

Social Welfare and Development

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Government Policies and Intervention

Centrally Sponsored Schemes (CSS) Reforms

Issues with CSS

1. Poor performance

1. Most of the schemes exist in silos planned without any horizontal or vertical integration, resulting in multiple sectoral district plans, unrelated to each other, often mutually conflicting.
2. The schemes are often rigid and do not provide flexibility required for adaptation to local needs.
3. Professional support is quite weak as not much attention is paid to this aspect.
4. Most of the CSS remain expenditure oriented.
5. No mechanism for tracking funds. Funds released from ministry is treated as expenditure even if it may be lying in bank accounts of the implementing agency.

2. Panchayat issues

1. Most of CSS deal with matters earmarked for Panchayats and yet PRIs are not integrated well into the schemes.
2. Sector specific works planned under CSS are not reflected in the Panchayat plans.
3. Often independent structures are created for each scheme resulting in a multiplicity of delivery structures. No attempt is made to leverage PRIs or previous structures. Line departments controlling the implementation process with no accountability or monitoring.

Recommendations

1. Performance issues

1. Schemes should not be over structured with rigid guidelines and should leave enough flexibility in decision making at the implementational level.
2. Social audit, focus on measurable outputs and outcomes.
3. Monitoring mechanisms for flow of funds.

2. Panchayat issues

1. Each Ministry of the Government of India should undertake activity mapping with regard to its CSSs and identify the levels where activities need to be located; at the ministry level, at the State Government level or at the Panchayat level.
2. Sector specific works planned under CSS need to find place in the overall development plan prepared by the Panchayat. Enough scope should be given to the Panchayats so that they could integrate such schemes within the framework of their areas' holistic development plans.
3. At the stage of conceptualisation, care needs to be taken to ensure that the Panchayats feel assured that the scheme has been designed for local welfare.
4. Panchayats should have an important role in implementation. Parallel bodies

should be wound up and merged with standing committees of the PRIs. Some of them may need to have organic linkage with the PRIs.

National Right to Homestead Bill, 2013

Features

1. SC has also said that the issue of a roof over one's head needs to be seen as a basic human right under Art 21. It is also in consonance with the DPSP to eliminate inequalities in status.
2. It will give every one poor shelter less family a right to home and 1/100th of an acre or 10 cents of land area to also carry out supplementary livelihood activities. Families who own land, persons who are paying income tax, government employees, employees from the private sector who earn Rs 84,000 a year will be ineligible.
3. Plans must be formulated at the state and district level for the time bound (within 5 years) implementation of this right. Centre will bear 75% of the cost.
4. The right to homestead can be inherited but cannot be transferred to a new ownership.
5. The title to the homestead shall be granted in the name of an adult woman member of the eligible family.
6. State governments will identify the land for allotment, allot and provide titles, develop the allotted homesteads, provide basic civic amenities, establish a grievance redressal mechanism, monitoring system and ensure transparency and accountability by means such as social auditing.

Analysis

1. About 2 crores poor shelterless families will get home and land. The poorest and most vulnerable among the rural families are those who are landless and shelter less. The Bill will affect them.
2. It will also enable them to take up livelihood activities such as backyard poultry, goat-rearing, horticulture and vegetable cultivation.
3. Where is the government going to get the land from? From all the surplus land that state governments have acquired under various land reform legislations or donated under the Bhoodan movement? But the track record of such land being redistributed has been very poor. 5 mha has been pledged as part of the Bhoodan movement but only 50% has actually been distributed. There is a big scam there.
4. Track record of land reforms has also been poor.
5. How to ensure that people who get land will not have it taken away, either forcibly or by fraud?

Agra Agreement with Jansatyagrah, October 2012

1. Formulation of a National Land Reforms Policy with inputs from the draft prepared by Jansatyagrah and involvement of civil society organisations.
2. Advise the states to provide amend their laws backing for provision of agricultural land and shelter right to the landless and shelter less poor of rural areas.
3. Guarantee 10 cents of land.
4. Advise the states to take up time bound land reforms. To set up a task force on land

reforms headed by the MoRD.

5. Establish fast track courts to dispose cases pending and extend legal aid to all the persons belonging to socially deprived sections in matters of land litigation.
6. Effective implementation of PESA and Forest Rights Act.
7. Resolution of forest boundary disputes by keeping Gram Sabhas fully involved.
8. Support the States to carry out survey of common property resources with the direct involvement of the Gram Sabha.

