims like Pension, Gratuity, G.P.F and Insurance etc.
- Scrutiny revealed that plantation was done in 239.25 hectares which includes only 73.5 hectares approved by the Government while in remaining 165.75 hectares, it was done unauthorisedly at the cost of Rs 9.91 lakh.

The forest and environment department has been allotted Rs 46,277 lakh for the maintenance of forests and wildlife under the Tenth Five Year Plan which extends from 2002 to 2007. For the year 2005-06 the annual plan outlay was 10,100 lakh. Table VI gives the total budget outlays of the department for 2004-05 and 2005-06.

Table VII- Budget Outlays for 2004-05 (Rs in lakh)

Item	Plan Budget Estimate	Non-Plan Budget Estimate	Total Budget Estimate
Revenue			
Forestry and Wildlife	11922	6604.08	18526.08
Secretariat Economic Services	-	87.77	87.77
Total Revenue Budget	11922	6691.85	18613.85
Capital			
Total Capital Budget	-	-	-
Total	11922	6691.85	18613.85

Source: Jharkhand Government Demand for Grants 2004-05. 2005. Government of Jharkhand

Table VIII- Outlays for 2005-06 (Rs. in Lakh)

Item	Plan	Non-Plan	Total
Revenue			
Forestry and Wildlife	11338	7195.69	18533.69
Secretariat Economic Services	-	108.97	108.97
Total Revenue Budget	11338	7304.66	18642.66
Capital			
Total Capital Budget	-	-	-
Total	11338	7304.66	18642.66

Source: Jharkhand Government Demand for Grants 2005-06

The details of the plan and non plan expenditure have not been made available; however three things may be derived from the figures in Table VI.

First, there is no capital expenditure in forests and environment for both the years whereas the success of many afforestation and infrastructure depends on such capital expenditure. The entire expenditure is revenue expenditure in plan and non plan expenditure. Second, the non plan expenditure is over a third of the total outlay in both years and though the details are not given, it is clear from the organisational structure that most of the non plan expenditure goes into maintaining the bureaucracy as wages and salaries as well as “committed expenditures” such as pension and health benefits. Finally, the non plan expenditure has increased from 36% of total expenditure in 2004-05 to almost 40% of the total expenditure in 2005-06 where as there is no concomitant increase in projects or capital expenditure. Finally, this increase is despite the fact that no projects are being completed and from 1997-2002 barely half the plan expenditure was utilised for the allotted projects.

Schemes and Projects of Forest Department

The Jharkhand Forest and Environment Department is responsible for four types of projects. Projects with 100% Central Government funding, projects with 100% State Government funding, projects partially funded by the Central and State Government and projects funded partially by international organisations in partnership with the Central or State Government. The following projects are the key projects which have been undertaken in the State.

In Bihar, the Forest Department used to get Rs 3 to 4 crore for development works under Plan head. In the year 2000-01 the State sanctioned more than Rs 10 crore in Plan head for the Work component. The budget under Plan head for the year 2001-02 increased to Rs 73.00 crore for the Jharkhand Forest and Environment Department.

Bamboo Project

This project is a 100% Government of India project for the scientific management of the natural bamboo forests and plantations of bamboos. This project covers the entire forest area in Jharkhand and is estimated to benefit 10 lakh people especially tribal population. An important feature of this project is that it is both ecology and people friendly. Villagers are allowed to collect fire wood, house- building materials for their bonafide use, on protected forest land. Also free collection of NTFP and free grazing except in current regeneration area are allowed. *Turees* are allowed to take bamboos for basket making. The estimated period for this project is 2000-01 till 2010-2011 and it is coordinated by the Chief Conservator of Forests. Table VII gives the budget allotment for various years for this project.

Table IX: Budget allotment for various years for Bamboo Project (Rs in lakh)

Year	Budget Outlays
------	----------------

2000 - 2001	200.07
2000 - 2002	190.00
2000 - 2003	199.93
2000 - 2004	199.97
2000 - 2005	200.00
2000 - 2006	200.01
2000 - 2007	200.02
2000 - 2008	200.01
2000 - 2009	135.46
2000 - 2010	83.22
2000 - 2011	16.47

Source: <http://jharkhand.nic.in/governance/forest.htm>

This project enjoys central government support and funding, however its major drawback is in the implementation where the aggregation of the tribal population is still limited. This is an excellent venture for Joint Forest Management; however the potential for decentralised and joint management has not been exploited.

The Elephant Project

The Central Government is funding a state government proposal for the preservation of Elephants. The State Government has declared 9406 sq.km. of forest area covering 17 forest divisions as Elephant Project area to improve the elephant habitat, greening of elephant corridors, developing wireless networking system and proper driving away of the elephants from the inhabited areas.

Failure of scheme was indicated by the fact that expenditure by PCCF Jharkhand on payment of compensation provided to victims of wild animals increased to Rs 58.75 lakh in 2000-01 from Rs 20.00 lakh and Rs 15.00 lakh in preceding two years.

Afforestation of Corridors

Consolidated afforestation and ecological development will be taken up in four districts of Ranchi, Giridih, Deoghar and Dumka through 100 % assistance by the Govt. of India.

Seed Development Project

Government of India is funding a project for the Development of High quality seeds by using modern scientific techniques. The amount set aside for this project by the central Government is 31.44 lakh.

World Bank State Forestry Projects

The State government has formulated a proposal and presented it to the Central government that will use World Bank funds to promote afforestation in the state of Jharkhand. The Project, spread over a period of 10 years, will have the following features:

- Rehabilitation of 5 lakh hectares of Degraded forests
- Afforestation in 4 lakh hectares to be undertaken with the help of the non governmental agencies

- Planting of trees along 1800 Kms roads
- Allocate funds for wildlife protection and Biodiversity conservation
- Improvement in nursery and Seed technology
- Computerisation and modernisation of all forests organisations and strengthening of research Capabilities
- Collection, Processing, Storage, and Marketing of minor forest produce to promote livelihood for local villagers.

World Food Programme

This programme has been operational since 1986-87. The objective of this programme is all round development of selected villages through food grain distribution. The labourers engaged in this programme get 2.6 Kgs of wheat and 200 gms of peas per man-day worked, on deduction of Rs 7 from their wages. The money thus saved is deposited in a “welfare account” which is used to take up other community welfare activities in the district. As of 2001, the total amount available in the welfare account was Rs 473 lakh in the term deposit account and Rs 17.8 lakh in the savings account. There are 4 World Food Programme district bodies currently working in Jharkhand in Daltongang, Hazaribagh, Dumka and Chalibasa. The problem identified in this project is that the gap between the amount of wheat allocated for distribution by the World Food Programme, Delhi and the amount actually received by the World Food programme, Jharkhand is not explained anywhere in the report.

Palamu Tiger Project

The Central and state Governments, in association with the Global Environment Fund and the World Bank, sanctioned a scheme of Rs 38 crore for the economic Development of the 191 villages in and around Palamu Tiger Reserve. This Programme was started with the objective of reducing the dependence of villagers on the wildlife habits. The time limit for the economic development scheme was the year 2001, but due to various procedural delays, only Rs 194.034 lakh has been spent till then, leading the World Bank to give the Government an ultimatum of shutting down the programme. GOI has already released Rs 1.5 Crore towards the project to the Government of Jharkhand. The establishment cost of the Palamu reserve is borne by the State government.

Rehabilitation of degraded Forests and Wastelands is a project completely funded by the state government and Rs 20 Crore has been earmarked for this purpose. Initially implemented for the districts of Ranchi, Hazaribagh, Palamu and Giridh, the project now covers all the districts of Jharkhand.

Roadside Plantation and Urban Forestry project includes planting of Fruit and Ornamental trees along all major highways and establishing permanent plant nurseries in all districts. This is funded entirely by the state government.

Wildlife and Environmental Protection project covers the upkeep of National Parks, Wildlife Sanctuaries and Biological gardens of the state. The state has one National Park, ten Sanctuaries, one Biological Park and two small reserves. Table VIII lists the state parks maintained wholly by the state government.

Table X: State Parks maintained wholly by the State Government

Name	Area in sq.km.
Palamau National Park	231.67
Palamau Sanctuary	794.33
Mahuadand Wolf Sanctuary	63.25
Hazaribagh Sanctuary	186.25
Koderma Sanctuary	177.35
Parasnath Sanctuary	49.33
Topchanchi Sanctuary	8.75
Lawalong Sanctary	207.00
Palkot Sanctuary	183.18
Dalma Sanctuary	193.22
Udhwa bird Sanctuary	5.65
Bhagwan Birsa Biological Park	1.04
Kalamati Deer Park	0.23
Muta Crocodile Breeding center	0.02

Source: <http://jharkhand.nic.in/governance/forest.htm>

Schemes and Projects of Land Reform Department

Various schemes and projects were introduced in 2001-02 in Jharkhand to improve land records, its distribution and the economic justice in the State especially with respect to poor peasants and tribals.

Up-dating Land Records Survey

Effective implementation of land reforms is dependent upon up-dating of land records. The programme is basically staff oriented. Practically the entire amount is spent on salary and allowance of staff and office. It is also a very well funded state project and had a budget of 1570.41 lakh for the year 2001-2002.

Computerisation of Land Records and Tenants Pass Book

In erstwhile Bihar the work updating of land records and its computerisation had been divided in two phases. In the first phase the land record were to be updated under Bihar Tenants' Holding (Maintenance of Records) Act, 1973 (Bihar Act 28 1975). On creation of Jharkhand State for a period of four months a budget provision was made for an amount of Rs. 1,22,88,000 for Abhidhari Khata Pustika. However despite this effort most of the tenants have no direct computerised access to their land records and the state is only spending the money in maintaining a bureaucracy instead of computerising records.

Agriculture Census

Agriculture Census is a national programme which aims at collection of data related to operational holdings. Details of operational holdings, tenure and tenancy irrigation status.

Land use pattern and crop wise use of land in the State are collected and compiled. The data is useful input in the planning and monitoring of desired changes including arrangement for supply of essential inputs. Expenditure of the work is mainly borne by Central Government under the Central Sector Scheme. There are some posts sanctioned under State Plan expenditure which is borne by the State Government. Details of the amount spent by the state for this program is unavailable.

Legal and Financial Aid to Tribals

In order to prevent alienation of land rights of tribal and to protect the *raiya* interest of tribal living in the region of Santhal Parganas and Chhotanagput, specific restrictions have been made in the respective Act relating to transfer of their *raiya* and *khatiyani* lands. As per Govt. Scheme, tribals are paid Rs.250 per case legal aid, after restoration of land and Rs. 1000 per acre is paid as Agricultural assistance for cultivation purposes for restoration of Tribal.

Problems identified in Land Reform in Jharkhand as identified by UNDP¹

In many districts the land records have not been updated since before independence, in part due to cumbersome and corrupt survey procedures, giving wide scope for litigation and conflicts.

Some ceiling surplus land and a large amount of *gair mazrua* land is still available with the government for distribution. This land has not been distributed despite thousands of landless peasants having been identified as the beneficiaries.

Rights in common lands have been significantly eroded over time, mainly due to (apparently illegal) government measures, and struggles over *g.m.* land between local communities and the state, or between different actors at the local level, are common.

Due to the extensive powers granted to the village headmen in some areas in the name of customary rights of *adivasi* communities, abuse of power by these officials and conflicts between officials and villagers over land are common.

Dalits are probably the most landless community in Jharkhand, and alienation of *dalit* land is a major problem that has not been sufficiently recognised by law or policy.

Recommendations for Reforms

Land Reform

The land survey procedures should be simplified and steps taken to make people aware of the survey process and their rights under it, and to involve the local people in the survey operations. Also, during the survey *g.m.* land that has been settled earlier or allotted by the government should be regularised by being entered in the *khatian*.

¹ http://www.undp.org.in/events/Tribals_Jharkhand/Executive%20summary%20land%20rights.doc

The entire system of land records must be computerised and a strong system of land records is the first step towards a strong system of property rights. Jharkhand must follow the example of Karnataka in mainrainince of land records as Karnataka has had oe of the most successful projects- Bhoomi.

Bhoomi- Case Study

The harried farmers of Karnataka had to wait for long time for getting their land records after applying to the village accountants in the old conventional manner, besides being harassed from government officials, touts. With a view to help the farmers to get all records whenever they need it at once and also to have direct access to all information about their property, for the first time in India, Computerised Land Record system was launched in Mandya district, Karnataka called Bhoomi.

Bhoomi is a computerised system of land records maintenance. It permits online updating of land records making it radically different from land records systems attempted elsewhere in India, which update databases in offline model making it less current and therefore of not much use. The required software has been designed and developed in-house by the National Information Centre, and organisation of Government of India. Under the scheme computerised land record kiosks have been set up in 140 sub-district offices from where farmers can obtain RTC copies on-line. At these kiosks a second computer screen connected to the kiosk computer faces the clients so that they can see the transaction being performed. Any number of copies can be collected for any land parcel belonging to anybody by providing the name of the owner or the plot number. When a change of ownership takes place through sale or inheritance, farmers can file online requests at these kiosks for initiating the mandatory process known as mutation for effecting necessary changes in the RTC. Each request is assigned a number by the computer, notices are then generated from Bhoomi, which are served by Village Accountant on interested parties. After waiting for a statutory period of 30 days from the day of serving of notices, the Revenue Inspector (RI) passes the mutation order in a register maintained for this purpose. The mutation order passed by the RI is processed on Bhoomi and a new RTC is generated duly incorporating the details of the new owner. As a part of the process, the mutation order is also scanned to take care of non-repudiation. While the mutation records are pending for orders of the RI, farmers can trace the status of the application, using the computer number provided to them, on the Touch Screen Kiosks provided on a pilot basis in three of the computerised kiosks.

Apart from the computerisation of the land records the most important challenge facing Jharkhand is the traditional rights of *adivasis*. Community-level institutions are needed to reinstate the traditional rights of the community and to provide a check on the arbitrary use of power by headmen. The legal status of *parti* and forest land in the *khuntkatti* areas needs to be clarified and local institutions put in place for management of these resources, in order to prevent the appropriation of common lands by headmen.

Forests

The Jharkhand government suffers at two levels, first at the policy level where every project systematically excludes people from the ecology which they are part of. Secondly, most of the departments spending and effort goes into maintaining an entire bureaucracy and an army of field officers which is centralised as opposed to a decentralised system of management. At the policy levels we witness disastrous legislations such as the tribal bill which insinuates that tribals harm tigers and their habitat when in fact they have co-existed peacefully for generations.

Therefore, the reforms proposed for the forest and environment department are two pronged. First, to include human population especially tribal population who are primarily forest dwellers in the plans to protect and conserve environment and wildlife by promoting joint forest management projects which the department currently does on a small scale. Secondly, to decentralise the top down approach of the department where the field officers are controlled by bureaucrats and their policies without any input from the forest dwellers in the conservation of their habitat.

Take the example of Zimbabwe's CAMPFIRE (Communal Areas Management Program for Indigenous Resources) programme of the eighties and Nepal's community forestry management of the nineties are classic examples of the terracotta approach of denationalisation and communitisation. Under CAMPFIRE, the government gave the forests, along with the elephants, to forest dwellers and the result was that Zimbabwe's elephant population has grown at a rate higher than that of any other country. This is despite the fact that its tribal-owners sell licences to hunt elephants. One can buy a legal licence to hunt an elephant in Zimbabwe at a price of more than US\$ 10,000 and only the marked elephants are allowed to be hunted, who are well beyond their reproductive age. Hunting licences have become a significant source of revenue to enhance the living standards of tribals as well as provide more resources to care and expand the elephant population and their habitat. The great success of Nepal's community forestry management is right in our backyard. From almost complete decimation, Nepal's forest cover has doubled in the last decade with forest user groups taking the charge from the department of forests.

