



# RECLAIMING THE REPUBLIC

February 2019

## PREAMBLE

We are a group of concerned citizens – drawn from the world of scholarship, writing, law, administration and activism – with some experience in fields such as health, education, environment, social inclusion, transparency and accountability. Some of us have worked in the media and some have held positions in the judiciary, government and institutions of accountability. We have varied political opinions and affiliations, but are united in our trust in democratic institutions, in our adherence to the philosophy of the Constitution and belief in the idea of a plural, democratic Republic of India.

Deeply concerned, of late, about the multiple challenges to that Republic, we have undertaken to examine these challenges in some depth, and to propose to our fellow citizens means to protect and strengthen the Constitutional safeguards for our democratic polity and composite society. We see the forthcoming Lok Sabha election as an opportunity to retrieve and, indeed, reclaim from manipulation and subversion, our legacy of the Republic.

The Republic of India was founded on our Constitution's resolve to secure justice, liberty, equality, and fraternity for all its citizens. While, over the last seven decades, we cannot claim to have succeeded in 'redeeming this pledge', we were strengthened by the conviction that the foundations for the realization of these goals were being laid. There could be and there were, wrong steps, false moves, stumbles. But there was, nonetheless, a sense of our country moving, broadly, on a path shown to it by its founders.

Over the last five years, however, we have witnessed and indeed have felt in our experience of public life and in our personal preoccupations, an onslaught at full throttle on these foundational and core principles of citizenship. We have seen,

clearly and unmistakably, the institutional pillars of the Republic being dismantled.

Even as India was beginning to be recognized as a vibrant democracy, with free and fair elections as its crowning achievement, we have experienced inroads into democracy's most cherished attribute: freedom of thought and expression, with the integrity of the election process being undermined by the juggernaut of money and multiple manipulations. And as India was being acknowledged as a nation that believes in the rule of law, we have seen violations of the rule of law, apprehensions about judicial independence and attacks on the autonomy of institutions. Likewise, we thought open and large-scale caste and communal violence were behind us. But no, we have been shown to be wrong, our confidence woefully misplaced. We have seen the rise of something that was practically unknown in India- lynch mobs, caste violence and hate-mongering enjoying what seems like immunity from the law of a kind that can only come from state patronage. Just when we seemed to have acquired the resources to address endemic poverty and inequalities, we have been subjected to an accentuation of cronyism and monopolistic control over resources with a resultant weakening of peoples' livelihoods. And overarching all this, we have regressed to a condition of induced collective insecurity and jingoism, contrary to the spirit of universalism which was never removed from Indian nationalism.

All this calls for urgent reforms in law, policies and institutions for saving and reclaiming our republic. This involves, first of all, restoration or undoing the damages inflicted by the current ruling establishment by ensuring: proper operation of the rule of law in our country; non-interference with judiciary and anti-corruption institutions; the integrity and fairness of our administrative structures and, last but not least; the vigorous energy of our media in reporting national events with freedom, accuracy and responsibility. But undoing the damage is not about

a simple roll back. The roots of some of these challenges go back to the earlier times. We require reconstruction and substantial measures to ensure that similar damage cannot be done in the future. Unless we reignite the spirit of the Constitutional resolve to secure justice, liberty, equality, and fraternity and carry out programmes in that direction, we cannot hope to involve a majority of Indians in this national duty.

Accordingly, we place before the country specific ideas and measures for recovery, reconstruction and reorientation. These have been presented in the form of actionable programmes so that these could shape the agenda for the forthcoming elections. We do hope that political parties, candidates, campaign organisations, the media and, above all, citizens will take note of the agenda.

The range of reforms that we propose include:

- Doing away with several antiquated and draconian laws which have been widely misused to curtail personal liberties and intimidate political activists;
- Reforms to repair the damage done to anti-corruption institutions and putting in place a functional law and institutions to deal with public grievances;
- Judicial reforms aimed at making the judiciary more independent, accessible, efficient and accountable;
- Reforming the implementation of law through a set of police reforms in accordance with the Supreme Court's judgment;
- Electoral reforms aimed at reducing the influence of money power in elections and making the electoral system more democratic;
- Media reforms aimed at making the media freer, more diverse and accountable through an independent regulator;
- Health reforms to ensure that the public health delivery system is put in place across the country and health care is affordable and accessible to all;