National Land Policy, 2013

1. To enable nomadic tribes to shift to agriculture, it allots 5 acres of agricultural land to every family belonging to nomadic and denotified nomadic tribes, provided they are willing to settle.
2. Religious institutions occupy large tracts of land. Such institutions should not be allowed to use more than "one unit of 15 acres". Exemptions to religious, educational, research and industrial organisations as well as plantations and aqua farms should be strictly discontinued.
3. It takes care of women rights by distributing land only to the woman member of the family. Even in matters of inheritance equal rights to women will be ensured.
4. Property owners holding more than a specified number of residential plots or land beyond ceiling should pay extra tax.
5. Only farmers will be allowed to buy land categorized as agricultural land. But it does nothing to prevent arbitrary change of land use.

DRAFT LAND REFORM POLICY

- The Ministry of Rural Development released a Draft National Land Reforms Policy for discussion and comments.
- The Policy seeks to address several land related issues such as inequity in access to land, especially for marginalised communities; inefficient land usage; and poor dispute resolution mechanisms.
- Key features of the Draft Policy are:
 - **National land use plan:** The central government must create a national land use plan based on information from tehsils, districts, regions and states.
 - **Assignment of land to landless:** State governments must evolve comprehensive policies for the assignment of land to the landless.
 - **Land rights for Scheduled Castes, Scheduled Tribes and nomadic communities:** The states shall review existing law and policies pertaining to the alienation/transfer of land belonging to Scheduled Castes, Scheduled Tribes and nomadic communities and take necessary steps for removing constraints.
 - **Land for nomads:** The central government must enact a Right to Minimum Land Holding Act through which every nomadic family will be entitled to at least five acres of cultivable land.
 - **Land rights for women:** Several suggestions have been made to improve women's access to land including homestead land distribution only in the woman's name rather than joint titles with husbands, granting 'group land titles' to groups of women, among others.
 - **Dispute resolution:** State governments shall establish an authority at the sub district level and a tribunal at the state level for land related dispute resolution. Land Tribunals at the state level will function as fast track courts to resolve land disputes.

- **Modernisation of Land Records:** The Policy recommends establishing a National Authority for Computerisation of Land Records and State Authorities for Computerisation of Land Records to enable modernisation of land records.
- **Training:** Training centres at the national, state and district level must be established or identified to provide training in land administration and management to concerned officials.
- **Monitoring and evaluation:** All state governments are required to establish a State Land Rights Commission (SLRC) to review the progress made by state governments on the realisation of land rights. A Land Reforms Unit must be established in every State Academy for Administration. The central

[For the salient features of the draft Land Reform policy, please refer to July 2013 current affairs notes]

ANALYSIS

- The proposed framework has done well to protect the existing land of the marginalised sections, but falls short in improving the condition of the landless. Despite laws such as the Forest Rights Act which are meant to protect their rights, tribal communities remain the most exploited and worst affected. About 40 per cent of the total land acquired so far belongs to them.
- To set this right, the proposed policy has directed all States to delineate tribal habitation areas within a year, and statutorily protect them.
- It reaffirms the importance of the gram sabha and assigns it the role of a competent authority. No project is to be undertaken or land acquired without its consent.
- In the event that mining is taken up after getting consent, the sabha would retain ownership of the land and receive 50 per cent of royalty or revenues.
- The policy also proposes to create funds to help the vulnerable poor who tend to sell land when in distress.
- The land rights of women have been another vexatious issue. Despite 75 per cent of India's working women being involved in agriculture, the state has invariably ignored them and allotted land to the male head of a family. This has made it difficult for women to free themselves from violent relationships and claim relief. The draft policy has done the right thing by recommending future allotments in their name.
- To make this change more effective, related reforms such as joint holding of land by women groups that would help them access financial assistance should also be implemented.
- The proposed policy fails to exhibit similar creativity when it comes to distributing surplus lands to the needy. About 30 per cent of rural households remain landless, while the wealthiest 10 per cent holds 55 per cent of the land. About 8 million rural households are yet to get even the promised minimum — 1/10th of an acre.
- It is naïve to assume that advances in surveying techniques would improve the situation when the core problem is a reluctance to enforce reforms.
- The Minister of Rural Development has proposed well-meaning changes, but contradictory positions taken by other ministers in recent months on infrastructure projects and mining in tribal areas, have raised serious doubts about the future of the proposed policy.
- If the government is serious about equitable development, it has to implement an improved land reform policy without delay.