In addition to all the utilitarian or efficiency arguments, it must be remembered that local communities have a prior claim — a moral claim — on these resources. They have been using these resources for generations and centuries. It is on the premise of prior use that the ownership of resources has been settled in any civilised society. The privately-owned land today was at some point in time a forest. It is a gross injustice not to recognise the rights of forest dwellers. The most efficient as well as ethical resolution is to take our forests from the foresters and put them in the hands of forest dwellers.

The second proposed solution follows from the first one; decentralisation of the management of forests. This can be done by handing over the forests to the dwellers and managing projects with government funds jointly. The dwellers having local knowledge and skills can cooperate with forest officials who have the funds to take up long term plans such as bamboo plantation or tiger conservation.

Therefore, there is much room for improvement both at the policy making level as well as the implementation level in the environment and forest department and it begins with recognising the tribal population as part of the ecological system.

Departmental Contacts for Forest and Environment Department

Name	Designation	Telephone	Fax
Sri N. N. Pandey, I.A.S.	Secretary	0651-2491669	0651-2490133
Sri R. K. Zutsi	Principal Chief Conservator of Forests	0651-2480455	0651-2480413
Sri S. C. Sinha	Deputy Secretary	0651-2490133	0651-2490133
Smt. S. Minz	Deputy Secretary	0651-2491169	0651-2491169

Water: Managing for Households, Farms, and Factories

- Sushmita Pratihast¹

Department of Water Resources

RTI

- a. Name of Public Information Officer (PIO)
- b. Designation of PIO
- c. Contact Details (postal address, telephone number, fax number, E-mail ID)

Same details for Appellate Authority

- d. Publishing information *suo moto* on the Department's website: No

2. Citizen charter: Yes/No

3. Annual Report: Yes/No

4. Budget: Yes/No

5. Whether annual report and budget are provided in non-technical form and in lay persons language: Yes/No

Department of Drinking Water & Sanitation

1. RTI

- a. Name of Public Information Officer (PIO): No
- b. Designation of PIO: No
- c. Contact Details (postal address, telephone number, fax number, E-mail ID) No
- d. Publishing information *suo moto* on the Department's website No

2. Citizen charter: No

3. Annual Report: Yes but for the year 2004-05

4. Budget: No. The Annual Plan for the year 2005-06 has been provided.

5. Whether annual report and budget are provided in non-technical form and in lay persons language: Yes

Introduction

Access to water is a fundamental right and Jharkhand in the wake of crisis should be able to give legal and social framework to the legal right. For development of water resources in the state and also to provide safe drinking water to the people, two government bureaucracies were

¹ Material compiled by Subir Rana

created during the inception of the state, namely, Department of Water Resources of Water Resources and Department of Drinking Water and Sanitation. The Municipal bodies in Jharkhand operate as per the provisions of the Bihar and Orissa Municipal Act, 1922 which is largely seen as an outdated law, especially after the enactment of 74th amendment of the Constitution of India.²

Department of Water Resources

Objectives and Responsibilities

The Jharkhand Vision of 2010 envisages an increase in the irrigated land from 8% to 25%. The Department is responsible for the construction and maintenance of major, medium, and minor irrigation projects in Jharkhand. The major and medium projects are organised under the head of the Irrigation Department and the Minor Projects are organised separately under the Minor Irrigation Department. Its responsibilities include the survey and administration of old irrigation projects in the state and the augmentation of the existing irrigation potential through the renovation of lapsed projects and the extension of existing ones. It also provides water to some large industries and power projects such as Bokaro Steel Plant and Tenughat Thermal Power Station in the Damodar Basin; TISCO, Bihar-Sponge Iron, Usha Martin in the Suwarnarekha Basin; Hindalco Industries, Latehar in the North Koyal Basin.

The Department also looks after land acquisition for irrigation projects and rehabilitation of displaced families. Works related to flood control, erosion prevention activities, water drainage, water conservation and Flow and Lift irrigation are taken up by the Department of Water Resources. Along with these tasks, it also handles inland waterways (including National Waterways) their maintenance and conservation of purity. The Department is also in charge of Jharkhand Hill Area Irrigation Corporation. Although the main offices of the Department are located in Ranchi, it maintains site offices at major irrigation and urban locations in the state. Since 2002, the structure of the Department is being reorganised to reflect the particular needs of the state. Minor irrigation boards are being reorganised to accommodate areas which do not have these boards. Rather than creating new positions, existing positions are being re-allocated.

Water Resources: Present Scenario

Jharkhand is endowed with vast impounded freshwater resources in the form of tanks / ponds and reservoirs. These water bodies are yet to be exploited for commercial aquaculture. Thus, there is abundant scope for horizontal and vertical expansion of fish culture in this state. Table I gives a brief snapshot of the water resources in the state.

Table I- Water Resources Scenario in Jharkhand

Heading	Status
Average Annual Rainfall	1400 mm
Water Harvesting Potential	112 TMC

² Videh Upadhyay. *WATER RIGHTS AND POLICIES IN JHARKHAND*: A Report as part of the GOI-UNDP CBPPI/PRADAN study. Available at www.undp.org.in/events/Tribals_Jharkhand/EXECUTIVE%20SUMMARY%20WATER-jhr.doc. Accessed on 26 October 2006

River Basins	16
Total Replenishable Water Resources (1998)	0.660 million hectares metres per year.
Domestic/Commercial/other uses	0.099mhm/year
Available Groundwater resources for irrigation	0.561 mhm/per year
Groundwater extraction	0.121 mhm/year
Balanced Groundwater resources for future use	0.439 mhm/year

Source: Website of Department of Water Resource. Government of Jharkhand. Available at www.jharkhand.gov.in

There are more than 29,000 ponds and tanks covering 30,300 hectares, 106 reservoirs covering 107351 hectares and low lying areas that take around 1038 hectares. Even though the state receives good rainfall, the agriculture remains poor. One of the reasons for such state is the lack of irrigation facilities available to the farmers and the way water resources are being channelised in order to make it accessible in both rural and urban areas. According to the Bihar Irrigation Commission, Jharkhand has 29.7 lakh hectares of land usable for agriculture of which 12.25% hectares of land can be irrigated. However, only two lakh hectares of land are actually provided with irrigation. Of the irrigated land, 58.3% is irrigated using surface water, while 41.7% is irrigated using ground water.

29.5% of the irrigated land is irrigated using wells and bore-wells. However, Jharkhand's geology is not suited for extensive use of ground water resources since much of the land is formed from very volcanic rock. Despite having been introduced here in 1975, it has not been able to proliferate. Jharkhand is well suited for this kind of irrigation, and it has been used here since pre-modern times. However at present 18.8% of the irrigated land is serviced by tanks and reservoirs and used extensively in the districts of Deoghar, Sahebganj, Dumka, Hazaribagh, and Singhbhum. Deoghar has the largest percentage (49%) of its land irrigated by this method. Perennial rivers and flat land are pre-requisites for canal irrigation to work effectively. In most parts of the state both these characteristics are not easily available because most of the rivers are seasonal and the land is mostly uneven and hilly. Despite this, areas of Sahebganj, Singhbhum, Palamu, East Ranchi have been irrigated using canals with the help of major irrigation projects. Only 17% of the total irrigated area of Jharkhand uses canal irrigation.

Schemes and Projects

The State has only 30 lakh hectares out of 80 lakh hectare of land that is suitable for agriculture. This requires immediate and heavy investment in the irrigation infrastructure in order to make the state self-sufficient and reliable. In 2006-07, Rs 47500 lakh has been allocated for irrigation and water resources management. Out of this, almost more than 90% has been allocated to major and medium irrigation as well as minor irrigation. Table II shows the major and minor irrigation projects currently running and envisaged in the future.

Table II: Major & Minor Irrigation Projects in Jharkhand

Year	Major Irrigation Projects	Minor Irrigation Projects
2006-07	NA	Surangi Reservoir Project
		Kansjor Reservoir Project
		Sonua Reservoir Project

		Katri Reservoir Project
		Dhansingh Toli Reservoir Project
		Garhi Reservoir Project
	Ajay Barrage Project	Panchkharo Reservoir Project
2007-08	Gumani Barrage Project	Aparshankh Reservoir Project
2008-09	Amanat Barrage Project	NA
	Punasi Reservoir	NA
2009-10	Konar Irrigation Project	NA
2011-12	Suvarnarekha Project	NA

Source: Annual Report 2006-07. Department of Water Resources. Government of Jharkhand

An amount of Rs 68.50 crore has been allocated in the year 2006-07 for irrigation purposes. It has been estimated that these Major and Medium Irrigation after becoming functional will irrigate 359.01 thousand hectares of land. Amongst these, Katri, Kansjor, Dhansingh Toli and Sonua Reservoir Project will be completed and a partial completion of Aparshankha Reservoir and Ajay Barrage Project has been proposed so that these two projects can irrigate 15,230 hectares of land. Some of the new projects that are in the pipeline are Domni Nala Reservoir Project, Kanhar Reservoir Project, Tehley Irrigation Project, Tillaiya Irrigation Project, Kulhar Irrigation Project, Sukri Irrigation Project, Salaiya Irrigation Project. For these projects, a detailed outlay has not been prepared. But a provision of Rs 0.53 crore has been earmarked for the purpose of administration so that the initial work might start. Table III shows the major, medium, as well as minor irrigation projects in Jharkhand along with their location, irrigation potential and the year of its commencement as well as their completion time.

Table III: New Irrigation Projects, Irrigation Potential and their commencement

Name of the Project	Year of Commencement	Location	Irrigation Potential (in 1000 hectares)	Time of Completion
Suvarnarekha Project	5 th Plan	Singhbhum	168.00	After 2010
North Koyal Project	5 th Plan	Palamu	104.10	----
Ajay Barrage	5 th Plan	Deoghar	40.18	2007-08
Konar Diversion	5 th Plan	Hazaribagh	54.68	After 2010
Terai	1970	Dumka	1.5	----
Goomani Reservoir	-----	Dumka	16.19	2006-07
Jharmara Reservoir	-----	Singhbhum	----	----
Sunoa Reservoir	1982	Singhbhum	8.01	2005-06
Kansjor Reservoir	1979	Ranchi	4.76	2005-06
Bhairavi Reservoir	1984	Hazaribagh	---	---
Panchkhera Reservoir	1984	Hazaribagh	2.48	2006-07
Nakti Reservoir	1983	Singhbhum	---	---
Kansjor Reservoir	1987	Singhbhum	4.76	2005-06
Basooki Reservoir	1984	Ranchi	---	---
Basooki Reservoir Project	7 th Plan	---	24.00	2010

Auranga Reservoir	7 th Plan	----	22.19	2010
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Source: Annual Report 2006-07. Department of Water Resources. Government of Jharkhand

Though different projects at different scales have been tried, irrigation remains a major problem for agriculture. Urban water levels have been consistently dropping over time as consumption has increased. During summer, there is a water crisis both for agriculture as well as in the urban areas. The main problems that Jharkhand has been facing are those of untapped run-off water, depleting groundwater and most of the districts are drought affected in 2002 and later as well. Table IV gives the type of irrigation and related targets and achievements.

Table IV- Targets and Achievements of the Irrigation Projects in Jharkhand (in hectares)

Type of Irrigation	Target 2004-05	Achieved 2004-05	Shortfall
Major and Medium Irrigation	161,008	95,824	-65,184 (-40.48%)
Minor Irrigation	199,369	117,985	-81,384 (-40.82%)
Total	360,377	213,809	-146,568 (-40.67%)

The Centrally funded program (4:1) with the state partnership also has been progressing though at a very slow pace. The Central Government has provided Rs 31 crore to the state government in the 2005-06³. Some of the main rapid irrigation projects funded by the Central Government are Surangi Reservoir Project, Panchkhera Reservoir Project, Aparshankha Reservoir Project. NABARD has also lent Rs 301 crore to the state government with regard to the irrigation projects. The Command Area Development Program, also a centre-state funded project, is responsible for 2 schemes of Kanchi Irrigation Project and Mayurakshi Canal. The total budget outlay for these projects is Rs 21.14 crore. Water resources from these projects are also used for industrial and domestic use.

Budgets and Finances

The budgets and finances of the Department of Water Resources have seen an increasing trend over the years; however, the outcomes do not have the same trend as analysed in the paper. The total demand for grants in 2005-06 was Rs 48,594 lakh which has increased to Rs 47,773.52 lakh in 2006-07. For major irrigation projects, the total budget outlay is Rs 201 crore and Rs 68.5 crore for medium irrigation for the year 2006-07.⁴ The amount demanded for minor irrigation was Rs 9,361 lakh for 2005-06 and Rs 15,126 lakh for the year 2006-07.⁵ It should be noted that it is only for irrigation purposes, minor, medium and major. The plan capital outlay for irrigation by the Department is shown in Table V below.

Table V- Plan Capital Outlay for Irrigation Projects (Rs in lakh)

Irrigation projects	Actual Outlay 2004-05	Budget Estimate 2005-06	Budget Estimate 2006-07
Major Irrigation			11268
Medium Irrigation	15426	37475	24482
Minor Irrigation	2710	6800	10860

Source: Budget 2006-07. 2006. Government of Jharkhand. Available at www.jharkhand.nic.in

³ Annual Report 2005-06. 2006. Department of Water Resources. Government of Jharkhand

⁴ Annual Report 2005-06. 2006. Department of Water Resources. Government of Jharkhand

⁵ Demand for Grants 2006-07. Water Resources Department. Government of Jharkhand.

Table VI provides a brief snapshot of the budget of the water resources department for few irrigation projects. However, it was difficult to get all the components of the budget. Most of the information is not provided, neither in annual budget or the annual report of the department. However, approximate information is being provided in the Table IV.

Table VI- Non-plan Budget Estimate and Expenditure (Rs in lakh)

Broad Topic	Irrigation Projects	Non-plan Budget Estimate 2005-06	Non-plan Budget Estimate 2006-07	Non-plan Actual expenditure 2004-05
Major Irrigation	Tenughat Reservoir Project	339	347	301
	Swarna Rekha Reservoir Project	3809	3778	
	Total	3843	4126	301
Medium Irrigation	Tenughat Reservoir Project	339		
	Swarna Rekha Reservoir Project	3809		
	Revenues From Irrigation Projects	100	110	96
	Chotanagpur & Santhal Paragana Irrigation Project	2796	2945	1190
	Other Minor Irrigation Project	3149	3356	
	Secretariat Services	63	70	19

Source: Budget 2006-07, 2005-06, 2004-05. Plan and Non-plan Expenditure. Government of Jharkhand. Available at www.jharkhand.nic.in

With regard to minor irrigation, the budget estimates (plan and non-plan) for 2005-06 is Rs 2,761 lakh and Rs 2846 lakh for 2006-07. The non-plan expenditure for 2003-04 is Rs 2,882 lakh that decreased to Rs 1,952 lakh in the year 2004-05.⁶ It is surprising to see a lower expenditure in the next year as it is widely known that minor irrigation is more advantageous in the short run due to low gestation period and immediate functioning. In a state that is rural and highly underdeveloped in irrigation sector, a decrease in expenditure and corresponding decrease in the outcomes for minor irrigation is highly objectionable and irresponsible on the part of the government. Until and unless a corresponding increase in the private sector or public-private partnership is shown, it only stalls the agricultural development and reliability of the state.

The Department also plans to set in motion some of the dormant irrigation projects in the state. Rs 48 crore has been allocated for this purpose in the year 2006-07. Some of the main projects under this are Ramrekha Reservoir Project, Nakati Reservoir Project and Bhairava Reservoir Project. For restoration of irrigation work, Rs 20 crore has been allocated in 2006-07, which aims to restore 16559 hectare of irrigation land. For flood control, Rs 550 lakh has been allocated for the year 2006-07.

For minor irrigation project, Rs 11000 lakh has been allocated for the year 2006-07. Rs 1545 has been provided by the Central Government for centrally funded projects. The minor irrigation projects started in 2006-07 envisages generating 30,500 hectares of irrigated land in the process.