- Educational reforms to ensure properly staffed and funded government schools and better endowed, oriented and regulated higher educational institutions;
- Agricultural reforms to ensure that farmers receive remunerative prices for their produce, are freed from indebtedness and that we move towards more healthy and sustainable farm practices;
- Environmental reforms to ensure that environmental costs and benefits of every developmental project is examined by proper, independent regulatory bodies, especially if it involves the destruction of forests, coasts and other eco sensitive zones.
- Policies and programmes to ensure health, education, employment and social security to especially disadvantaged groups such as the disabled, SC/STs, women, Muslims, etc.
- Extension and expansion of MNREGS to guarantee to every adult at least 150 days of work a year at minimum wages; and
- Universal basic services for all citizens, including universal pension for the aged and special provisions for specially disadvantaged groups.
- Enactment of a comprehensive anti-discrimination law and establishing independent commissions for looking into systemic injustice meted out to vulnerable groups.

These proposed policies and programmes are neither optional, nor unaffordable for an economy of our size. We have examined the financial costs involved in providing for such welfare measures and are of the opinion that additional costs involved can be mobilised with the help of small turnover tax, wealth tax and inheritance tax, besides doing away with many irrational corporate subsidies. A substantial part of this additional spending is likely to come back to the government as indirect tax revenue.

Members of Reclaiming the Republic  
February 1, 2019

## **List of members**

Justice A.P. Shah (Chairperson)

Prashant Bhushan (Convenor)

Anjali Bhardwaj (Convenor)

Aakar Patel

Aruna Roy

Bezwada Wilson

Deepak Nayyar

EAS Sarma

Gopal Guru

Gopal Gandhi

Harsh Mander

Jayati Ghosh

Kavitha Kuruganti

Krishna Kumar

Nikhil Dey

Paul Divakar

Prabhat Patnaik

P. Sainath

Ravi Chopra

S.P. Shukla

Srinath Reddy

Sujatha Rao

Sakthi Selvaraj

Syeda Hameed

Vipul Mudgal

Wajahat Habibullah

Yogendra Yadav

## List of sub-committees and members

<p><b><i>Public accountability &amp; participation</i></b>  Anjali Bhardwaj (Convenor)  Justice A.P. Shah  Aruna Roy  Wajahat Habibullah  Shailesh Gandhi  Prashant Bhushan  Maja Daruwala  Nikhil Dey  Venkatesh Nayak  Beena Pallical  Amrita Johri</p>	<p><b><i>Judicial Reforms</i></b>  Prashant Bhushan (Convenor)  Justice A.P. Shah  Vrinda Grover  Harish Narasappa  Alok Prasanna  Cheryl D'souza</p>
<p><b><i>Electoral reforms</i></b>  Prashant Bhushan (Convenor)  S.P. Shukla  Yogendra Yadav  Suhas Palshikar</p>	<p><b><i>Reforming anti-democratic legislations &amp; Police reforms</i></b>  Aakar Patel (Convenor)  Justice A.P. Shah  Amitabh Behar  Prashant Bhushan  Maja Daruwala  Navsharan Singh  Asmita Basu</p>
<p><b><i>Media reforms</i></b>  Vipul Mudgal (Convenor)  Sevanti Ninan  Sanjoy Hazarika  Paranjoy Guha Thakurta  Manoj Mitta</p>	<p><b><i>Employment, Food and Social Security</i></b>  Jayati Ghosh (Convenor)  Nikhil Dey (Convenor)  Aruna Roy  Prabhat Patnaik  Amit Basole  Harsh Mander  Dipa Sinha</p>

<p><b><i>Health Reforms*</i></b>  Sakthi Selvaraj (Convenor)  Srinath Reddy  Sujatha Rao  Abhay Bang  Mira Shiva  Meenakshi Gautham  Harsh Mander  Jean Dreze</p>	<p><b><i>Education</i></b>  Krishna Kumar (Convenor)  Deepak Nayyar  Yogendra Yadav  Shantha Sinha  Apoorvanand  Annie Namala</p>
<p><b><i>Agriculture</i></b>  Yogendra Yadav (Convenor)  P. Sainath  Prabhat Patnaik  Kavitha Kuruganti  Avik Saha  Kiran Kumar Vissa</p>	<p><b><i>Inclusion of, and justice for, vulnerable populations</i></b>  Harsh Mander (Convenor)  Gopal Guru  Syeda Hameed  Paul Divakar  Apoorvanand  Meera Sanghamitra</p>
<p><b><i>Environment</i></b>  Ravi Chopra (Convenor)  EAS Sarma  Ashish Kothari  Himanshu Thakkar  Ritwick Dutta</p>	<p><b><i>Secretariat</i></b>  Cheryl D'souza  Amrita Johri  Asmi Sharma  Sharonee Dasgupta</p>

\*Dr. Amit Sengupta, who was a member of the sub-committee on health reforms, unfortunately passed away on November 28, 2018.