Issues Arising out of Design and Implementation

Development Processes

Development Industry

Social Capital

1. It refers to those institutions, relationships, and norms that shape social interactions. It binds together the community and make cooperative action possible. The basic premise is that such interaction enables people to build communities, to commit themselves to each other, and to knit the social fabric.
2. In many cases it provides a cogent explanation for the failure of economic policies.

Role of NGOs

Role of SHGs

Kudumbashree Mission in Kerala

Features

1. Development of Grass Roots Level Community Based Organisation (CBO)

1. Kudumbashree emphasizes that all developmental programmes relating to nutrition, poverty alleviation, SC/ST development should be run by community based organisations with support of PRIs.
2. The women are organised into Neighborhood Groups, (NHGs) consisting of 20-40 women with 5 functional volunteers including the secretary and the president.
3. The group meets once a week in the house of a member.
4. Many NHGs have come through a mentor Body (either government or an NGO) which provided initial information and guidance to them. Such support often consists of training people.

2. PRI Linkages

1. These groups are coordinated at the Ward level through Area Development Society (ADS), by federating 8-10 NHGs.
2. The coordinating Apex Body at the Panchayat level is the Community Development Society (CDS).

3. Planning Process

1. The aspirations and genuine demands voiced in the NHG meetings form the “micro-plans”, and are scrutinized and prioritized to form a mini-plan at the level of ADS.
2. A judicious prioritization process at the level of CDS leads to finalisation of a “CDS Plan”. It is the “anti-poverty sub-plan” of the Local-Self Government.

4. Financial Integration

1. Groups which are mature enough to avail loans are linked with banks under the Bank-linkage programme of the NABARD.
2. Thrift and Credit Societies are set up at NHG level to encourage the poor to save and to avail easy credits. These facilities have gradually grown into informal Doorstep Banks for NHG members.
3. It promotes the concept of group accountability ensuring that the loans are paid back.
4. It provides mutual support to the participants in saving money, preparing a common plan for additional income generation and opening bank accounts. This supports them in setting up micro-enterprises.

Current Challenges in SHG Movement

1. Maintaining the participatory character of SHGs

1. Its primary strength is its solidarity-based participatory character, and in its ability to survive without any significant external support or involvement.
2. Government interventions and subsidies have already started showing negative results. The patronage and subsidies often lead to their politicization.
3. SHG movement should be recognized as a people’s movement and the role of government should be only to facilitate and create a supportive environment, rather than ‘manage’ the movement directly.

2. Expansion in northern states

1. This is possible only by rapid expansion of financial infrastructure (like

NABARD) and capacity building measures in these States.

3. Extension to peri-urban and urban areas

1. Migrants in such areas don't have any documentary proofs and hence do not have access to organised financial services.
2. NABARD's mandate is to cater only to rural and semi-urban areas. In Bangladesh, the Grameen Bank does not make any distinction between urban and rural borrowers. NABARD Act should be amended.
3. In AP, there are many Self Help Promoting Institutions (SHPIs) / mentor organizations. Providing them financial access and creating enabling environment for them is an essential to spread the movement.

4. Issues in financial linkages

1. Currently, four distinct models of financial intermediation are in operation in various parts of the country namely:
 1. SHG-Bank linkage promoted by a mentor institute
 2. SHG-Bank direct linkage
 3. SHG-Mentor Institution linkage
 4. SHG-Federation model
2. Linking SHGs to banks is the most effective model which allows an SHG to obtain funds or a credit limit, without giving any collateral, from a local bank – often in multiples of its own savings. The tranche of credit given to a SHG starts initially at a low ratio to savings and gradually increases to a much higher level. In India, this form of credit interaction, where the banks deal directly with individual SHGs has been one of the most successful models.
3. However, the total outflow from this channel has been rather low because it is inherently linked with the magnitude of the SHG's own savings. In some cases, in order to obtain economic sustainability a cluster of SHGs have gathered together to form a federation. This scales up their activities and also enables them to have access to increased resources from funding institutions.