⁶ Budget 2006-07, 2005-06, 2004-05. Plan and Non-plan Expenditure. Government of Jharkhand. Available at www.jharkhand.nic.in

Water Resource Management: Critical Analysis

The water resources in the state are not managed properly, thus leaving the state of irrigation and agriculture, both in miserable condition. The Second State Irrigation Commission has made an assessment of the water resource in the state. The Commission has identified 16 river basins in the state, which can be harnessed through major, medium, and minor irrigation schemes. The Commission had identified potential separately for reservoir schemes, lift irrigation schemes and Ahars. Though State Government has taken up projects of reservoirs and lift irrigation, no significant thrust has been given for Ahar⁷ irrigation though the potential envisaged by the commission for irrigation through Ahars is 28,340 hectares.

The Commission also observed that the Lift Irrigation Scheme is not performing well because of the poor power situation in the state. It is said that for these schemes, farmers have to depend on diesel / kerosene, which increases the cost of irrigation. The Commission has also assessed the ground water resources in the state at 5,482 million cubic metres. The average stage of development of ground water in the State is approximately 20%, leaving a huge potential for future development. Ground water exploitation under the private sector is mainly through dug wells. With the huge ground water potential available in the state, 8-10 lakh additional wells can be constructed. Physiographically, the entire state is a plateau area where ground water resources may not be depended upon for Rabi and summer crops. Therefore, more thrust is required for harnessing the surface water resource through Ahars and Lift Irrigation Scheme. It is proposed to take up large number of schemes under irrigation of lands to set up watershed development schemes. Under the centre sponsored Command Area Development Programme (CADP), Kanchi Irrigation Project (Rs 13.30 crore, 4800 hectares) and Mayurakshi Canal Project (7.84 crore, 9500 hectares) has been sanctioned.

Because of the geographic peculiarities of Jharkhand, the ground water resources are limited. Therefore, it is essential to have a clear policy relating to the conservation and management of rain water. The construction of check-dams, small tanks is critical to shore up the command area. These will collect monsoon water that can be used in the dry months as well as help raise that sagging ground water levels. An important impediment to the rapid expansion of irrigation in the State, mentioned in almost every annual report of the Department is the difficulty of getting clearances from the Forests and Environments Department. In this regard, the draft of the National Environment Policy (NEP) prepared by the Union Department of Environment and Forest addresses the Environment Protection Act, Forest Act, and Air and Water Pollution Control Act but is inadequate to deal with all the issues involved. It said that there has been very little consultation with NGO's and village communities working on environmental issues.

Department of Drinking Water & Sanitation

Access to clean water is now a Fundamental Right of every citizen and every citizen has the right to potable drinking water to maintain his/ her life. Inaccessibility to safe drinking water especially in rural areas is another concern in Jharkhand. Lack of quality water puts people's health at risk and may force them to extract water from alternative unsafe sources. Water-borne diseases abound and seem to be spreading with the depletion of clean drinking water sources in tribal areas. Diseases like skin disorders, diarrhoea, dysentery, cholera, guinea worm, and tapeworm are common in many tribal groups. It is estimated that still about 95% of the rural population defecate in the open. According to the NFHS-II report 85% of the households in Jharkhand do not have toilets. Such unhygienic practice leads to infections resulting in high

⁷ a particular type of irrigation in the Jharkhand

mortality and morbidity in the community. The Census of India 2001, states that only 42% of population in Jharkhand have access to safe drinking water⁸ which is far less than the national average of 77%.

More than half the households (57%) in Jharkhand do not have access to safe drinking water. At the district level, only 2 districts in Jharkhand have complete access to safe drinking water. A large part of Jharkhand residents continue to depend upon under-ground sources such as wells for their drinking needs. Apart from the questionable quality and adequacy, it also adds to the difficulty of obtaining water. About 90% households do not have water closet (latrines) facilities. Jharkhand is one of the states that spend high shares of its total public expenditure on the basic services like education, health, water supply and sanitation. Altogether about 60% of the total public expenditure in Jharkhand is spent on development. But the development is not translated in reality as it should be with such expenditures. This questions the proper and efficient use of funds in Jharkhand.

Sanitation involves the disposal of a household's sewage. The important sanitation issues in India include lack of latrines, water availability, drainage and disposal as well as treatment of sewage. In a good sanitation system households have access to piped services sewerage. The percentage of households with availability of water closet facilities in 2001 is 10% in Jharkhand, which is far less than the national average of 18%.⁹ Rural sanitation means safe drinking water, disposal of solid and liquid waste and proper hygiene practices. Even though Government has been doing this arduous task, it is mammoth requiring immense financial support in addition to human resources. The main problems that rural Jharkhand faces is inequities in access to good quality safe water, inequitable distribution of water hand pumps, excess bacteriological and chemical contamination in the available water in most districts of the state, and lack of ownership among users due to no fee charged. Rural sanitation is marked by low population coverage of 21%, primarily due to affordable sanitation technology, awareness and motivation.¹⁰ A Total Sanitation Campaign in 2002-03 in 6 districts of Jharkhand by Government of India has been launched to create awareness and capacity building in the state; however the success of the programme is yet to be measured.

Objectives & Responsibilities

The Department of Drinking Water and Sanitation falls under the Department of Water Resources and was formed along with the state of Jharkhand on the 15th November 2000. After the formation of the state, the government's mission "Water is life and cleanliness is life-force" was enforced by the Department of Drinking Water and Sanitation. The Public Engineering Department is the main State agency for providing safe drinking water and sanitation facilities to the people of Jharkhand. The department constructs tubewells / drilled tubewells / sanitary wells in rural areas of no sources (N) villages / hamlets and partially covered (P) villages / hamlets. Execution of piped water supply schemes in urban, semi urban and rural areas, relocation of spot sources, water quality testing and its remedial measures are also done by the department. It has given top priority to schemes of rural sanitation. Major urban water supply schemes, water supply and sanitary fitting in government buildings are also under the jurisdiction of PHED.

⁸ Safe drinking water: Water is considered for safe drinking if a household has access to drinking water supplied from a tap or a hand-pump / tubewell situated within or outside the premises.

⁹ Census of India, 2001

¹⁰ Jharkhand Development Report. Planning Commission. Government of India.

The basic objective of the Department is to encourage consumer participation, community participation and water arrangement at rural and community level, accelerate the provision of clean drinking water and environment in remaining *tolas* which are based on habitation survey, institutionalise water quality and research, intensify human resource development, education and communication combined with the help of a combination of hardware and software.

Schemes and Programs: Budgets and Allocation

The water supply projects are divided into urban and rural water supply projects. During the financial year 2005-06, the government has provided 25 lakh against plans finalised under C.B.O.T for rural water supply projects. In the financial year 2006-07, the financial target has been fixed at 56 lakh. There are massive plans of making laboratories, machinery and equipment, training and workshops, survey and consultancy services as well as other minor construction work.

State has been providing potable drinking water through wells and tube wells from scattered sources in remote rural areas. During 2005-06, Rs. 2700 lakh has been provided against this years plan. Government has also planned to increase the density of tube wells in those areas where it is less than the state's average. For this purpose, during the financial year 2006-07, a total of Rs. 2200 lakh has been proposed. Accelerated Rural Water Supply programme has been launched and during 2006-07, states expenditure of Rs 2300 lakh and centre expenditure of Rs. 9684 lakh has been proposed. Under this programme, the proposed amount would be spent on selection of local need based programmes and its implementation.

For satellite towns, a total amount of Rs.57.245 lakh of the proposed financial target would be spent for the extension of Kharsawa Water Supply Plan Distribution System for 2006-07. In the financial year 2006-07, an amount of Rs. 7942.755 lakh has been proposed against the water supply plan in big cities, and where money would be spent in current plans related to previous years. For the implementation of Accelerated Urban Water Supply programme, in the financial year 2006-07, centre would be spending Rs 1000 lakh along with the state's share of Rs.600 lakh.

The budget expenditure of the Drinking water and sanitation Department is difficult to analyse on various accounts. First, absence of various components in cumulating the figures, variation in the use of different components in the calculation of plan and non-plan expenditure and no definite outcomes in the wake of such expenditure. The non-plan expenditure in 2004-05 for urban water provision is Rs 2274 lakh in contrast to drastically less in the case of rural water provision at Rs 627 lakh. The actual plan expenditure is Rs 203 lakh for 2004-05. The budget estimate for capital outlay of the Department amounts to Rs 3739 lakh in 2003-04, Rs 11,900 lakh in 2005-06, which only increases to Rs 20,000 lakh for 2006-07.¹¹ The budget estimate (plan and non-plan) for the year 2005-06 is Rs 13392 lakh which has increased to Rs 14812lakhfor 2006-07. The actual expenditure for the year 2003-04 is Rs 5630 lakh and the non-plan expenditure for the year 2004-05 is Rs 2910 lakh.¹² The total share of capital outlay on water supply and sanitation for the year 2006-07 is Rs 16300 lakh. The capital outlay for state is Rs 20,000 lakh and for centrally sponsored schemes for 2006-07 is Rs 10,684 lakh for the year 2006-07.

Problems and Predicaments

¹¹ Government of Jharkhand. 2006. Plan and Non-plan expenditure 2006-07. Available at www.jharkhand.nic.in

¹² Government of Jharkhand. 2006. Plan and Non-plan expenditure 2006-07. Available at www.jharkhand.nic.in

Water resources are managed and monitored by these two departments and it is important to analyse at this stage, how well the functions are performed. According to the CAG Report 2001 on Jharkhand, the functions are performed but at a high cost of negligence and corruption. For instance, the delay in payment of land compensation amount resulted in avoidable payment interest of Rs. 49.65 lakh in the case of Subernrekha Project.¹³

The state is grossly underdeveloped in the irrigation sector as only 11% of the net sown area has irrigation facilities as against the national average of 40%. However, some of the more important areas that are not being emphasised in the plans of the state government are greater role of minor irrigation schemes, renovation of traditional water bodies and participatory irrigation projects, as well as reduce the cost overruns in the irrigation sector by reducing time overruns which result due to inordinate delays in environmental clearance and forest land transfer.

The accelerated rural water supply project was envisaged for providing safe drinking water to the rural population, however no tests of the water samples were done, although a sum of Rs 0.43 lakh was allocated, the whole was surrendered to the state. In addition to that 14393 tube-wells remain untested as of July 2004.¹⁴ It was seen that the Hilja water filtration plant was in poor condition and water supplied was dirty. Also the filtration plants are not working at their optimum level, as in the case of Hilja, it caters to only 26000 population of Dumka out of an estimated 50, 000.

An example of such mis-governance is witnessed in the district of Dumka, the State government was supposed to be constructing 5 high yielding tube-wells; however, despite provision of Rs 1.32 crore in 2002-04, only one has been constructed till date.¹⁵ By scrutinising records, it was found out that due to bad planning and no geo-hydrological survey, Rs 37.23 lakh was spent in digging tube-wells and was found dry. Also 1742 drilled tube-wells constructed at a cost of Rs 25000 each are non-functional since the last 4 years. It can be extrapolated to other districts of the state as well. Thus, it can be seen that despite financial and infrastructure resources, adequate piped water supply was not provided to the districts, primarily owing to negligence of the district authorities and inefficient planning.

Another example of inefficient and corrupt fiscal expenditure has been nugatory expenses of Rs 2.87 crore incurred in paying salaries and allowances to 62 employees of the Kharkai Cana Division, Jamshedpur, despite no work actually being done in 2000-2004.¹⁶ Excess payment of Rs 87 lakh was made to land owners due to delay in finalisation of land award. All this and various other instances show the waste of resources, both financial and natural, providing poor quality and inadequate water supply in the state.

Recommendations for Reform

It must be emphasised that there are severe limitations to what can be realised as irrigation water charges in states where irrigation is underdeveloped, farming by and large, of subsistence variety and farmers mostly, of small and marginal category. Any move therefore, to equate state like Jharkhand with those that have highly developed agriculture and irrigation in the matter of water tariff realisation may not be fair and accordingly this should be suitably factored in Government of India policies.

¹³ CAG State Audit Report 2002. 2002. Government of India

¹⁴ CAG State Audit Report 2004. 2004. Government of India

¹⁵ CAG State Audit Report 2004. 2004. Government of India

¹⁶ CAG State Audit Report 2004. 2004. Government of India

At present, the water from these mines is locked up without serving any purpose and a part of it is pumped out and drained by the coal companies leading to wastage of the precious natural resource. Abandoned mines also accumulate water in huge quantity. An integrated water distribution system can be established to utilise the large quantities of accumulated water in the mines on regional basis. Wherever the pumped out water is found portable and utilisable for irrigation purposes, it should be utilised for providing irrigation facilities in the villages in the vicinity.

Minor irrigation should be used more as it is more advantageous and it requires lower gestation period which would lead to better and more effective solution in a short time to the people of rural Jharkhand. Also as the state already have many non-functional minor irrigation canals and other projects, it is important to make these projects functional and impact more number of people at lower costs. It is important for the state department to use the latent resources before spending huge financial and natural resources in major and medium projects.

Regarding management, the capital cost of these projects should be borne by the state, but the maintenance and running of the projects should be left to the communities. Participatory irrigation management refers to the transfer of irrigation management and responsibility from state government agencies (mainly the irrigation departments) to Water Users Associations or farmers organisations. It implies the involvement of irrigation users in all aspects and all levels of irrigation management including the initial planning and design of new irrigation projects or improvements, as well as the construction, supervision, and financing, decision rules, operation, maintenance, monitoring, and evaluation of the system. Andhra Pradesh and Maharashtra have been pioneers in PIM. The Andhra Pradesh Farmers' Management and Irrigation Systems Act, 1997 was enacted to form farmers' organisations with a view to involve farmers in irrigation management and ultimately transfer the management to farmers.

Transfer of ownership or management of water bodies to communities, especially non-flowing water bodies like lakes and ponds. This would provide incentive for better management and allocation of water resources. It would also encourage use of villagers' knowledge about traditional systems of water harvesting. The government can commission a study on collecting information about various traditional systems of water harvesting and make that information available to people.

The decision for water allocation for various purposes like industrial, irrigation and domestic use is very arbitrary and thus inefficient. Water from each project is generally allocated among the competing uses of irrigation, industrial and domestic supply. These allocations usually keep changing depending on the need and political clout of various groups. Recently when the cities of Gujarat and Rajasthan required more water, the government reduced the allocation for irrigation. Several farmers died at the hands of the police when they opposed this re-allocation. It is important that current project allocations are firmed and formal contracts signed by the government with respective water user groups. This would provide security to marginal groups and encourage long-term planning.

The first step in improving water supply in urban areas is to establish an autonomous agency to manage the provision of water. An existing government department can be corporatised as an independent agency with its own CEO and budget, like the Delhi Jal Board. Once an autonomous water management agency is established, the next step is to put in place proper incentive structures for performance. The executive engineer of each water zone or the ward in the city, whichever is the lower administrative unit, should be given performance benchmarks

with its own budget. This would introduce competition among the zones of the agency. After introducing the competition within the government, one can introduce competition from the private sector to further increase efficiency and quality of delivery. Water users from a zone/ward can form an association (WUA) and invite tenders from companies to supply water to that area. With several private companies competing with each other to provide water delivery services to different parts of the city, the water users would benefit from better service and lower competitive water rates.

Domestic water supply in rural areas is best managed by the local community. In fact, our unique Panchayati Raj system has great untapped potential for providing civic amenities. The Water and Sanitation Project of the Tamil Nadu government emphasises establishment of village based management systems (VMSs) for water supply and sanitation in 300 villages spread over two districts. The core institution is the Village Water and Sanitation Committee, (VWSC), a statutory standing committee of the panchayats. It represents the village community in the project and comprises all the elected members of the panchayats, representatives from user groups, NGOs, health organisations, and traditional Gram Sabha leaders.