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# 1. Public Accountability and Participation

*Jaankari, Bhagidari, Sunwai, Karyavai*

## **Objectives:**

A set of concurrent measures are required to empower citizens to hold the government accountable and ensure meaningful public participation in governance.

The components of an effective public accountability and participation framework include: a strong right to information (RTI) regime which empowers citizens to access relevant information; a Prevention of Corruption Act, which comprehensively defines corruption and provides for an independent mechanism for investigation and prosecution in cases of corruption; independent and empowered anti-corruption ombudsman - Lokpal and Lokayuktas; an effective whistleblower protection law; a statutory mechanism which guarantees people the right to timebound redress of grievances in a decentralized manner; a legal framework for pre-legislative consultation that gives citizens the opportunity to meaningfully participate in the process of making laws and policies that affect them; a statutory framework to empower citizens to monitor and undertake social audits of government programs.

While in some cases enactment of appropriate laws is required, in others where relevant laws already exist, specific measures to ensure proper implementation are needed. In the last 5 years, regressive amendments have been made to several anti-corruption legislations like the Lokpal law and the Prevention of Corruption Act. There is an urgent need to roll back these regressive changes and ensure robust implementation.

There have been repeated efforts by the government to undermine institutions of accountability and undermine their autonomy. Legislative changes, where necessary, need to be adopted to ensure that institutions like the CBI and CVC can function independently, without government interference or control.

### **Action points**

- 1.1 Set up the Lokpal in a transparent manner, in keeping with the spirit of the law. Appropriately amend the Lokpal & Lokayuktas Act, 2013 to: modify the composition of the selection committee to provide for the leader of the single largest party in opposition in the Lok Sabha to be a member, in the absence of a recognised leader of opposition; roll back regressive amendments made to the law which diluted provisions related to asset disclosure; provide for setting up of Lokayuktas in states with the same framework as the Lokpal at the centre; vest administrative control of the anti-corruption wing of the CBI in the Lokpal.
- 1.2 Operationalise the Whistle Blowers Protection Act, passed in 2014, by promulgating appropriate rules and ensure that the regressive Whistle Blowers Protection (Amendment) Bill, 2015 is not enacted.
- 1.3 Enact the Grievance Redressal Bill (Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011), which lapsed with the dissolution of the Lok Sabha in 2014, to provide for an accessible, decentralized and responsive system for time-bound redress of citizens' grievances in the states and at the centre, to empower people to realize their rights and entitlements.

- 1.4 Amend the Prevention of Corruption Act to undo the regressive amendments made to the law in 2018 by: removing requirement of prior sanction of government to enquire/investigate into or prosecute cases of corruption; restoring offence of abuse of position by a public servant to benefit any person, irrespective of the element of bribery; providing protection to those who come forward to report bribery; and making it an offence if a public servant obtains a pecuniary advantage for any person where there is no possible/reasonable justification of public interest or for malafide reasons.
- 1.5 Strengthen the Right to Information regime by: ensuring timely and transparent appointments of information commissioners; setting up empowered taskforces in all states and the centre to monitor mandatory proactive disclosures; withdrawing regressive amendments to the RTI Act proposed in 2018.
- 1.6 Enact a law to provide an institutional framework for pre-legislative consultation to ensure transparency and public participation in the process of making laws and policies.
- 1.7 Strengthen independence of institutions of oversight- CBI, CVC, CAG etc. by appropriately amending the relevant laws to: ensure a balanced and independent selection committee; transparency in the short-listing and selection process; and mandatory cooling off period post-retirement, including in some cases debarment from holding any government office.
- 1.8 Enactment of a social audit legislation (along the lines of guidelines approved by CAG) to provide a mechanism for citizen oversight to ensure that programmes meant for the welfare of citizens are implemented in an effective, efficient and judicious manner.

## 2. Judicial Reforms

*An accessible, efficient & accountable judiciary which delivers justice to all*

### **Objectives:**

The judiciary today is not accessible to a majority of the people who cannot afford lawyers. It is virtually dysfunctional as cases take decades to be decided. There are serious concerns about the quality of judgments and corruption in the judiciary. It, therefore, needs comprehensive reforms. To begin with, informal courts envisaged as *Gram Nyayalayas* are needed, which can function without lawyers and where normal disputes of common people can be decided quickly. The procedures of the courts need to be simplified and made much less formal. The number of judges needs to be increased and Alternative Dispute Resolution (ADR) methods, particularly conciliation, need to be used in a more professional manner.