5. Issues of sustainability, capacity building and use of technology

1. Many of the activities undertaken by the SHGs are still based on primitive skills related mostly to primary sector. This is characterized by poor value addition per worker and subsistence wages.
2. Creating SHGs is not an end in itself. They have to be made sustainable. Even after many years of existence, by and large, most SHGs are heavily dependent on their promoter NGOs or government agencies. The withdrawal of NGOs / government agencies even from areas where SHGs have been federated, has often led to their collapse.
3. Capacity building of government agencies and banks is equally essential to create sustainable relationship and there is a positive correlation between the training received by government functionaries/Bank personnel and their overall attitude towards local organisations.
4. There is lack of qualified resource personnel in the rural areas who could help in skill upgradation / acquisition of new skills by group members.
5. Currently, many public sector banks and micro-finance institutions are unwilling to provide financial services to the poor as the cost of servicing remains high. Use of appropriate technology can reduce it.

6. Role of MFIs

1. This has come under cloud. The sector needs to be regulated although care must be taken that legitimate activities are not hampered.

Cooperatives

Current Challenges

1. Bureaucratisation and government control: There is a post of the omnipotent Registrar of Cooperative Societies who has the final say in almost all cooperative matters. Existence of such a government controlled cooperative infrastructure has gone against the very logic of the cooperative movement.
2. Politicisation of cooperative leadership: The Boards of a majority of cooperative Bodies are dominated by politicians. Politicians joining cooperatives introduces decay in the system.
3. Failure to inculcate self help principle: Self-help is the basic tenet of cooperatives. In its very genesis the movement is opposed to both Market as well as State. Governments have generally been eager to provide financial support to cooperatives and the sector has very often fallen prey to this temptation. The government thus, succeeds in establishing its dominance over them.
4. Failure to inculcate member centrality principle: Cooperatives by their very nature are inward looking organisations. They are meant to serve the member community. The focus of the activities of a cooperative organisation needs to be on its members. Its business is to be developed around their needs, policies are to be designed according to their views and administration is to be carried out through member participation. But, in practice, cooperatives in India have not adhered to the above norms.

The Constitution (One Hundred and Eleventh Amendment) Bill, 2009 / 97th CA Act, 2011

1. The Bill seeks to develop professionally managed and autonomous cooperatives.
2. The state legislature may fix the number of board members but <21. At least 1 would be SC/ST and 2 women and term of the board will be 5 years.
3. A maximum of 2 people with experience in the field can be "co-opted" in the Board.
4. The elections of the new board will take place before the end of term of the previous.
5. The Board can be superseded or suspended for its failure but within 6 months elections will have to be conducted.
6. Independent audit, professional management.

Role of Donors, Charities, Institutions, Other Stakeholders

Issues with Legal Framework for Societies / Charities

1. Excessive state control
 1. While the original Act (Societies Registration Act, 1860) was remarkably clear in not introducing any form of state interference, except routine matters of filing annual statements, many of the legislations (through post-Independence amendments) went for widespread governmental controls. The legal measures include:
 1. Power of enquiry and investigation.
 2. Cancellation of registration and consequent dissolution.
 3. Modify / annul a decision of the governing body and even its supersession.
 4. Appointment of administrator.
2. Multiplicity of laws and jurisdictions
 1. The multiplicity of laws even within a state has prevented growth of a proper institutional framework

in this sector.

2. Diversity of laws across the States has given rise to emergence of nonuniform practices. If an institution registered in one State desires to expand its activities to any other area, it needs to comply with a different set of legal requirements.
3. Issue of giving priority attention to larger organisations
 1. India has a large number of voluntary sector organisations, a majority of whom are very small in terms of their scale of operations. Currently, the overseeing authorities spend a disproportionately large amount of time and staff on routine matters relating to smaller charities and the attention given to larger organisations is inadequate and ineffective. Thus, many important and urgent matters of such institutions remain unattended or take inordinately long to get settled.

NGO Issues

Promoting Accountability and Transparency - Accreditation

1. A large number receive grants from government. These organisations vary greatly in their capability and credibility. In the absence of any system of accreditation, the government has found it extremely difficult to distinguish between good organisations and those which have been set up almost solely for the purpose of receiving government grants.
2. Thus there is need to have a system of accreditation and certification for NGOs, which would facilitate and bring transparency in the Government-NGO partnership.
3. The procedure adopted for accreditation should not be so complex as to lead to harassment, delay and corruption.
4. Accountability and transparency is essential; therefore, there is a need for accreditation through an independent agency like the National Accreditation Council.