Bodies such as the Block Water and Sanitation Committee and the District Water and Sanitation Committee assist the VWSC through legal, administrative, and technical support, training, auditing, and monitoring. The legal basis for collection of user fees is provided by the Tamil Nadu Government Order of 1998, which specifies the modalities of setting up connections and collection of payments for the same.

The project provides inputs to villagers in efficient water management, and contributes towards building new water supply installations and repairing existing facilities. Villagers are trained in the building, operation, and maintenance of water installations. Every village panchayat gets 50 man-days of training and capacity building. The costs are usually paid back within a year. This model attempts to do away with obsolete government orders and regulations that hinder the smooth functioning of the VWSCs and sound use of financial resources. The Olavanna Gram Panchayat in Kerala is another successful example of locally designed, built, and managed drinking water supply scheme.

Labour, Employment and Training: Taking the Benefits of Reforms to Workers

-Renu Vinod

Introduction

Jharkhand is endowed with plenty of minerals and natural resources, which creates immense scope for labour-intensive investment. It has India's two biggest steel plants at Bokaro and at Jamshedpur. Besides this, the State has other important industrial and manufacturing units such as TELCO and Usha Martin. However, despite being so rich in mineral resources a large number of its people continue live below the poverty line at 43.96%. This chapter presents some basic facts and figures regarding labour and employment and the issues surrounding them such as wage rate and workers productivity, not excluding child labour.

Main Objectives

The major objective of the Department is to promote growth of industrial and commercial activities by ensuring harmonious relationship between employer and employees, bringing workers within the legal purview through preventive, conciliatory efforts, arbitration, and punitive action and promoting welfare-oriented activities. The Department is committed to speedy and timely grievance redressal of workers and improves the conciliation machinery to resolve disputes.

The structure of the Labour Department

The Minister-in-charge of the Department of Labour is Shri Madhu Koda.

The Department has one Principal Secretary, one Commissioner, two Deputy Secretaries and one Under Secretary. The following Departments come under the Labour Department:

1. Commissioner, Labour
2. Director, Planning and Training
3. Director, Social Security
4. Director, Employee State Insurance Scheme

Currently, the Commissioner, Labour oversees all the other Departments. However, the Department is undertaking steps to establish Directors for the other above-mentioned Departments as well.

The Department also has a Factory Inspectorate, one industrial appellate at Ranchi and six labour courts.

Functions and Responsibilities

The main functions of the Department include:

1. Enforcement of various Labour Laws.
2. Conciliation of disputes between worker and Management
3. Referring the Disputes to the Labour Courts & Industrial appellate for adjudication.
4. Welfare (social, health and safety) related activities through welfare Boards and Departmental Machinery by implementing the provision laid down under Labour Legislations.

Labour

The Department tries to implement the provisions of the following Acts:

Factory Act 1948

Child Labour (Regulation and Prohibition) Act 1986

Minimum wage Act 1948

Bonus Payment Act 1965

Bihar Shops and Establishment Act 1953

Contract Labour (eradication and regulation) Act 1970

Labour Organisation Act 1926

The revenue earnings of the Department include license fees and renewal fees under the labour acts, which accrued to Rs. 82,45,838 in 2004-05.

In 2005, 7580 units were inspected under Schedule I of the *Minimum Wages Act*. Contraventions were found in 1601 cases, compliance in 610 cases, and cases were filed in 12 of the situations. In the contravention cases, a payment of Rs. 8,89,535 has been made to 796 affected labourers.

Under Part-II of the *Minimum Wages Act*, 4006 inspections were conducted, out of which 2650 contraventions were found. Compliance was ensured in the form of payment to affected labourers in cash as well as kind.

Table I: Statutory Minimum Wages in Different States

State	Minimum Wage
Andhra Pradesh	80
Assam	46
Bihar	59
Chattisgarh	53
Gujarat	60
Haryana	80
Himachal Pradesh	60
Jharkhand	63
Karnataka	46
Kerala	91
Madhya Pradesh	53
Maharashtra	45

Orissa	50
Punjab	82
Rajasthan	60
Tamil Nadu	54
Uttar Pradesh	58
Uttaranchal	58
West Bengal	62
All states (population- weighted average)	59

Source: <http://nac.nic.in/communication/FinancialREGA.pdf>

From this table, it is interesting to note that some of the States that are considered more prosperous have prescribed a statutory minimum wage that is much less than that of Jharkhand, whose is fixed at Rs. 63. These include Gujarat, Himachal Pradesh, Maharashtra, Tamil Nadu and West Bengal. In addition, Uttaranchal, which was formed at the same time as Jharkhand and has scored in some other scales of governance, has prescribed a statutory minimum wage that is much less than that of Jharkhand at Rs. 58.

In a study published by Nilachal Ray¹, Jharkhand scores the highest as the state with the maximum wage per worker in the organised sector at Rs.0.80 lakh, followed by Chattisgarh at Rs.0.72 lakh and Maharashtra at Rs.0.66 lakh. Again, with regard to wage productivity for the unorganised sector, Jharkhand was found to have the second-highest score next only to Orissa at 11.41. The all-India productivity is 3.98. Industrial capacity for the organised sector is best for Jharkhand at 1.61

Under the *Child Labour (Prohibition and Regulation) Act*, there are 114 special schools running in 5 districts (West Singhbhum, Pakud, Gadhwa, Dumka, and Sahebganj) the 'grant in aid' scheme of the National Child Labour Project operated by Ministry of Labour of the Central Government. This is to prevent and stop the employment of children in harmful professions and improve their work conditions. There are 5,700 children enrolled in these schools.

A total of 62 children have been released from deplorable work conditions and enrolled in local schools. As per the order of the Supreme Court and provisions of the Child Labour (Prohibition and Regulation) Act, 1986 cases have been filed for compensation. However, the rehabilitation process has not been very successful because as per the Annual Report of 2004-05, Department officials are continuously trying to approach Deputy Commissioner regarding rehabilitation.

¹ Ray, Nilachal, *Unorganised vis-à-vis Organised Manufacturing Sector in India*: http://mospi.nic.in/mospi_seminarseries_nov04_3_6_final.pdf

A Child labour Fund at the Department level and a Monitoring Committee at the State level have been established to implement and evaluate the implementation of the Act and the schemes under it.

A survey conducted at *beedi*-making factories, brick kilns, agricultural farms, hotels and homes in June 2002 by the Sampuran Gram Vikash Kendra (SGVK) found that 50% of Jharkhand's workforce is made up of children below the age of 14 years. This study was conducted for both rural as well as urban Jharkhand. The SGVK an organisation working to eradicate child labour in Jharkhand also found that the child labourers were paid wages that were much below the prescribed norm. A government survey conducted around the same time also found that most child labourers get paid only Rs. 10 to Rs. 15 per day²

*Workers performance*³

In Nilachal Ray's study, it was found that Jharkhand has highly productive labourers among organised/hired workers. The highest performance by workers (Gross Value Added/Number of Hired Workers) was found to be for Daman & Diu (Rs.59978), followed by Chandigarh (Rs.59198) and Delhi (Rs.42813). At the same time, the lowest performance is for Orissa (Rs.5459), Chhattisgarh (Rs.9048), and Jharkhand (Rs.10383). The all-India performance is Rs.16233.

However, if statistics were to be found only for hired workers the best performing states are in the following order: Jammu & Kashmir with Rs. 2.05 lakh, Bihar with Rs.1.78 lakh and Jharkhand with Rs. 1.72 lakh. The all India performance is Rs.0.74 lakh. The numbers for the organised sector are as follows: Dadra & Nagar Haveli at Rs.9.35 lakh, Goa at Rs.7.21 lakh, Daman & Diu at Rs.5.72 lakh and Jharkhand at Rs.5.23 lakh.

Employment

Jharkhand has an Employment Exchange functioning in every district. This service is also available in those places where big industries have established themselves thereby creating scope for employment. The responsibility of the employment exchange is to register the unemployed, disseminate information about vacancies, and help registered candidates establish their career.

The government is trying to make these exchanges work better by computerising every exchange, the process for which is underway. The Information & Technology Department has currently undertaken the work of computerising these employment exchanges.

Three special employment exchanges have been established in Ranchi, Jamshedpur and Bokaro for handicapped unemployed. There was an 80 % contribution from the Centre for this. Under the *Essential Vacancy Information to Employment Exchange Act 1959*, which is applicable in the whole state, all employers who have a minimum of 25 people

² Nityanand Shukla, *Indo Asian News Service*, June 2002

³ Ray, Nilachal, *Unorganised vis-à-vis Organised Manufacturing Sector in India*:
http://mospi.nic.in/mospi_seminarseries_nov04_3_6_final.pdf

working under them have to essentially inform the local employment exchange if and when there is any vacancy.

In the period January to December 2004, 1,63,314 men and 19,795 women i.e. a total of 1,83,109 unemployed persons have been registered in various exchanges of the state. The names of 9349 men and 801 women have been sent to employers against 942 obtained vacancies.

According to the Jharkhand Vision-2015 Document released in 2006, tribal groups in the state have suffered unemployment, with only 31% able to gain employment in industries as unskilled workers. A little more than 24% of them engaged in agricultural work and rest are involved in forestry, fishing, hunting and allied activities.

The Vision-2015 document also highlights government estimates according to which approximately 23.22 lakh families in the rural areas live below the poverty line. The document notes that the incidence of rural and urban poverty in Jharkhand is higher than in the rest of India. Urban poverty in Jharkhand has increased during 1993-2000. However, the per capita GDP in Jharkhand is Rs. 11,103, which is almost equal to all India figure of Rs. 11,472, which the document notes is indicative of a skewed income distribution pattern in the state, reflecting inequities in income.

The table below shows the percentage of workers in the total population of the eastern and north-eastern states. Jharkhand has one of the lowest percentages of workers out of the total population both in comparison with other states and the national percentage. Chattisgarh, which was formed at the same time, has 10% more workers out of the total population. Bihar, Uttaranchal, West Bengal and Orissa are however only marginally higher.

Equally grim is the fact that the percentage of non-workers out of the total population in Jharkhand (62.48%) is above the national percentage (60.90%). Chattisgarh again scores higher than Jharkhand with only 53.54% of non-workers. Maharashtra and Tamil Nadu score higher as well. Uttaranchal again lags behind Jharkhand with 63.08% of non-workers out of the total population in the state.

Table II- Percentage of Workers in the Total Population, 2001

States	% Main workers	% Marginal workers	% Non-workers
Jharkhand	23.92	13.59	62.48
Bihar	25.37	8.34	66.30
Chhattisgarh	33.86	12.60	53.54
Uttaranchal	27.36	9.56	63.08
Punjab	32.17	5.30	62.53
Maharashtra	35.87	6.63	57.50
Tamil Nadu	38.07	6.60	55.33
West Bengal	28.70	8.10	63.20
Orissa	26.10	12.80	61.10
INDIA	30.43	8.67	60.90

Source: Census of India, 2001

Source: Indicus-Jharkhand in its Fifth Year

The head count ratio is a measure of the percentage of people living below the poverty line. Jharkhand at 43.96% is way above the national head count ratio of 26.10%. While Uttaranchal, which was created at the same time has a very low head count ratio of 15%, the Chattisgarh ratio is 40.54%, which is only marginally different from that of Jharkhand. The Department undoubtedly has a long and arduous task at hand to reduce the percentage of people living below poverty line; it can start by bringing this ratio down to the national level.

Table III- Head Count Ratio, 1999-2000

States	HCR
Jharkhand	43.96
Bihar	40.92
Chhattisgarh	40.54
Uttaranchal	15.20
Punjab	6.16
Maharashtra	25.02
West Bengal	27.02
Orissa	47.15
Tamil Nadu	21.12
INDIA	26.10

Source: Bhandari & Dubey, 2003

Source: *Indicus-Jharkhand in its Fifth Year*

Training

To provide vocational training to educated and unemployed youth, there are two main programs under the Employment and Training Department:

Craft Training programme

Training of Trainers

The Department undertakes crafts training programme through industrial training institutes. Before the formation of Jharkhand, there were a total of fourteen industrial training institutes. After the formation of the State, six more were established in those district headquarters where there was none. These include Jamshedpur, Giridih, Gadhwa, Kharsawan, and a Women's industrial training institute in Latehar, Jamshedpur.

Social Security⁴

Under the State Social Security Pension, Rs. 32.78 crore has been made available to every district. A proposal has been sent to the State for Rs. 55.61 crore for the current year.

Under the National Old Age Pension Scheme, in the financial year 2004-05, Rs. 1661.55 lakh was accepted against which Rs. 1496.124 lakh was distributed to Deputy Commissioners for implementation, out of which Rs. 1216.31 lakh were distributed to the public. A proposal was been sent for Rs. 3,667 lakh for the current year.

⁴ Annual Report 2005-06, Department of Labour, Employment & Training, Government of Jharkhand

Under the National Family Benefit Scheme, the accepted budget provision for last year was Rs. 370.70 lakh, against which Rs. 352.70 lakh were distributed to Deputy Commissioners. Out of this amount, Rs 336.79 lakh has been given to actual beneficiaries. For the current year 2005-06 a proposal for Rs. 500 lakh was sent.

Under the Clothes Distribution Programme, dhotis, saris, blankets, shawls etc are distributed freely to below poverty line persons. Last year Rs. 32.00 lakh was released to every district. For the current year also, Rs. 32 lakh was proposed.

Under the Bonded Labour Rehabilitation Scheme, which is equally funded by the Centre as well as the State, the State's contribution last year was Rs. 13.50 lakh. Against this, only Rs. 8.40 lakh was made available to the districts. The actual expenditure under this scheme was only Rs. 5.20 lakh. The proposed budget for the current year is Rs. 20.00 lakh.

Employee State Insurance Scheme

The relevant Act is Employee State Insurance Act 1948. In all institutions, private and public, where the minimum workforce is ten, whose monthly salary is not more than Rs 7500/-, the Employees State Insurance Corporation insures such workers, under this Act. Under this scheme, 1.75% of the basic monthly salary by the employee and 4.75% by the employer are contributed to the Corporation. The two hospitals, one TB annex (with twenty beds) and twenty-nine treatment centres that run under the State insurance scheme then provide free medical facilities to the 76,550 insured workers and their dependents. In case special medical treatment is needed, they are sent outside the State for treatment.

The budget for 2004-05, under the non-plan head was Rs. 6.14 crore, against which various units spent Rs. 4.65 crore. For provision of special medical treatment to insured persons and their dependents, Rs. 37.09 lakh was estimated last year under the recurring fund, against which only Rs 8.58 lakh was sanctioned. In the last year, 32 persons were given permission for special treatment outside the State in the recommendation of the State level Medical Council.

Factories

A study conducted by *Prabhat Khabar* to establish an inventory of occupational safety and health information in a few selected organisations such as Tata Steel, Tata Motors, Waxpol, Usha Martin and Garden Reach Ship Builders & Engineers. The twin issues of safety and health were kept in mind while selecting the organisations covered in the study.

The study highlighted that Jharkhand has 1855 factories registered under Section 2(m)(i) of the Factories Act and 215 factories registered under Section 2 (m)(ii) of the same Act. There are 4218 more factories notified under Section 85, which employ less than 10/20 workers.

The study found that in 2004, 21 fatal accidents occurred, out of which 5 occurred due to falling from height, 5 occurred after having been hit by falling bodies and 8 occurred

while handling goods and articles. In addition, 43 accidents occurred while handling of goods. Sector-wise, 48 accidents occurred in the engineering industry while one occurred in the chemical industry.

The study highlighted the fact that though 179 factories were required to appoint a qualified safety officer, 169 had appointed a qualified safety officer.