A dedicated professional court management team is required to streamline the process of hearing and disposal of cases more efficiently. The system of selection and appointment of judges needs to be drastically overhauled so that judges are selected in a rational and transparent manner - by first laying down rational criteria and thereafter providing for selection by a full time body which evaluates potential candidates on those criteria. All this needs to be done in a transparent manner. There also needs to be a robust system of accountability of judges. For this, a full time body, independent of the government and the judiciary, is needed, which can examine complaints against judges and order their removal after proper enquiry, wherever required. Methods currently used to compromise the independence of judges, such as post retirement jobs, need to be plugged. The power to give

such jobs should be vested with the appointments commission which should also be a body independent of the government. Also the administration of justice should be made more transparent by putting out all information of the courts on a website and videographing court proceedings and allowing the public to access them.

### **Action Points**

- 2.1 Improve access to justice by operationalising informal *Gram Nyayalayas*, providing para legal staff and increasing the number of courts at all levels.
- 2.2 Improving the quality and independence of judicial appointments by setting up judicial appointment commissions to select judges at all levels in a rational and transparent manner.
- 2.3 Ensuring proper accountability of judges by setting up independent judicial complaints commissions empowered to receive and investigate complaints against judges and recommend action against them.
- 2.4 Increasing transparency in the functioning of the judiciary by proactively putting out all information regarding cases in the public domain and videographing court proceedings.
- 2.5 Improving independence of judges by removing all government influence in appointments of retired judges to Commissions/Tribunals, etc.
- 2.6 Improving court and roster management by having a professional court management team to rationalise and streamline listing of cases for better distribution of cases among benches, towards a more efficient disposal without inordinate waste of time of litigants, judges and lawyers.

2.7 Ensuring adequate representation and diversity in the judiciary at all levels by ensuring fixed representation for women in the lower judiciary and progressively applying such standards to the appointments made in the higher judiciary vis-a-vis women, SC/ST and other minority communities.

### 3. Electoral Reforms

*Paise se satta, satta se paisa, Ki jagah, Janta se satta, janta ko satta*

#### **Objectives:**

A system of free and fair elections, in a minimum sense of the term, has been a noteworthy achievement of Indian democracy. Yet, the mechanism of political representation does not encourage or provide meaningful and substantive choices to the citizens. Asymmetry of information and money ensures that there is no level playing field for political competition. Wide-ranging electoral reforms, along with reform of political institutions, are needed.

Unfortunately, of late there has been a move in the opposite direction. Instead of reforms that address these foundational issues, the country has witnessed trivial 'reforms' that distract from the increasing opaqueness and consolidation of the role of big money in electoral politics. Trust in voting and counting procedures and electoral authorities has faced serious erosion.

Two kinds of electoral reforms are, therefore, required:

- **Recovery and reconstruction:** Reversing some of the damages to the electoral system, especially in the arena of electoral funding, use of EVMs and the autonomy of Election Commission as an institution.
- **Forward looking reforms:** Expanding the range of choices available to voters, by fine-tuning the existing method of electing representatives, fair representation of women, ensuring fair and equal access to information and resources and strengthening mechanisms for free and fair conduct of elections.

## **Action Points**

- 3.1 Reverse the recent regressive changes to laws on electoral funding that allow foreign funds, unlimited donations by corporates and anonymous funding mechanisms like Electoral Bonds.
- 3.2 Bring a comprehensive law for election financing reforms that prescribes electoral expenditure limit for political parties, restrictions on use of cash, stronger disclosure requirements, compliance of disclosure requirements and penalties for non- adherence.
- 3.3 Strengthen political transparency by declaring recognised parties as Public Authorities under RTI Act, mandating declaration of sources of income by candidates, provision for verifying the declarations in the affidavits and making expense statements of candidates public.
- 3.4 Amend the Rules regarding the use of EVMs to provide for compulsory use of VVPAT-enabled EVMs and verifying count of VVPAT slips against EVMs before declaration of results.
- 3.5 Amend the Constitution to provide for appointment of Election Commissioners by a multi-member constitutional committee, ban post-retirement posts for commissioners and provide the EC with the power to frame rules.
- 3.6 Provide for public funding of election by setting up a National Election Fund for electoral and other legitimate political expenses of each party or candidate on reimbursement basis.
- 3.7 Amend election laws to provide: mandatory and free air time to all political parties; equitable access to information and media space during elections; and regulations to check paid news, conflict of interest, political ownership of media, and misuse of public money.