Exemption from IT Act

1. There are inordinate delays in getting the approval for exemption from Section 80G of IT Act. In fact, there have been many instances where, by the time a certificate is made available, the case becomes due for seeking renewal.
2. Such an exemption should be granted to a charity in perpetuity; there should be no need for its renewal. The tax authorities in any case have the powers to cancel the registration if any misuse is detected. A time limit of say 90 days should be fixed for grant / rejection of approval.

FCRA, 2010

Prior Regulations of Foreign Contribution

1. NGO has to register itself.
2. It can receive foreign contribution only through a particular branch of one bank only as specified in the

application for registration.

3. The funds can be used only through that intimidated bank branch.
4. It has to disclose to the government the amount of each foreign contribution received, the source, and the manner in which such foreign contributions is to be utilized.
5. The Government may require it to obtain its prior permission before accepting any foreign contribution.
6. Government has the power to inspect, seize and audit.

Features and Issues

1. It expands the list of prohibited organisations to those of political nature (not being a political party) and electronic media from receiving foreign contribution.
 1. No guidelines have been given to define 'organizations of political nature not being a political party' leaving ample scope for subjectivity and harassment.
2. Contributions shall be utilised only for the purpose for which the same have been received. It prohibits the use of foreign contributions in any speculative business, 'activities detrimental to national interest'.
 1. Such terms have not been defined and leave ample scope for subjectivity and harassment.
 2. Incidentally IT Act allows the voluntary sector to invest funds in government securities and mutual funds.
3. It caps administrative expenses at 50% of the receipt of foreign contribution.
 1. The Union Government has been authorized to prescribe the element which shall be included in the administrative expenses. This gives considerable discretionary powers to the government.
 2. It may be difficult to differentiate between the administrative and project related expenses. For example, health care.
4. It makes provision for intimating grounds for refusal of registration or prior permission under the Bill.
5. It provides arrangement for sharing of information on receipt of foreign remittances by the concerned agencies to strengthen monitoring.
6. It makes registration valid for five years and renewal / cancellation after that.
 1. The Government can refuse to grant registration or permission to an organisation on grounds of indulging into conversion.
 2. A necessary condition for securing registration is that the applicant organisation should have undertaken meaningful activity in its chosen field or should have a meaningful project for the benefit of the people for whom the foreign contribution is proposed to be utilized. This again is a matter of subjective satisfaction and is open to misinterpretation.
 3. There are several grounds on which a certificate of registration could be refused. The words like likelihood of diversion of funds for 'undesirable' purposes admit subjectivity.
 4. No time limit has been prescribed in the proposed Bill for grant or refusal of a certificate of registration or its renewal. This limit was 90 days in the previous Act.
7. It allows the recipient to open more accounts in other Banks for utilizing the foreign contribution.
8. No appellate provisions are there over government's powers to prohibit receipt of foreign contribution, to grant registration, or to order suspension / cancellation / renewal of certificate etc.
9. The powers of inspection, search and seizures may be tools for causing harassment to NGOs and puts them virtually in a position of subordination to the authorities.

Mechanisms, Laws, Institutions and Bodies for Vulnerable Sections

ROSHNI

- In a bid to further reach out to rural youth in the country's 24 most critical Left-Wing-Extremism-affected districts, the Centre introduced a placement-oriented skill-development scheme targeting 50,000 persons, mostly tribals.
- At least 50 per cent of the candidates covered under the scheme would be women and extra efforts would be made to proactively cover Particularly Vulnerable Tribal Groups (PVTGs) on a priority basis.
- The programme entails providing beneficiaries aged between 18-35 years with requisite training for the trade or job chosen as per the Participatory Identification of Poor.
- The launch of Roshni comes soon after the brutal Maoist attack on a Congress Convey in Chhattisgarh's Bastar district in which nearly 16 people, including two senior Congress leaders, were killed.
- The employment programme would be on the lines of 'Himayat', being run in Jammu and Kashmir, and two pilot projects being run in Jharkhand's west Singhbhum and Chhattisgarh's Sukma districts.
- The training will be imparted through public-private and public partnerships. Four training modules of durations ranging from three months to one year shall be taken up to meet the diverse needs of the youth, depending on their entry-level qualifications.
- Placement-linked, market-driven, fully-residential skills training will be provided in fields such as tailoring, construction, mobile repairing, nursing and retail.
- The training providers will ensure 75 per cent placement defined as continuous employment for three months at higher than minimum wages. Placements will be provided anywhere in India.