Labour Courts

Peoples' Union for Civil Liberties-Jamshedpur, in its presentation to the National Human Rights Commission in 2000 stated that there is one Labour Court in Jamshedpur, which had several pending cases (667). They also highlighted the fact that there was no "exclusive presiding officer" in this Labour Court and deplored its lack of executive power.⁵

Budget

Table IV- Budget for the period 2004-06 (Rs. In crore)

Actuals 2004-05 (Non- Plan)	Actuals 2004-05 (Plan)	Budget Estimate 2005-06 (Non- Plan)	Budget Estimate 2005-06 (Plan)	Revised Estimate 2005-06 (Non- Plan)	Revised Estimate 2005-06 (Plan)	Budget Estimate 2006-07 (Non- Plan)	Budget Estimate 2006-07 (Plan)
16.54	41.72 (lakh)	21.72	15.67	21.82	15.67	26.23	29.72

Source: Annual Budget 2006-07, Government of Jharkhand Website: www.jharkhand.nic.in

Out of the total expenditure in Non Plan, Rs. 1.72 crore was spent in 2004-05 for improving work environment and safety. This amount was raised and revised to Rs. 2.38 crore in 2005-06, and is currently estimated at a lower Rs. 2.29 crore for 2006-07. In addition, the Department has spent Rs. 9.05 crore (Non Plan) for Labour Welfare in 2004-05, which was revised to Rs. 11.73 crore in 2005-06 and is currently estimated at Rs. 13.03 crore for 2006-07. There is also a budget estimate for labour welfare in the Plan head for 2006-07 at Rs. 10 lakh. Moreover, Rs. 7 lakh were spent for *Beedi* workers' welfare under the Plan head in 2004-05, this was revised to Rs. 4.81 crore for 2005-06 and the budget estimate for 2005-06 is Rs. 10 crore. Under the Plan head, the Department spent Rs. 7 lakh for rehabilitation of bonded labourers. For the financial year 2005-06, this amount was revised to Rs. 90 lakh and the estimate for 2006-07 is Rs. 1.34 crore.

Table V: Anticipated savings exceeding Rs one crore not surrendered

Number and name of the Grant/ Appropriation	Amount Saving	Amount Surrendered	Unsurrendered Savings	Percentage Not Surrendered
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⁵ <http://www.pucl.org/reports/WestBengal/2001/nhrc.htm>

REVENUE SECTION – VOTED	Rupees in Crore			
26- Labour, Employment and Training Department	33.04	19.46	13.58	41

Source: http://www.cag.gov.in/html/cag_reports/jharkhand/rep_2005/civil&com_chap_1.pdf

According to the Comptroller & Auditor General's Report (Civil & Commercial) for 2004-05, the Department of Labour, Employment & Training has not spent Rs. 33.04 crore and has not surrendered Rs. 13.58 crore (41%) in that year. In addition, the CAG report has estimated (Table VI) the irreconciled expenditure or expenditure that has not been accounted for by the Department at a very high Rs. 19.46 crore.

Table VI: Statement of irreconciled expenditure

Department	Units	Amount (Rupees in crore)
Labour & Employment Department	25	21.21

Source: http://www.cag.gov.in/html/cag_reports/jharkhand/rep_2005/civil&com_chap_1.pdf

Recommendations for Reforms

Create an investment climate to attract private investment: At the time of the state's formation, the government had promised to simplify rules and regulations relating to industrial licensing to attract private investment. The government needs to build on that promise and maximise its potential as a resource and mineral-rich state. One way of making the investment climate more attractive is by simplifying the tax structure. Not only should tax relief be provided but other tax incentives such as tax holidays should also be introduced. Possibilities of public-private partnerships should not be overlooked either. Underpinning the creation of an attractive investment climate is the existence of an independent and transparent regulatory mechanism, which is what the government could begin with to fulfil its promises

Easing regulations for entry-level professionals: Even after more than a decade of globalisation in India, self-employed professionals such as street hawkers, vendors and rickshaw pullers have survived not merely because these are important sources of livelihood but also because of the services they provide for the urban population. The Department must also look at all such legislation that hinders the economic growth of the economically weaker sections of society. The impact of the licence permit quota raj on these entrepreneurs is that a majority of them end up as illegal. In Delhi for example, only 5 % of more than 600, 000 street hawkers have the *tehbazari* (license) to hawk their goods on public space, making around 95% of these hawkers illegal and condemned to lifelong poverty and harassment. Such legislation must be done away with.

Social Security for unorganised sector workers: While the state-owned public sector undertakings can look after the welfare of their hired workers, this is not the case for unorganised sector workers. The government must allow public and private insurance

companies to provide three types of insurance companies to unorganised sector workers: medical insurance, work injury insurance and life insurance. The onus is on the government to subsidise the premium in such a way that the unorganised sector worker is in no way financially burdened. The government must create a viable environment to allow the entry of more insurance companies, rather than an environment where one company monopolises, which would not work in the favour of the poor.

Empowering child labourers: It is a well-known fact that children enter the labour force not by choice but because they have no other means of sustaining themselves and their families. In this context, the government must encourage NGOs and other civil society groups that are involved in this field to reach children who are engaged in child labour and spend a few hours with them to provide them some basic form of education. These NGOs can start use a spare room in the factory to hold classes for the children. Of course, this does not include work environments that are considered hazardous for them such as *beedi*- making units, brick kilns and now restaurants and homes.

Infrastructure: The Foundation for Growth

-Ali Mehdi

“Infrastructure is the most critical component for ensuring industrial growth,” recognised the Jharkhand State Industrial Policy 2001 (4.1). The State received grants and loans to finance its infrastructure plans worth Rs. 2,650 crore during 2001-02, Rs. 2,652 crore in 2002-03, and Rs. 2,935 crore in 2003-04. However, in 2004, in its Memorandum to the Twelfth Finance Commission, the Jharkhand government admitted that the State, still in its infancy, has an “abnormal deficiency of infrastructure.” Recently, The Economic Times wrote, “in the process of building its infrastructure, Jharkhand has run into a massive debt of Rs 160 billion and pays Rs 14 billion as interest for the same.”¹ This brief overview gives us a perspective of the journey of Jharkhand government from aspiration to action to aftermath. In this chapter, we will discuss infrastructure (roads and power) in the State as it has been dealt with by departments of planning and development, road construction, energy, rural development, urban development, transport, industries.

The previous government headed by Shri Arjun Munda was formalising an infrastructure corporation, called the Jharkhand Infrastructure Corporation (JINFRA), based on a 50:50 public-private partnership (PPP) model.² The present government affirmed the strategy of its predecessors for core infrastructure areas, and has gone further in expressing its desire to outsource road networking and town planning. Along side seeking financial assistance from the Central government, the chief minister has invited investors from other parts of the country and abroad to invest in infrastructure, in cities as well as in villages.³

Department of Planning and Development

This department, like the departments of road construction and energy, is headed by the Chief Minister, Shri Madhu Koda. It has a Principal Secretary, a Joint Secretary, two Deputy Secretaries, an Under Secretary and a Director for Statistics and Evaluation, to coordinate, execute and manage all plan-related works of the State. Under the Tenth Five Year Plan (2002-07), for which Jharkhand received, an allocation of Rs. 14,633.8 crore, infrastructure is one of the priority areas. In the Draft Annual Plan 2006-07, almost 8% of the approved outlay, Rs. 524 crore, is allocated for road construction alone. However, it is noteworthy that 5% – Rs. 325 crore – is reserved for the department of planning itself.

Two of its relevant State Plan Schemes are the setting up of Greater Ranchi Development Agency for carrying out public works and government projects of all kinds, and the constitution of Jharkhand State Planning Board to estimate resources in the State and formulate plans for their utilisation likewise. The latter has a Tribal Sub Plan and Special Component Plan for 2006-07 to provide for adequate economic and social infrastructure to ensure all-round development of scheduled tribes and scheduled castes respectively.⁴

¹ ‘Infrastructure projects cost dear to Jharkhand’. The Economic Times, 3 October 2006.

² ‘Jharkhand to set up infrastructure corp’n’. Business Line (The Hindu), 13 April 2006.

³ ‘Jharkhand govt favours limited outsourcing’. The Times of India, 8 October 2006.

⁴ http://www.jharkhand.gov.in/depts/pland/pland_index.asp# (Accessed on 25/10/2006 at 14:25).

Department of Road Construction

Managing the department under the Chief Minister is one Secretary, a Deputy Secretary, an Engineer-In-Chief, and a Secretary to Secretary.

The engineer-in-chief for road sub-division in Ranchi is responsible for the works to be carried out in the entire State. There are also plans to have an engineer-in-chief, road sub-division, Dumka. The National Highway Sub-Division takes care of the development and maintenance of national highways in the State as an agency of the Central government. The key job of the Central Designing Organisation and Advanced Planning Sub-Division is to carry out surveys and prepare detailed estimates, test and approve projects for roads and bridges, as well as monitor the implementation of such projects. To ensure the quality of roads and bridges, the Quality Control Directorate has been constituted. A committee has been constituted to make the PWD code simple and workable according to existing circumstances. Also, thought is being given to the idea of formulating a Jharkhand Road Act to save the roads of the State from damage, violation, and making the traffic efficient to prevent obstacles in road construction and maintenance, save accidents and travel time. Until 1999, Jharkhand had around 1105 kilometres of national highway; 4600 kilometres of State highway of single, intermediate and double lane; about 400 kilometres of district board roads and REO roads taken over and included in the State highway network. Thus, the total length is approximately 7000 kilometres. Some time back, 555 kilometres of State highway was notified as national highway, not yet been entrusted to State PWD. This would make the length of State highway nearly 6450 kilometres, and that of national highways around 1660 kilometres.

The department is fully responsible for construction and maintenance of State highway roads, major and other district roads. Also included is the construction and maintenance of bridges between these roads. Central government is responsible for national highways. For 2006-07, a demand for Rs. 647.58 crore was made by ex-department minister, Shri Sudesh Kumar Mahto. In 2005-06, schemes worth Rs. 244.50 crore were approved. This includes expenditure for linking tourist sites of the State through roads and construction of bridges. From the creation of the State in November 2000 till 2004-05, approximately Rs. 700 crore was spent for widening and refurbishment of 2000 kilometres of roads, and the construction of 34 bridges. In the current year 2005-06, around 350 kilometres of roads and 14 bridges have been constructed, while schemes involving 2000 kilometres of roads and 25 bridges are underway. The department is developing all the major roads of Ranchi city in the view of national games being held there in 2007. There are 316 road construction projects in the State, details on work stretch, amount, status of work, etc. for which are given under Work Programme Non-Plan 2005-06.



Figure 1: Road Map of Jharkhand

Source: www.jharkhandindustry.in (Accessed on 23/10/2006 at 11:50)

For the period 2006-07, some of the major roads to be widened or refurbished are:

1. To make traffic efficient in the capital city of Ranchi, there is a plan to construct a 'ring road' around it. In first stage, roads in the area of NH-75 Ranchi-Daltengunj to NH-33 Ranchi-Hazaribagh with 22.8 kilometres is approved for Rs. 203 crore.
2. To properly connect the capital city with the sub-capital of Jharkhand, Dumka, a high quality two-lane road will be constructed, involving 310 kilometres at a cost of Rs. 519 crore.
3. There is 1656.8 kilometres of national highway in Jharkhand, out of which 191.5 kilometres is being converted into four-lane roads by the NHIA.
4. Jharkhand State Road Act will soon be implemented. The Governor has given his approval for the same.
5. Making the PWD code simple and working as regards the construction of roads is under consideration.
6. The Central government had approved Rs. 48.98 crore for seven schemes of the department, out of which five have already been accomplished, while the other two will be done soon.
7. By the coming financial year, the target is to complete work related to about 900 kilometres of roads and 18 bridges.

The CAG Audit Report (Civil), Jharkhand, for the year 2004-2005 has criticised the work of the road construction department on various counts:

1. Unfruitful expenses of Rs. 4.21 crore on non-functional bridge over Damodar river;
2. Unfruitful expenses of Rs. 1.83 crore were incurred on a river bridge falling between Jharkhand and Orissa over Baitarni River. Construction was taken up without ensuring possession of land, or conducting survey, and technical sanction granted.

Further, the use of sub-standard material as reported by the consultant could not be ruled out. The Secretary of the department stated (October 2005) that the bridge work was taken up in public interest, which was not served as the bridge remained non-functional for two years after investing Rs. 1.83 crore.

3. Failure to execute the agreement within the stipulated period after the award of work resulted in excess expenditure of Rs. 59.78 lakh in the widening and strengthening of Hata – Chaibasa road in km 0-42.
4. Inordinate delay in allotment of work resulted in extra expenditure of Rs. 44.50 lakh in widening and strengthening of the Dumka-Rampurhat road. Had the tender been finalised and work allotted in time, this extra expenditure could have been avoided. Further, no responsibility was fixed for the avoidable expenditure.

Department of Energy

Under the chief minister is one Secretary, a Chief Engineer, a Deputy Secretary, an under Secretary and an Executive Engineer.

Under the provisions of Energy Act 2003, Jharkhand State Electricity Board (JSEB) has been reorganised into production, accumulation, distribution and holding companies. The government wants to rectify production and distribution to ensure uninterrupted supply of electricity to the consumers.

Rural Electrification

There are 29336 populated villages in the State. Until 31 March 2005, 5108 of them were electrified. Since formation of the State until 31 January 2006, the number increased to 9822, i.e. 33.48% of the villages. Under the Rajiv Gandhi Rural Electrification scheme of Central government, the aim is to electrify the remaining villages until 2009, in which the State electricity board will be supported by DBC and NTPC. 90% of the amount provided would be in the shape of grant and 10% would be loan.

In 2005-06, 583 villages were electrified. Under the Rajiv Gandhi Rural Electrification scheme, until March 2006, the DPR was prepared for covering 6991 unelectrified villages in 11 districts and 835 de-electrified villages (totalling 7826 villages). The aim was to get the DPR for the remaining districts prepared by June 2006, for which we do not have any progress report available to us. For 2006-07, the JSEB has been given the requisite funds to complete the electrification of villages where it had already started work. To complete the electrification of all villages / *tolas*, and to provide free electricity connections to the families below poverty line (BPL), the government estimates it needs Rs. 2000 crore.