- 3.8 Amend the Constitution to provide for at least one-third representation of women in parliament and state assemblies.
- 3.9 Enact a law to regulate the internal functioning of political parties to provide for transparency and internal democracy.

## 4. Reforming anti-democratic legislations & police reforms

*Fair and humane laws and their just implementation*

### **Objectives:**

There are a number of antiquated and draconian laws governing national security. The Unlawful Activities Prevention Act (UAPA) with loose and elastic definitions of unlawful activities and virtually no provision for bail, The Armed Forces Special Powers Act (AFSPA) which gives impunity to armed forces for even ghastly crimes of rape and murder, the National Security Act (NSA) which allows arbitrary preventive detention, and various similar state laws have been widely abused to throttle liberty, incarcerate political activists and opponents and provide impunity to armed forces. These clearly have no place in a country governed by the rule of law and must be repealed. The law of sedition and criminal defamation continue to be misused and must be repealed. India stands out as one of the last democratic countries which has not yet ratified the International Convention Against Torture, the Refugee Convention and the Rome Statute of the ICC. These need to be ratified.

The implementation of criminal law by a police controlled by the executive has led to widespread misuse by the government in power. This was sought to be remedied by the Supreme Court in the Police Reforms judgement, but unfortunately remains unimplemented. The Parliament and States must pass Police Acts in accordance with that judgement and also provide for a 33% reservation for women in the police force.

## **Action points**

- 4.1 Section 124A of the Indian Penal Code (IPC)- Sedition- should be repealed as it does not meet the test of Article 19(2) of the Constitution and violates India's obligations under international law. The offence contained in the read-down section according to the Kedar Nath judgment, is covered by other offences in the IPC.
- 4.2 The Unlawful Activities Prevention Act, 1967 (UAPA) should be repealed because it permits prolonged pre-trial detention, uses sweeping definitions of 'acts of terrorism' and 'membership' of 'unlawful' organizations, and does not comply with international legal obligations. This legislation has normalised a state of emergency and routinized it as part of the legal landscape.
- 4.3 The Armed Forces (Special Powers) Act, 1958 (AFSPA) and the Armed Forces (J&K) Special Powers Act, 1990 (J&K AFSPA) need to be amended to provide for the removal of immunity for sexual violence, torture and enforced disappearances and to provide that the sanction for prosecution is reviewed by an independent commission instead of the central government.
- 4.4 The National Security Act (NSA), which is used to detain individuals on vague grounds, ignoring regular criminal justice safeguards, should be repealed. Sections 107 and 151 of the Code of Criminal Procedure already provide for administrative detention thus eliminating the need for a specific statute for administrative detention. The Supreme Court of India has described the system of administrative detention as "lawless".

- 4.5 The Foreign Contribution Regulation Act, 2010 (FCRA) should be critically reviewed because its broad terminology has made it possible for the union government to use it as a tool to silence organisations critical of it. Further, the implementation of the FCRA must vest with an independent agency and not the government.
- 4.6 Section 499 of the Indian Penal Code that makes defamation a criminal offence should be repealed. Criminalising defamation has created a structure of censorship, which has a chilling effect on freedom of expression. Imprisonment for criminal defamation is a violation of international human rights norms.
- 4.7 Various state-levels laws, which give sweeping powers to law enforcement agencies and which do not meet the requirements of legality under international law and human right covenants, need to be repealed. These include: Jammu and Kashmir Public Safety Act, 1978 (J&K PSA), Maharashtra Control of Organized Crimes Act, 1999 (MCOCA), Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug-offenders, Forest-offenders, Goondas, Immoral Traffic Offenders, Sand-offenders, Sexual Offenders, Slum-grabbers and Video Pirates Act, 1982 (TN Goondas Act), Chhattisgarh Special Public Security Act, 2005 (CPSA).
- 4.8 The centre and each state must pass appropriate legislations on police reforms that are fully compliant with the seven directions of the Prakash Singh case without dilution/omission. The Model Police Bill 2006, which seeks to modulate the relationship between the police and the political executive, can be a starting point.
- 4.9 India must ratify the International Convention Against Torture without delay, and enact and immediately

operationalise a strong anti-torture law which is compliant with the convention.

- 4.10 India must become a party to, and ratify, the United Nations Refugee Convention and the Rome Statute of the International Criminal Court.
- 4.11 Implement existing policy of 33% gender representation in the police force, through appropriate changes to recruitment rules.