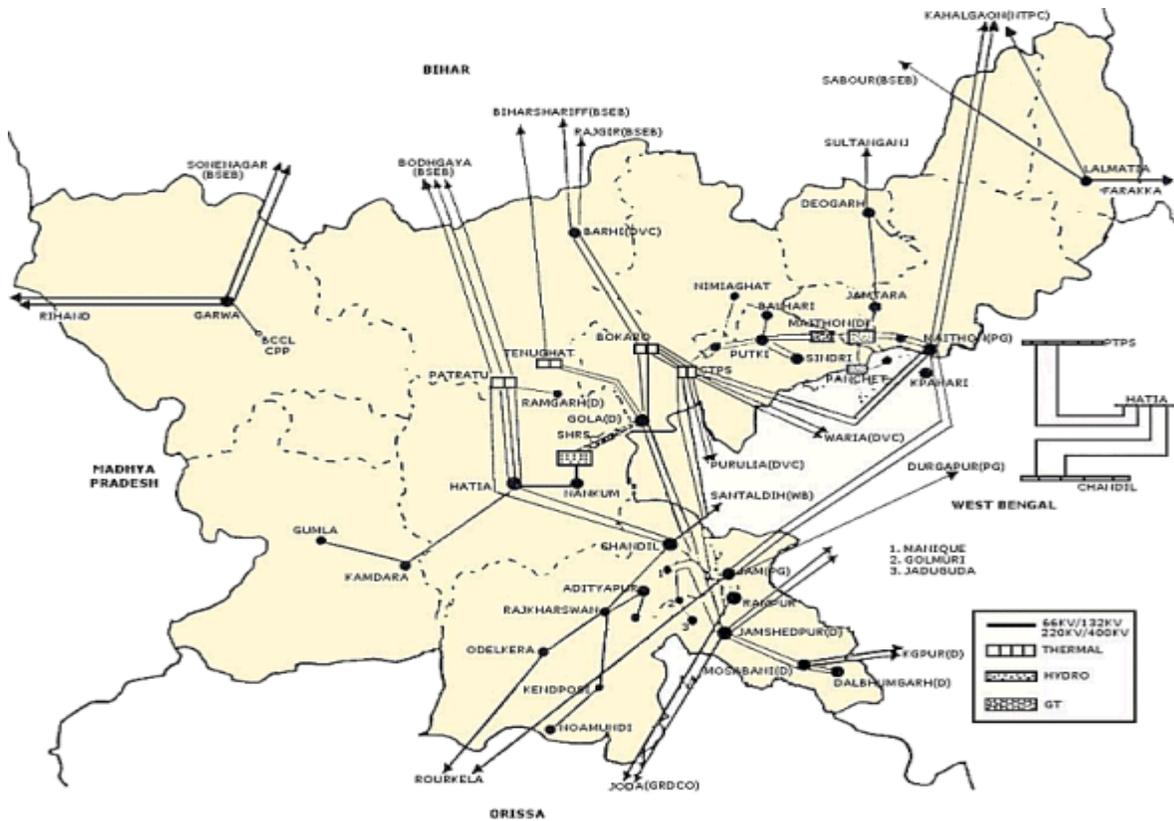


Figure 2: Power Map of Jharkhand

Source: www.jharkhandindustry.in (Accessed on 23/10/2006 at 11:45)

Presently, the State has a thermal and hydro-electric capacity of 1390 MW. At the time of its formation, the requirement was 750 MW, while it has now increased to 1080 MW. By 2010, the demand is expected to increase by 2000 MW. The government has signed 8 MoU's for a total capacity of 9950 MW. According to the agreement, the government will have the right to receive 25% of the production.

To make the accumulation system efficient for the present and future, the government says it needs around Rs. 2000 crore. In past 5 years, the State government has provided loans of Rs. 192.16 crore to JSEB against various schemes, which is a small amount to make the accumulation system efficient. At the moment, there are 19 grid stations in the State with an accumulation capacity of 1746 MVA.

For the ongoing 13 projects, there is an amount of Rs. 580.23 crore. For 2006-07, an amount of Rs. 255.86 crore has been improvised for the ongoing schemes. Besides that, for the same period, Rs. 722 crore has been approved for 5 new projects (8 grid stations, and 19 transmission lines), out of which Rs. 181 crore have been provided for 2006-07.

The State government had approved construction of 52 sub-stations worth Rs. 131 crore in 2004-05. Until now, 3 sub-stations have been started, while work for 28 sub-stations is under progress, expected to be completed by May-June 2006. In 13 places, unavailability

of land has delayed the work. And in the remaining 8 places, land has been acquired, and planning is underway to commence the work.

Works completed in 2005-06 under the Annual Development Plan (ADP):

- | | |
|---|---------------|
| 1. Rehabilitation of 33 KV line | - 40.50 kms. |
| 2. Minor extension of 11 KV line | - 112 kms. |
| 3. Minor extension of LT line | - 105.29 kms. |
| 4. Construction of 11 / 0.4 KV distribution sub-station | - 325 nos. |
| 5. Domestic / Commercial service connections | - 8500 nos. |
| 6. Industrial connections | - 304 nos. |
| 7. Augmentation work of 33 / 11 KV power sub-station / transformer | - 3 x 5 MVA |
| 8. Augmentation of distribution sub-station / transformer | - 18 nos. |
| 9. Under capital maintenance, 6 nos. 5 MVA and 2 nos. 3.15 MVA capacity burnt / non-functional transformers were changed. | |
| 10. 251 burnt / non-functional distribution transformers and 4.1 kms. conductor changed. | |

To improve the distribution system, future plans for 2006-07 include augmentation of 33 / 11 KV Electricity Sub-center, rehabilitation of 33 KV connecting line, extension of 11 KV and LT line, augmentation of distribution sub-station, domestic and commercial and industrial connections, etc. For such works, a grant of Rs. 65 crore has been provisioned. For ongoing schemes in the distribution unit, the State government has approved Rs. 41 crore as loan for the construction of 52 nos. 33 / 11 KV Electricity Sub-centers.

Under Central government schemes, APDRP is run by the Ministry of Power. For this, to improve the distribution system in 13 cities of the State, an amount of Rs. 444.83 crore has been approved. Against the scheme, Rs. 175.84 crore has been provided to the Board by the department. Until February 2006, following works were completed making use of Rs. 154.93 crore:

- | | |
|---|--------------|
| 1. Changed consumer meters | - 94583 nos. |
| 2. Feeder metering 33 KV | - 231 nos. |
| 11 KV | - 461 nos. |
| DTR metering | - 13200 nos. |
| 3. Newly installed distribution transformers | - 412 nos. |
| 4. Distribution transformers with increased capacity | - 322 nos. |
| 5. Power transformers a) New | - 24 nos. |
| b) Increased capacity | - 35 nos. |
| 6. Changing of 33 KV / 11 KV / LT wire | - 464 kms. |
| 7. Construction of a new 33 / 11 KV sub-station in Hazaribagh | |
| 8. Construction of a new 33 / 11 KV / LT line | - 551 kms. |

For 2006-07 under the scheme, an aid of Rs. 400 crore has been proposed to the Central government – Rs. 300 crore as loan, Rs. 100 crore as grant – with which existing work would continue and remaining cities would be added.

Jharkhand Renewable Energy Development Agency (JEREDA) exists to compensate the limited capacity of traditional sources of energy. In 2005-06, Rs. 24.83 crore was made

available, with which 300 biogas plants, 64500 solar lanterns, 1500 solar domestic lights, 1600 solar street lights were distributed, while work for the electrification of 117 villages with alternative energy is underway. For 2006-07, Rs. 25 crore is proposed.

The CAG Audit Report (Civil), Jharkhand, for the year 2004-2005 has criticised the work of the energy department on various counts:

1. A review of computerised Energy Billing System of Ranchi Electric Supply Circle of JSEB revealed that the entire operation of billing, right from meter reading to courier delivery of bills, were assigned to three private agencies, which prepared inaccurate bills and did not fulfill their contractual obligations. JSEB did not monitor their performance. As a result, it lost revenue of Rs. 20.52 crore, while Rs. 85.74 crore is in blockage. On the other side, the cost of outsourcing has increased by 45 per cent, whereas the number of consumers has increased by only 11 per cent.
2. JSEB did not demonstrate any ability to monitor the performance of these agencies. As against at least 10 per cent meter readings to be crosschecked by JSEB, it checked only 0.32 % in January 2003. The agencies' meter reading, on an average, was 78.2 % incorrect with reference to that of the Board in the cases test-checked in December 2003.
3. The change of rules and tariffs by the JSEB were not reflected in its software that led to incorrect categorisation of consumers and consequential loss of Rs 73.22 lakh as revenue to JSEB.
4. Blockage of fund of Rs. 30.86 lakh due to anonymous consumers.
5. Accumulation of arrears of Rs. 85.43 crore against consumers.
6. Loss of revenue of Rs. 18.91 crore to JSEB due to cases becoming time barred.
7. Loss of revenue to Jharkhand State Electricity Board due to short assessment of Rs. 22.74 lakh.
8. Loss of Rs 40.27 lakh due to non levy of Delayed Payment Surcharge on amount kept in abeyance.
9. Over payment of Rs. 25.05 lakh to external agencies.
10. Violation of provision of Jharkhand Public Works Account (JPWA) code resulted in defalcation of Rs. 49.55 lakh and an unfruitful expenditure of Rs. 90.56 lakh.

Department of Rural Development

As far as infrastructure is concerned, the department has two relevant schemes: the centrally sponsored Pradhan Mantri Gram Sadak Yojna (PMGSY), and State sponsored Minimum Necessary Programme (MNP) – Rural Roads. For detailed discussion on the department, refer to the chapter, 'The Third Tier of Governance in Jharkhand: Acts without Actions'.

Pradhan Mantri Gram Sadak Yojna (PMGSY)

Run by the Rural Development Ministry, Government of India, it is designed to construct pucca roads in villages for connectivity, priority given to those with a population of 1000 or more. In the first stage, Rs. 129.67 crore have been utilised for the construction of 58 new, and repair of 102, roads. For second stage, construction of 202 roads was approved, against which 180 roads were constructed utilising Rs. 185.10 crore. In the third stage,

construction of 131 roads was approved, out of which 63 have been completed and rest are under progress, using Rs. 86.76 crore. In the fourth stage, Rs. 113.78 crore has been approved by the Central government. 102 roads covering 479.4 kilometres of roads will be constructed. For the fifth stage, activity is underway to propose Rs. 170 crore to the Central government. For 2006-07, a proposal of Rs. 94.03 crore has been made.

As part of its achievements, the present UPA government mentions that “the Government of Jharkhand has completed 932.48 km road works in 2004-05 under PMGSY covering 343 habitations. Under the same scheme, the State has completed 519.47 km roads in 2005-06 covering 149 habitations with central assistance of Rs. 152.70 crore. Under Bharat Nirman, 432.187 km road work has been completed further covering 101 habitations.”⁵

Under the World Bank sponsored schemes, for the first stage, work for the construction of 130 kilometres of road has been started, against which Rs. 29.15 crore is approved by the Central government, and Rs. 14.57 crore received. However, the PMGSY Annual Report 2005-06 mentions that under the World Bank funded PMGSY with reference to targets, Jharkhand had a target of 125 kilometres of road to achieve by March 2006. The total achievement was nil. For the second stage of this sub-scheme, Rs. 170 crore worth of projects have been submitted for the approval of the Central government.

During 431 inspections conducted in Jharkhand under the PMGSY between July 2004 and March 2006, the following was found out: among completed projects, only 48 were satisfactory, while 74 were unsatisfactory; in the ongoing projects, 90 were satisfactory, while 219 were found to be unsatisfactory (Annual Report 2005-06, PMGSY).

Minimum Necessary Programme (MNP) – Rural Roads

To provide connectivity to villages by constructing permanent roads is a topmost priority for the State government, so it says. To achieve this, the Gramya Abhiyantran Sangthan carries out the construction of roads and bridges. Under the MNP – Rural Roads, in 2005-06, an amount of Rs. 183.57 crore was made available and work is being carried out. Until February 2006, Rs. 183.31 crore was allotted for carrying out work for 1194 roads and 79 bridges, which is underway. Rs. 183.29 crore was utilised until February 2006 to complete work on 579 roads and 49 bridges. For 2006-07, Rs. 217.43 crore is proposed.

Jharkhand State Rural Road Development Corporation

It has been formed for the development and inspection of rural roads. For 2005-06, a budgetary provision of Rs. 9.31 crore was made. For 2006-07, Rs. 1.50 crore has been proposed.

Mukhya Mantri Gram Setu Yojna (MMGSY)

Launched on 15 August 2001, it aims to connect disconnected villages through bridges. In the past years, work for 425 major and medium category bridges was started, out of which work for 301 bridges is complete. Out of Rs. 95 crore available for 2005-06, Rs. 74.07 crore was used until February 2006. For 2006-07, Rs. 95.75 crore is proposed.

⁵ ‘Jharkhand: Two Years of Achievement’. “Major Programmes of the UPA Government”.

Table I- Roads and Electricity Infrastructure in Rural Jharkhand

Indicators	Region			Jharkhand
	North	Santhal Parganas	South	
% of villages having no approach road	54	65	64	61
% of villages having no pucca road	63	70	76	69
% of villages connected with pucca roads (2001)	-	-	-	44
% of villages having no electricity	44	59	51	51
% of villages electrified (2003)	-	-	-	45

Source: Prabhat Khabar Jharkhand Survey 2005

An allocation of Rs. 5 crore in estimated and revised budget 2005-2006 for rural roads was made, and the same amount in estimated budget 2006-2007. Also, allocation of Rs. 102.26 crore for carrying out the provisions of the Twelfth Finance Commission for the construction and maintenance of roads and bridges has been made for 2006-2007.

Department of Urban Development

The Minister-In-Charge for this department is Shri Harinarayan Rai. There is a Secretary, a Special Secretary, three Deputy Secretaries, a Senior Personal Assistant, and an Under Secretary. To meet the requirements of urban people in addition to 43 Urban Local Bodies, there is a Regional Development Authority at Ranchi.

Rs. 23.6 crore were approved for the construction of city roads during 2001-02, with which 180 kilometres of various city roads were constructed; in 2002-03, Rs. 32.3 crore were approved, used for construction of 246.5 kilometres of city roads; in 2003-04, Rs. 15 crore, used for 114.5 kilometres of roads; in 2004-05, Rs. 45 lakh have been approved, and Rs. 19.5 crore released. With this money, 152.5 kilometres of city roads were to be constructed. In this manner, from 2001-02 to 2004-05, for different city roads, a total of Rs. 71.4 crore have been approved, against which 693.5 kilometres of roads have been constructed. However, the condition of city roads remains pitiable.

In end-June 2006, there was a report in the Business Line (The Hindu) that the Jharkhand government is in a process of “chalking out a major city infrastructure development plan (referred to as a Master Plan), covering both civic areas such as water treatment, solid waste management and other public utility works and real estate development, including construction of cinema multiplexes, which would enjoy ‘entertainment tax’ relief. The plan also includes creation of a hi-tech city, besides a new city near Jamshedpur. An initial expenditure of nearly Rs 8,000 crore was being earmarked for these projects, to be developed on the basis of a public-private partnership (PPP) model. The Jharkhand Government has already signed as many as 43 MoUs involving a massive sum of Rs 1,90,000 crore for various projects in the State. ... Pointing out that the plan was to develop both large and medium towns in the State, like Ranchi, Jamshedpur, Dhanbad, Palamau, Hazaribagh, Bokaro etc., the Minister said work on the projects will start by December. Suitable legislation for speeding up such town planning and modernisation

work was also being taken up. He said in order to attract private investment for the multiplexes, sales tax benefits including tax holidays for five years have been announced by the State Government.”⁶ It is unclear if the Master Plan is ready, but it is apparent that instead of ‘luxury’ areas, the government should focus on basic infrastructure first.

Last year, on October 25, The Telegraph carried a report that “in its bid to develop urban infrastructure of Jharkhand, the state urban development ministry signed a memorandum of understanding (MoU) with Shanghai Urban Construction Group (SUCG) in Shanghai today. At present, the MoU, in its first phase of implementation, would benefit Ranchi Regional Development Authority (RRDA) where the state government wants the Shanghai group to begin work initially. The Shanghai group is a cent per cent subsidiary of the Shanghai municipal government that oversees the urban development work in the city.”⁷ Once again, there is fascination with glamorous side of infrastructure development at a time when the basic infrastructure requirements, especially in the areas of roads and energy, is severely lacking and deficient.

The estimated and revised budget for 2005-06 is Rs. 6 crore for the department; for 2006-07, the estimation is Rs. 120.83 crore. For the integrated development of small and medium sized cities, the department has a revised budget of Rs. 1.94 crore for 2005-06. Under centrally sponsored JNNURM / URDSSMT / IHSDP / BSUP schemes, estimated State budget is Rs. 70 crore for 2006-07. For 2006-07, for carrying out the provisions of the Twelfth Finance Commission for the development of capital Ranchi (central provision), capital outlay of Rs. 50 crore has been allocated. Rs. 1 crore is estimated for the establishment of the Jharkhand Urban Planning Management Institute for 2006-07.

Department of Transport

The minister-in-charge for transport department is Shri Enos Ekka. There is one principal secretary, a commissioner, a deputy secretary and an under secretary. As its objective, the department says that since roads contribute to the economic, industrial, social and cultural development of a nation, and are the basis of all infrastructures, and because after creation of the state of Jharkhand, traffic growth has been tremendous, strengthening of the road infrastructure is essential for the development of Jharkhand.