## 5. Media Reforms

### *Protecting free speech & free media*

#### **Objectives:**

Certain draconian legislations such as sedition, blasphemy and censorship laws are often invoked by state agencies in a bid to curb media freedom and free speech. Further, in the last two to three years, there has been an increasing use of strategic lawsuit against public participation (SLAPP) by corporates to intimidate and silence media initiatives, especially investigative journalism, by burdening them with the cost of protracted legal battles and threat of huge payouts.

There is no institutional framework for accountability of the media and licensing powers vest exclusively with the government, thereby allowing it to wield influence over the media. The public broadcaster is also under the control of the government, thereby thwarting any meaningful, independent reportage.

In areas of civil unrest, it has become the norm for governments to arbitrarily shut down communication including the internet and WhatsApp, with no checks and balances in place.

Specific legislative amendments are, therefore, required to address these issues.

#### **Action points:**

- 5.1 Repeal or appropriately amend all laws and rules which put arbitrary curbs on free speech including, criminal defamation, sedition, blasphemy, criminal contempt of legislature and judiciary (other than issues that hinder

administration of justice), and curbs on broadcast of news on radio.

- 5.2 Remove all forms of pre-censorship and certification for films, theatres, performances etc.
- 5.3 Set up mechanisms (by bringing appropriate legislation or executive orders) to safeguard against arbitrary internet shut downs and provide for appropriate checks and balances to regulate the government's authority.
- 5.4 Introduce, through open discussions and pre-legislative deliberations, a Media Freedom Bill along the lines of the First Amendment in the US which guarantees freedom of expression and automatically removes any arbitrary laws.
- 5.5 Set up an independent, statutory licensing and regulatory authority, free from government control (for media policy matters i.e. distribution, cross media restrictions, etc.).
- 5.6 Set up an independent, statutory complaints authority to address issues of fake news, paid news, distribution of government advertisements and set up an appropriate mechanism to make news media accountable to Indian jurisdiction across platforms.
- 5.7 Ensure independence of public service broadcasters in terms of functions, functionaries and funds by appropriately amending the Prasar Bharti Act and the laws/rules governing Rajya Sabha TV, Lok Sabha TV and other public-funded media outlets.

## 6. Employment, Food & Social Security

*Universal basic services for all*

### **Objectives:**

Human rights must be the starting point in approach to economic policies. This leads to the need to link employment guarantee with universal public provision of good quality social services. The demand, therefore, is for **Universal Basic Services** combined with basic income guarantees in the form of employment guarantee, pensions etc. Existing social services must not be dismantled in lieu of cash transfers. This needs to be combined with responsibility of government as employer of last resort and social protection for specific categories.

All strategies must be evaluated in terms of environmental costs and benefits, with a strong focus on pollution reduction and strategies to mitigate climate change. It is necessary to link employment generation strategies to the restoration and creation of ecological commons in urban and rural areas.

### **Action points:**

- 6.1 Expand the employment guarantee programme to provide 150 days of work to all adults in rural and urban areas, at minimum daily wage (by category according to state).
- 6.2 Include training in the employment programme and introduce a skilled category and creation of a "skill ladder" with mobility for workers.
- 6.3 Expansion of public education at all levels, with emphasis on inclusion and affordability along with quality.
- 6.4 All vacancies must be filled in education, health and other essential public services and all workers in essential services

(health, education etc.) must be treated as regular public employees (including those currently classified as volunteers, such as anganwadi workers and helpers and ASHAs).

- 6.5 Put in place effective mechanisms to empower local communities and stakeholders to ensure accountability of public service providers, including through social audits, education and health committees etc. with power to take action in case of dereliction of duty.
- 6.6 Universalise the Public Distribution System (PDS) in rural areas and add pulses and oil to the PDS basket, at least for Antyodaya households. Promote traditional staples (nutria-cereals) including through decentralized procurement. Abolish mandatory biometric authentication and allow other proofs of identity for accessing rights and entitlements.
- 6.7 Maternity entitlements must be provided by the state, for all those who are not covered by employers. This must amount to minimum wages for 3 months covering period of childbirth. Ensure compliance with National Food Security Act.
- 6.8 Universal pensions at half the minimum wage.
- 6.9 Encourage investment in essential infrastructure that improves the lives of people and improves quality and affordability of the provision of basic amenities (energy, water supply, etc.).
- 6.10 Reorient fiscal policy towards employment (rather than credit ratings based on faulty economic understanding). Instead of making fiscal deficit a central concern, fiscal policy should allow for increased spending that can create jobs by investing in the creation of public goods such as education, health and the environment.