For the department, there was an estimated capital outlay of Rs. 26.51 crore for ongoing bridge schemes in 2005-06, revised to Rs. 26.56 crore, and there is an estimated capital outlay of Rs. 54.84 crore for 2006-07 for the same. The estimated capital outlay for new bridge schemes is Rs. 16.25 crore for 2006-07. Estimated capital outlay for ongoing schemes for major roads was Rs. 266.70 crore for 2005-2006, Rs. 266.64 crore revised, and Rs. 337.47 crore was estimated capital outlay for 2006-07. Estimated capital outlay for new schemes for major roads is Rs. 108.55 crore for 2006-07.

The Telegraph recently carried a front page story that the Centre has expressed concern at the “tardy” transport infrastructure in Jharkhand which could jeopardise the growth of the

⁶ ‘Jharkhand chalks out mega city development plan’. Business Line (The Hindu), 26 June 2006.

⁷ ‘Shanghai touch in projects’. The Telegraph, 25 October 2005.

steel sector in the State. Union steel ministry is “extremely worried” about the condition of transport in Jharkhand. “They have to do a lot of planning to improve transport facilities for the convenience of investors who have signed MoUs for establishing steel plants. Unless the transport infrastructure improves, it would be difficult for the investors to operate in these states once they set up their steel plants,” said a senior official who did not wish to be named. He pointed out that unlike Jharkhand and Chhattisgarh, Orissa is moving ahead in a planned manner for the implementation of MoUs in the steel sector. “We have concrete information that the Orissa government has prepared a blueprint on how to connect its different mines and plant sites with roads, rail and ports. They have also drawn up a blueprint for transportation of raw materials and finished products from the sites of the steel plants. “But in the other two states [Jharkhand and Chhattisgarh], not much planning has been done to improve the transport infrastructure,” the official said.⁸

Department of Industries

The minister-in-charge is Shri Sudhir Mahto. There is one Secretary, a Special Secretary, a Director, a Deputy Secretary, an Under Secretary, four Joint Directors, six Deputy Directors. It came up with Jharkhand State Industrial Policy 2001⁹ which talked about aspirations of the State government and the department, but did not talk about the government's resolve to provide world-class infrastructure.¹⁰ Under it, an Industrial Infrastructure Development Board (IIDB) was proposed to be set up under the chairmanship of the chief minister with the minister of industries as vice-chairman, and the secretary of department of industries as member – convener to identify key infrastructure requirements, decide on modalities of external funding including private funding / investment, and review executions of the project. It was decided that the State Government would actively encourage both Indian and foreign private investment / participation in infrastructure projects. The Government would also be prepared to participate in joint ventures for infrastructure development. In suitable cases the Government shall actively consider providing land at concessional rates or free of cost. There was also the proposal for a State Infrastructure Development and Management System for better coordination and systematic development of infrastructure in the State. It will be the apex institution, consisting of multi-disciplinary expert groups under the chairmanship of chief minister. Rural electrification was accorded top priority. It was said that all 32000 villages of the State will be electrified by the year 2007. Till 31 January 2006, the number of electrified villages was 9822 (33.48% of all State villages). Perhaps, its only a miracle that can help the government reach its initial ambitious plan.

Recommendations for Reform

- Infrastructure schemes should be prepared after due planning and consultation with concerned agencies, groups, stakeholders, and not the least with local bodies.
- Infrastructure for industrialisation is necessary, but should be placed within the larger framework of the basic infrastructural development of the State.

⁸ ‘Centre glare on steel routes’. The Telegraph, 21 August 2006.

⁹ <http://www.jharkhandindustry.in/industry-policy.php> (Accessed on 28/10/2006 at 10:49)

¹⁰ ‘Jharkhand industrial policy needs fine-tuning’. Business Line (The Hindu), 8 October 2001.

- There should be rigorous financial evaluation, expenditure and monitoring to avoid wasteful expenditures. “It is a fact that financial mismanagement is on the extreme in the state,” said a government official.
- He also said that loans should be properly used for the purpose for which they have been taken. The poor expenditure of money could be known from the fact that in the current financial year only Rs.12 billion has been spent against the total plan outlay of Rs 65 billion, he pointed.¹¹
- Further loans should be planned with due consideration to avoid more fiscal liability.
- Tax collection and private investment in infrastructure projects should be increased.

¹¹ The Economic Times, 3 October 2006.

Department of Home: Working towards a Safer Future¹

-Renu Vinod

Introduction

This chapter tries to locate whether the Department of Home, which contains the organs that maintain law and order, is actually providing the people of the state, with an area of 79,261 square kilometres and population of 26,909,428 an efficient and effective police service that the people can have faith in. The principle of honest and efficient policing is relevant in all situations, but more so for Jharkhand that has been under attack from Naxal-related violence. Do the people feel more safe and secure, has Naxal-related violence abated, do more numbers of people trust the police? This chapter provides a critical review of studies conducted to answer precisely these questions, which people would be curious to know after six years of the State's formation.

Bird's Eye View

1. Right to Information
 - a. Appellate Authority (AA): **No**
 - b. Public Information Officer (PIO): **No**
 - c. Assistant Public Information Officer (APIO): **No**
 - d. Information published *suo moto* on the Department's website: **No**
2. Citizen charter: Not available on Department website
3. Annual Report: Not available on Department website (however it is available on Jharkhand Government website)
4. Budget: Not available on Department website (Only on Jharkhand Government website)
5. Whether Annual Report and Budget are provided in non-technical form: **No**

Administrative Structure

The Home Department has the following administrative structure:
The Department functions directly under the State Home Minister. There is one Joint Secretary, two Deputy Secretaries, three Under Secretaries, one Registrar and twelve Section Officers at the Home Secretariat.

¹ Material for this chapter has been translated from Hindi by Rajan Kumar Singh

The following Directorates function under the Department:

1. Police
2. Jail
3. Home Guards
4. Fire Brigade
5. Civil Protection and
6. Military Welfare

The permitted number of police force in Jharkhand is 32,837 with the number of police stations/out posts being 418. Out of this number, 227 police stations/outposts are the Directorate's own buildings, 145 are rented buildings and 46 are under construction.

The Central Government granted Rs. 24,87,37,918/- for police modernisation for the year 2005-06. This money was spent on police building construction, bullet proof vehicles, general vehicles and protective instruments such as bullet proof jacket, helmet etc. The State Government sanctioned Rs. 54,07,89,530/-, which is used for constructing police buildings in Naxal-affected areas. The Police modernisation scheme is a subject that falls under the Non Plan heading.²

Table I- The following amount was estimated for 2005-06 (in Crore)

Head	Amount
Constructing building in Naxal affected area, Fire arms, protective instruments and Training (Centre)	57.42
For Naxal affected districts (Centre-75%)	27.32
For Naxal affected districts (State-25%)	19.31
Centre expenses related to protection	29.00
State expenses related to helicopter, And communication systems	68.93
Other Central fund	19.58
New State Plan	8.00
Total	229.56

Source: Annual Report 2004-05

Department of Police³

The Director General of Police heads the Police organisation in the State. There are three Additional Director General of Police who assist the Director General:

1. Additional Director General of Police, Special Branch

² Annual Report 2005-06, Department of Home, Government of Jharkhand

³ Annual Report 2004-05, Department of Home, Government of Jharkhand

2. Additional Director General of Police, Crime, Investigation Department and Railway
3. Additional Director General of Police (Headquarter), Finance and Modernization

The Police Department is divided into the following branches:

1. Special Branch
2. Crime Investigation Department (CID)
3. Government Railway Police (GRP)
4. Wireless
5. Jharkhand Armed Police (JAP)
6. District Police

In the last 5 years the focus of the police has shifted from simply modernising itself to administering with a human face. This includes granting funds to dependents of martyred police personnel, making the administration of law and order participatory by conducting regular sittings with the public and facilitating community policing.

The area where most money has been requested is in modernising the police force as per the recommendations of the Eleventh Finance Commission and the Prisons and Home Guards.

As per the recommendation of the Eleventh Finance Commission, Rs 9.72 crore would be made available during the five-year period from 2000-2005 for the developing the Police administration and for constructing a Legal Science laboratory.

To modernise the police, the Central government has provided money to construct police stations and for the purchase of bullet proof vehicles, general vehicles, bullet proof jackets, helmets etc. An additional Rs. 54.07 crore was accepted for modernisation from the State government for building in terrorism affected areas.

In order to implement the police modernisation scheme expeditiously, funds have been allocated under the Non Plan head from the next year onwards, i.e., 2005-06. Rs. 57.42 crore will be spent on Naxalite areas, on buildings, weapons, safety equipments and for training.

The Central government has also fixed Rs. 27.32 crore for modernisation in Naxalite-affected areas. The State government will contribute Rs. 19.31 crore rupees. Over and above this, the State government has planned to spend 68.93 crore rupees on the purchase of helicopters and modernisation of communication system.

According to the 2004-05 Annual Report, the Centre will additionally spend Rs 29 crore for safety-related expenditure for the armed police in 2005-06. Thus, the total amount estimated for modernization in 2005-06 is Rs. 229.56, for which the Center will contribute Rs. 134.75 crore and the remaining Rs. 94.81 crore will be spent by the State.

Rs. 200 crore was being used for police modernization in the year 2004-05. Under this scheme, buildings are being constructed at approximately Rs 90 crore, a satellite based police communication system has started, twenty-three new police stations have been constructed in areas where none existed previously, a Rs 4 crore residential scheme has begun under which the construction of 8 police lines has started, in Naxalite-affected areas, 550 vehicles, 56 bullet-resistant gypsies, 10 magazine-resistant vehicles and modern arms and ammunitions have been made available to districts for an intense campaign to quell the Naxals..

Prisons⁴

Jharkhand has two Central jails in Ranchi and Hazaribagh. There are six district jails in Dumka, Giridh, Chaibasa, Daltenganj, Dhanbad, and Jamshedpur. There are eighteen sub jails out of which 14 (at Gadhwa, Gumla, Deoghar, Sahebganj, Pakud, Godda, Chas, Simdega, Chatara, Lohardaga, Latehaar, Koderma, Jamtada, and Saraikela) have been converted to district jails. At the time of the State's formation, these jails had a capacity of 5988. There was a proposal to increase the capacity to 15,000 by 2007.

In 2004, Rs. 2.5 crore was spent in jail modernisation. Activities to modernise jails include: house for employees, safety equipments, construction of perimeter wall, prison cells, ambulance, video conferencing system, cooking gas, provision of water supply.

Under this scheme to increase jail capacity (mentioned above), the capacity of jails has been increased to hold another 7400. A new central jail has been constructed in Hotwar in Ranchi. District jails are being constructed in Ghaghideeh and Jamshedpur has begun and sub-jails in Ramgharh, Nageruntari, Husainabad, Barahi, Chakracharpur, Madhupur, and Chattarpur.

Table II- State scheme for jail modernisation in the financial year 2005-06

<i>State scheme</i>	<i>Rs (in Crore)</i>
Central Jail	6.7
District Jail	6.2
Smaller Jails	10.1
State share of centre sponsored scheme	6.8
Total	30

Source: Annual Report 2004-05

Home Guards:⁵

⁴ Annual Report 2004-05, Department of Home, Government of Jharkhand

⁵ Annual Report 2004-05, Department of Home, Government of Jharkhand

The norms that determine the functioning of the Jharkhand Home Guards include the Directive Principles of the Government of India and the Griha Raksha Vahini Act of 1947. The Commander, who functions from the Home Security Regiment headquarters, Ranchi heads the Home Guards. Home Guards is a volunteer force for which eligible candidates in the age group 19 – 40 years are nominated for a period of 12 months.

In 2004-05, the total expenditure for modernising the Home Guards was Rs 689.17 lakhs. The Department has estimated Rs 25.00 crores for modernization for 2005-06 for expenditures that include construction of auditorium, rest house, and trainee's mess in the Central Training Institute, in Dhurva in Ranchi, Home Guard regiment offices, requisition of land and new scheme for construction of building for training centres in all 22 district units, and remaining construction work for accepted residential and non-residential buildings in the regional training centres at Hazaribagh, Dumka and Daltenganj.

Fire Service:⁶

The number of permitted Fire Brigade Centres in Jharkhand is thirty, but there are 25 working fire stations there. For modernisation of the fire brigade, the State Government spent Rs. 5.48 crore in the financial year 2004-05. The Plan allocation for the year 2005-06 is Rs. 67 crore whereas the Non Plan allocation is Rs. 1019. 09 crore. A total of Rs 3.60 crore made available to improve Jharkhand fire service for the next five years (2000-05) on the recommendation of the Eleventh Finance Commission.

According to the 2004-05 Annual Report, there are thirty fire stations in Jharkhand out of which only twenty-five are functioning. East Singhbhum, West Singhbhum, Simdega and Latehar don't have fire stations.

Other Expenditures of the Home Department

Money is also being spent on welfare schemes for police personnel who have died in uniform wherein Rs 10 lakh is awarded to the family and government job to one person in the family. Rs.2.50 lakh has been given to the family of home guards and government job to one in the family. Rs. 2.50 lakh has been given to family of *jawans* of the State Paramilitary Force who died in uniform. A scheme has been implemented to give Rs 50 thousand to person who has been killed in terrorist violence and government job to one in the family.

⁶ Ibid

Budget

Table III- Budget for the period 2004-06 (Rs. In Crore)

	Estimate 2005-06	Estimate 2005-06	Estimate 2006-07	Estimate 2006-07	Actual Spent 2004-05	Actual Spent 2004-05
	Non- Plan	Non-Plan	Non-Plan	Plan	Non-Plan	Plan
POLICE	807.10	858.40	908.06	32.5	454.53	54.95
JAIL	27.62	27.62	26.27		25.63	27.81

Source: Annual Budget 2006-07, Government of Jharkhand Website: www.jharkhand.nic.in

In the year 2004-05, a total of Rs. 95.37 crore was spent on the Special Police. The revised estimate for Special Police in 2005-06 was 140.18 crore and the estimate for 2006-07 is Rs. 143.83 crore. Rs. 244.21 crore was spent in 2004-05 on the District Police. The revised estimate for 2005-06 increased to Rs. 297.03 crore and the estimated amount for this Head in 2006-07 is Rs. 421.39 crore. The amount spent on the Village Police for the financial year 2004-05 is Rs. 46.96 crore. The revised estimate for 2005-06 is 67.52 crore and the estimate for 2006-07 is the same.⁷

As far as Jails are concerned, Rs. 7.16 crore was spent in 2004-05 on the Central Jail. The revised estimate for 2005-06 is Rs. 8.03 crore and the amount estimated to be spent on Jails for 2006-07 is Rs. 10.88 crore. With regard to District Jails, Rs. 8.04 crore was spent in 2004-05. The revised budget for 2005-06 is Rs. 8.85 crore and the amount estimated for 2006-07 is Rs. 11.82 crore. The higher spending seems to have been reserved for the sub-Jails, for which the spending for 2004-05 was Rs. 25.05 crore. Again, in 2005-06 and 2006-07, the largest allocation has been requested under this Head, with the revised estimate for 2005-06 being 26.37 and the amount estimated for 2006-07 being a slightly lesser amount at Rs. 25.11 crore.⁸

The CAG report (Civil & Commercial) for 2004-05 has found that the Department of Home has Expenditure on new services/ new instrument of Services without the Budget provision amounting to the following numbers:⁹

⁷ Annual Budget 2006-07, Government of Jharkhand Website: www.jharkhand.nic.in

⁸ Ibid

⁹ CAG Report (Civil & Commercial) 2004-05

http://www.cag.gov.in/html/cag_reports/jharkhand/rep_2005/civil&com_chap_1.pdf

Table IV- Excess amount spent

Grant / Appropriation Number Head of Account	Provision	Actual Expenditure	Excess (Rupees in lakh)
Home Department			
Police			
Central Reserve Police			
Deployment of C.R.P.F.			
Charges (Non- Plan)	Nil.	1,70.63	1,70.63

Source: http://cag.nic.in/html/cag_reports/jharkhand/rep_2005/civil&com_app.pdf

The CAG report has also noted that the Department of Home has not spent some of the money allocated under the Voted category and neither has it surrendered this amount.

Table V- Anticipated savings exceeding One Crore not surrendered

Number and name of the Grant/ Appropriation	Saving	Amount Surrendered	Unsurrendered Savings	Percentage Not Surrendered
REVENUE SECTION – VOTED		Rupees in Crore		
22- Home Department	160.71	2.81	157.90	98%

Source: http://cag.nic.in/html/cag_reports/jharkhand/rep_2005/civil&com_app.pdf

The CAG report has also noted that the Department of Home has diverted funds amounting to Rs 15.70 crore.¹⁰

Schemes of the Department

The table below shows the amount allocated under the Modernisation of Police Forces scheme. The allocation in the State has not shown any consistent pattern except that the

¹⁰CAG Report (Civil & Commercial) 2004-05:
http://cag.nic.in/html/cag_reports/jharkhand/rep_2005/civil&com_app.pdf

percentage of utilisation has decreased to a very negligible amount of just 7.33% of the total.

Table VI- Modernisation of Police

▪ **Scheme for modernization of state police forces (MPF scheme)**

Funds released / utilization position as on 30-06-2005

Annual Plan Size: Rs.36.00 crore

Year	Central funds released (Rs. in crore)	% utilization
2000-01	40.15	83.25%
2001-02	28.93	95.85%
2002-03	12.73	97.53%
2003-04	8.50	63.02%
2004-05	22.23	7.33%

Source: <http://mha.nic.in/States%5Cjharkhand.pdf>

With regard to prison modernisation, the State and the Centre have not allocated any amount in the past two years. This is surprising especially considering that a presentation made by the PUCL-Jamshedpur as recently as 2000, deplored the living conditions in Jails in the East and West Singhbhum districts (presented in some more detail later in the chapter).

Table VII- Modernisation of Prisons

▪ **Modernisation of prisons**

Statement of Central Releases, State's Contribution and Expenditure thereof,

Year- Wise (Rs. in crores)

Year	Central Share	State Share	Total	Expenditure
2002-03	6.3375	2.1125	8.45	1.175
2003-04	6.3375	2.1125	8.45	0
2004-05	0	0	0	0
2005-06	0	0	0	0

Source: <http://mha.nic.in/States%5Cjharkhand.pdf>

Under the Central Government's Security Related Expenditure Scheme to deal with the naxalite problem, 16 districts of the State are covered. These include Hazaribagh, Garhwa, Latehar, Dhanbad, Lohardagga, Ranchi, Giridh, East Singhbhum, Palamu,

Gumla, Koderma, West Singhbhum, Chatra, Simdega, Bokaro and Saraikela-Kharaswan. The table below shows the disbursement made to Jharkhand in the last five years.¹¹

Table VIII Annual Disbursement under SRE Scheme

Disbursement under SRE Scheme

Year	Upto 2001-02	2002-03	2003-04	2004-05	2005-06	2005-06 (Advance Release)
Amount in Rs. Lakhs	18.80	54.00	98.07	341.27	166.90	200.00

Source: <http://mha.nic.in/States%5Cjharkhand.pdf>

Ground Reality

As per the Home Ministry's records, released in 2004, the youngest 'terrorist' arrested in Jharkhand under POTA is Gaya Singh, 12, and the oldest is Rajnath Mahato, 81, both of whom, the Government claimed, were supporting naxalites. Another dubious distinction of the State, as per the Home Ministry's release is that it has the largest number of POTA arrests, i.e., 234, while J&K comes second with 181.

During a presentation made by the People's Union for Civil Liberties- Jamshedpur to the NHRC in 2000, the year Jharkhand was formed, the highlighted that the police violate custodial rights by arresting persons late at night and releasing them from custody only after several days of torture and release of extortion money. The PUCL-Jamshedpur also claimed to have come across several cases where people were detained by filing false criminal cases against them or by branding them as extremists. The presentation also highlighted that there existed an extortion racket of the police, whose members received illegal pay offs after extorting money from those who they were mandated to remove from business such as illicit liquor traders, small time gamblers etc.¹²

The PUCL also highlighted the condition in the jails of the twin districts of East and West Singhbhum, where there are five jails: Chaibasa District Jail & Saraikela Jail in West Singhbhum and Ghagidi Jail, Sakchi Jail, Ghatsila Jail in East Singhbhum. The PUCL has complained that the living condition in the jails is inhuman: the jails manual itself is more than 100 years old, therefore, they are overcrowded and that the food served is unfit for human consumption.¹³

¹¹ Website of Ministry of Home Affairs, Government of India: <http://mha.nic.in/States%5Cjharkhand.pdf>

¹² <http://www.pucl.org/reports/WestBengal/2001/nhrc.htm>

¹³ Ibid

However, what is the situation like, six years down the line?

The Centre for the Study of Developing Societies conducted a State of the Nation survey in August 2006 on people's perception of safety and security in their locality. This study was conducted in 24 locations in Jharkhand that were spread over six parliamentary constituencies. A total of 426 persons were interviewed for the poll out of which 48% were female, 18% urban, 29% *Adivasis* and 12% were Muslims.

In reply to the question concerning whether they feel safe in their locality, an overwhelming 83% of all residents polled responded that they felt safe in their locality, 15% felt not so safe and a very minor 2% felt very unsafe. These numbers are 72%, 24% and 4% in Urban Jharkhand, whereas in Rural Jharkhand, they are 85% (above the State average), 14% and 1% (both below the State average). Among tribals, these figures are 91%, 8% and 1% and for non-tribals, these numbers are 80%, 18% and 2%.

The question that this survey raises is: has the media exaggerated the extent of law and order problems that Jharkhand has faced since its inception? It would seem so if we take into account the poll on changing perception of safety and security within the locality. In the poll, 32% of respondents have stated that they feel safer now than they used to before, while 21% feel less safe. Of the total respondents, 47% feel the "same as before". It has not been explained in the poll whether there is a negative connotation to the last response regarding feeling the "same as before".

Twenty-eight per cent of urban respondents feel safer, while 32% of rural respondents and 34% women feel safer as well. In the "less safe" category fall 30% of urban respondents, 20% rural respondents and 19% women. Forty-two per cent urban respondents, 48% rural respondents and 46% women feel the "same as before".

How do the people perceive police functioning? It would be easy to assume in a State like Jharkhand, notorious for its naxalite problem, that police brutality to contain the naxal menace is a common factor to mar smooth police-public interface. Again however, the CSDS poll proves this assumption to be false. Out of the total respondents, 68% would approach the police for help in case of a problem. This percentage includes 71% of urban respondents, 67% rural respondents, a surprising 65% of tribals and 69% of non-tribals. This poll has also taken into account the "rich" and the "poor" categories of persons: 86% of the former and 64% of the latter would approach the police in case of a problem.

The poll question regarding whether the government should suppress the naxalites or negotiate with them has thrown up some interesting responses as well. The naxals operate in the tribal areas, where 44% of tribals want them suppressed. The table below shows the stated positions of various groups more clearly:

Table IX- Opinion about Naxalite Movement and its Solutions

	Heard about Naxalites	Government should suppress Naxalites	Government should negotiate with Naxalites
All	79	54	22
Urban	96	83	15
Rural	76	47	24
Tribals	74	44	24
Non Tribals	82	58	21
Men	87	58	24
Women	73	50	20

Source: CNN-IBN/The Hindu State of the Nation Survey, August 2006 Conducted by CSDS, Delhi

The above figures show that the people of the State, particularly the tribals, do not support the Naxals as much as one would presume they would. These numbers also seem to point to the fact that the public's faith in the system has increased since the PUCL-Jamshedpur presentation made in 2000. Perhaps the Department's attempts at modernizing itself and presenting a human face (described earlier in the chapter) seem to have worked.

In a study conducted by the Asian Centre for Human Rights in September 2006 it was found that at least 165 persons were killed in Naxal-related incidents in the affected States. However, the numbers show that Jharkhand was not as affected as the other States: Chattisgarh had 94 killings while Andhra Pradesh had 39, Jharkhand, 10 and Bihar, 9.¹⁴

While the Naxalites have been busy arming themselves, the security forces have not been lagging behind either. The Centre, as its initiative to counter Naxalism is raising a 14,000 strong a special combat force to target Naxals in all the six or seven affected states. This would have personnel from various sources that include the Central paramilitary forces, the state police, and ex-servicemen from the states that are affected.¹⁵

As far as violations by security forces go, in the period July to September 2006, 76 alleged Naxalites were killed. Again, Chattisgarh and Andhra Pradesh topped the list with 37 and 25, respectively, whereas Jharkhand listed only 7. According to the report of the Asian Centre for Human Rights, all these killings were termed encounter killings. The

¹⁴ <http://www.achrweb.org/Review/2006/135-06.htm>

¹⁵ Ibid

report also noted that in the past, encounter killings were nothing but extrajudicial executions.

The Naxalites cannot be considered to be beyond violations of human rights either. The report noted that in the period July-September 2006, Naxalites killed 86 people, which included 19 security personnel and 67 civilians. In this case as well, the report has highlighted gross violations of human rights in the States of Chattisgarh and Andhra Pradesh, mainly against civilians and ex-Maoists considered police informers, rather than in Jharkhand, Bihar and the other Naxalite-affected States.¹⁶

However, there seems to be some conflict between what the Government on the one hand, and the people and civil society groups on the other, think, as is evident from this table that highlights Naxal-related incidents and deaths in the affected states:

Table X- Naxal Related Incidents

Name of States	2002		2003		2004		2005	
	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths	Incidents	Deaths
Andhra Pradesh	346	96	577	140	310	74	532	206
Chhattisgarh	304	55	256	74	352	83	380	165
Jharkhand	353	157	342	117	379	169	308	118
Bihar	239	117	250	128	323	171	183	94
Maharashtra	83	29	75	31	84	15	95	53
Orissa	68	11	49	15	35	8	42	14
Madhya Pradesh	17	3	13	1	13	4	20	3
Uttar Pradesh	20	6	13	8	15	26	10	1
West Bengal	17	7	6	1	11	15	14	7
Other States (Kerala-Karnataka- Tamil Nadu)	18	1	16	-	11	1	10	8
Total	1,465	482	1,597	515	1,533	566	1,594	669

Source: <http://mha.nic.in/Annual-Reports/ar0506-Eng.pdf>

That the Government considers that Naxal problem is assuming alarming proportions is evident from the figures released by the Ministry of Home Affairs: while 509 police stations reported Naxal violence in 2005, this number has increased to 1427 in 2006. Equally alarming is the fact that 102 security personnel were killed in Naxal-related violence in the period January to July 2006, whereas the numbers for security forces killed by armed opposition groups in Jammu and Kashmir in the same period is 85.

Recommendations for Reforms

¹⁶ <http://www.achrweb.org/Review/2006/135-06.htm>

The people of Jharkhand seem have greater trust in the police and some of the studies undertaken show that the extent of Naxal-related violence in the State is not as large as it is in States like Andhra Pradesh and Chattisgarh. However, the Centre for Civil Society would like to re-emphasise the suggestions that we spelt out last year- the only difference now is that they are not suggestions for reforms, but suggestions to continue the work done by the police, especially, to gain the trust it has from the public and contain the extent of Naxal-related violence in the State.

As is evident from the budget data, the largest spending and request for allocation of funds is for the *Village Police*. The Department should build the system of community policing in villages, beginning with those that are Naxal-infested, to initiate greater engagement with the locals and to encourage their participation in maintaining peace. The money allocated may be spent not only to build the capacity of the village police but also to develop their capability to educate the locals on filing FIRs and on the procedure that follows once a person is arrested and detained as well as details of the investigation process. Now, they can also educate the locals on the Right to Information Act and what the Police should furnish under the Act and what they should proactively publish under it.

While furnishing information to villagers is an important duty of the Department and its organs, it must also update such information on its official website. The Department can begin by publishing the names of its information officers and the information that it must necessarily disclose under Section 4 of the Act.

With *Lok Adalats* being successful in Ranchi, the district legal services authority had in 2003 decided to organise courts on similar lines in rural Jharkhand as well. The first one was to be held in the Khunti civil court which would deal with claim cases, bank cases as well as cases that relate to the civil and criminal code. Arrangements had also been made with banks and insurance companies to settle disputes with consumers. Two Lok Adalats were subsequently organised, which disposed off more than 500 cases and solved several family and civil and criminal disputes.¹⁷ This successful experiment in rural Jharkhand must be replicated in other areas as well so that nobody is left out of this process of seeking justice without harassment.

In a State where Naxals claim lives, even if they are less in number compared to the other affected States, it is imperative that a *Witness Protection Act* be put in place. A strong Witness Protection Act serves two simultaneous purposes: it prevents witnesses from turning hostile and creates scope for the physical protection of witnesses. Without a strong piece of legislation to protect the life of witnesses, there is very little chance of more numbers of persons coming out to aid the police in apprehending those who violate the law and brutalise innocents.

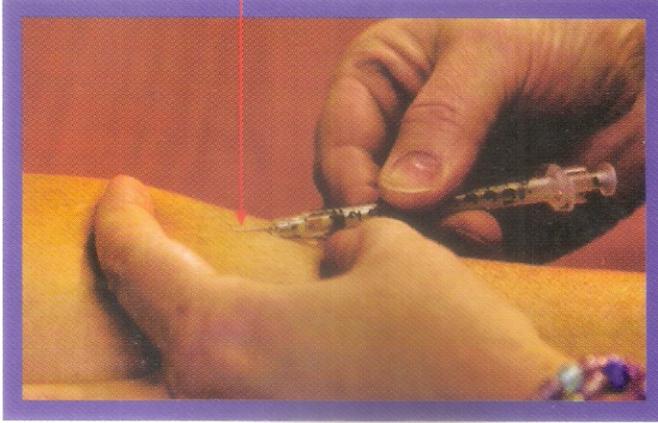
India has already seen how in the aftermath of the Gujarat riots, the witness in the Best Bakery Case who had seen the criminals, turned hostile fearing for her life. In a situation where the law enforcers and guardians of justice are seen to be intimidating and there is a

¹⁷ http://www.telegraphindia.com/1030813/asp/jharkhand/story_2251964.asp

fear of “being thrown to the wolves” once the witness has deposed, the State cannot make much progress in convicting those who are guilty of violating human rights.

Though the draconian Prevention of Terrorism Act (POTA) was lifted in 2004 when the UPA came to power, there are allegations that even today, there are persons in Jharkhand who were booked under the erstwhile Act and continue to be detained. It is because such pieces of legislation do more harm than good that they are removed. Therefore, the Department must take more seriously its role in *reviewing the status of prisoners* booked under this Act and book them under other existing terror laws that are not so draconian.

इस्पात - जो दिल को छूता है



टाटा स्टील के व्यवसाय का एकमात्र उद्देश्य ही है समुदाय की सेवा। हमारे कारखाने एवं खदानों के आस-पास के क्षेत्रों में सैकड़ों स्वास्थ्य-केन्द्रों, मोबाइल वैनों, रेल पर चलने वाले अनोखे अस्पताल लाइफलाइन एक्सप्रेस एवं हेल्थ वर्करो की मदद से प्रतिवर्ष हजारों जरूरतमंदों को निःशुल्क चिकित्सा सेवा प्रदान की जाती हैं। इसमें कोई आश्चर्य नहीं कि इस सेवा क्षेत्र में हम पूरे देश में एक मिसाल है।



सामुदायिक विकास के लिए प्रतिबद्ध



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