- 6.11 Active fiscal strategy for raising resources: 20% Inheritance tax, wealth tax in rising slabs for wealth above Rs. 10 crore, corporate social tax linked to turnover, not profits; green taxes to encourage less carbon emissions, pollution tax, etc.
- 6.12 Revive viability of banking and improve access to institutional credit especially for micro, small and medium enterprises. This will require recapitalization of banks and special focus to provide credit to underserved groups. There is a need to publish list of large corporate and individual wilful defaulters, recover their assets and take appropriate action against them.
- 6.13 Revive federalism, involve state governments in major economic decisions of national significance, restore decision-making powers of states and allow greater fiscal flexibility for revenue raising by states.

## 7. Health Reforms

### *Towards Universal Health Care in India*

#### **Objectives:**

Quality health care for all Indians calls for creating social conditions that are conducive to good health across the life cycle, as well as universal access to quality assured health services. Vulnerable sections of the population, such as, the poor, tribal and socially disadvantaged groups need special attention in a program of universal health care. A fundamental framework to providing universal health care must be founded on the principle of right to health, a principle that is aligned to other rights based approaches that are vital to democratic societies.

Almost two-thirds of all health spending in the country is out-of-pocket. It is estimated that expenditure incurred on health has resulted in 7% of the population falling into poverty. A large proportion of catastrophic health expenditure falls on the poor and is spent on outpatient care and medicines.

In this context, there is a need to establish a people-centric system of universal health care which is based on the strong foundations of primary health care and positions a strong public health service as the main vehicle of service delivery.

The thrust must be on public provisioning for health services and infrastructure, rather than the current trend of introduction of insurance based models where the government pays for the premiums while health care provisioning is left to the private sector, with the investments in public provision declining over time. There are a number of problems with the insurance based model - health care continues to be inaccessible in remote areas, outpatient care is not included (where most spending takes

places), public systems are weakened, there is the danger of supplier-induced demand (especially with the private sector involved), and healthcare becomes more expensive. Further, when these benefits are targeted, inclusion and exclusion errors arise.

### **Actions points**

- 7.1 Accelerate government expenditure on health care gradually over a period of five years to a minimum of 3% of GDP, with three-fourths of additional increase to be set aside by the central government. These additional resources must be allocated to strengthen government health systems at all levels, with primacy being accorded to primary, preventive and promotive care. At least 65-70% of additional resources must be devoted to primary health care, by improving health infrastructure, providing the necessary health workforce, medical supplies and strengthening the governance framework.
- 7.2 A transparent and accountable system of pooled procurement of generic medicines and supplies needs to be established in every state and at the centre, alongwith doubling of public spending on medicines and supplies over and above the current expenditure to the tune of Rs. 15,000 crore annually.
- 7.3 Regulation of private health system is extremely urgent given its uneven growth. Strengthening the Clinical Establishment Act and enforcing it assumes supremacy with certain tasks to be taken up on a priority basis such as, listing of prices for medical procedures, regular sharing of epidemiological data with public health authorities, etc.

- 7.4 Communities, local governments and civil society organisations must play a critical role in facilitating convergence of programs and schemes across sectors, with social audit as the centrepiece. Health councils and health assemblies must be set up at all levels of government.
- 7.5 A public health cadre should be the focal point in delivering primary care while secondary and tertiary curative care should be tasked with medical specialists. The current practice of recruiting temporary/contract staff/workers must be eschewed - a regular supply of medical and non-medical staff is required for strengthening government health system.
- 7.6 Trained nurses, allied health professionals, health workers must play a central role in delivering primary care. Two ASHAs replacing the current level of one ASHA should be central to this strategy while at the same time they will need to be paid salaries and other compensations at par with other government staff.
- 7.7 Regulation of medical colleges to curb commercialisation by abolition of capitation fees, reducing tuition fees and bringing in standards in private education.

## 8. Education

*Shiksha ka Adhikar – Nyay ka Adhikar*

### **Objectives:**

The passage of the Right to Education Act in 2009 was followed by a loss of focus and momentum in public policy on education. While the demand for education rose, public provisioning of education has receded. Education is being privatized and left to low-grade profiteers. The last five years were characterized by a steady hand-over to market forces on one hand, and the state's active role in eroding the academic autonomy of institutions of higher learning on the other. Systemic recovery from the damage done in recent times calls for a new policy perspective and strategy.

- In school education, the priority should be restoring the momentum of progress in the implementation of the Right to Education (RTE), while resurrecting early childhood education and care as an integral part of the RTE;
- In secondary education, the current disarray must give way to a focus on retention of disadvantaged students, increase in curricular choices and reform of the examination system.
- The number of Industrial Training Institutes need a radical increase, along with significant reform in their curricula and examination systems.
- The higher education system has passed through a multi-dimensional crisis. Financial security of public universities, support for centres of advanced research and restoration of the autonomy and dignity of higher education institutions are urgent priorities.

## **Action points**

- 8.1 Ensure that every school is RTE compliant by 2022. Extend RTE to age 16 and make early childhood education and care an integral part of RTE.
- 8.2 Increase expenditure on education to a minimum of 6% of GDP.
- 8.3 Set up a National Village Education Fund to support state governments to improve the quality of education in rural schools and to set up rural colleges and universities that focus on rural issues.
- 8.4 End shortage of teachers by filling vacancies through regular recruitment of teachers at all levels and overhauling of teacher training programmes as per the recommendations of the J S Verma committee.
- 8.5 Ensure a ten-fold increase in Industrial Training Institutes (ITIs) over the next five years.
- 8.6 Undertake a national campaign to sustain universal functional literacy and numeracy.
- 8.7 Allocate an additional 1% of GDP for public universities with a special programme to revive and support state universities and affiliated colleges and ten-fold increase in the number of fellowships for students from poor families and marginal social communities.
- 8.8 Restoring and strengthening autonomy for higher educational institutions, including freedom for dissent, internal self-governance and non-bureaucratic regulation of professional institutions.

- 8.9 Upgrade Kasturba Gandhi Balika Vidyalayas and provide residential facilities for under privileged students upto the college level.
- 8.10 Set up a National Education Commission to formulate a new national policy and programmes for action.

## 9. Agriculture

*Ghata Mukh Kheti, Karz Mukh Kisan, Zahar Mukh Bhojan, Atmahatya Mukh Bharat*

### **Objectives:**

The four overarching objectives of agricultural policy in our context are:

- Food security and sovereignty: self-reliance in essential foodgrains and seeds;
- Economic viability: farming should provide dignified livelihood to farmers and their families;
- Social Equity: addressing the needs and concerns of the most vulnerable and excluded farmers including small, tenant, landless, women, dalit and adivasi farmers; and
- Ecological sustainability: safe food with preservation of soil, water and seed.

Indian farmers have gone through one of the worst periods since independence in the last five years. The combined effect of natural disasters (two nation-wide droughts and other calamities in the backdrop of climate change), collapse in domestic and international prices of agricultural produce and a series of anti-farmer policy decisions (demonetization, curbs on cattle trade and trader friendly import-export policy) have led to widespread rural distress. Instead of addressing the crisis, this government has sold pipe dreams like 'doubling of farmers income' and offered last minute token income support.

Indian farmers desperately need and deserve a new deal at this point in history and for the next five years, this must be a key national priority. This effort has to begin with the central

government, supplemented by state governments, society and farmers themselves. It cannot be limited merely to a loan waiver or a token cash transfer. It must address all the four objectives mentioned above. In particular, income security for all farm households has to be the cornerstone of any strategy for agrarian reforms. All the components of agricultural policy (price, credit, marketing, trade, technology, extension and disaster relief) should be oriented in such a way that a farm household (including landed, tenant, landless cultivator, forest produce gatherer, cattle rearer, fish-worker, etc. as per the National Farmers Policy 2007) can earn at least as much as minimum wages for agricultural worker for two persons (currently around Rs. 18,000 per month).

### **Action points**

- 9.1 Statutory assurance of remunerative prices (at least 50% on C2 Cost of Cultivation) for all farm produce through expanded and decentralised procurement, deficit payment and market intervention as per '*The Farmers' Right to Guaranteed Remunerative Minimum Support Prices for Agricultural Commodities Bill, 2018*' endorsed by the AIKSCC.
- 9.2 One-time comprehensive loan-waiver, along with a National Debt Relief Commission and timely and effective relief from disaster related distress as per '*The Farmers' Freedom from Indebtedness Bill, 2018*' endorsed by the AIKSCC.
- 9.3 Promote ecological agriculture on a large scale, to bring down cost of production, to conserve and regenerate productive resources like land, water, forests and agro-diversity and to increase food safety and nutrition security. Reorient research and extension accordingly.

- 9.4 Stop forcible land acquisition and ensure full implementation of Land Acquisition (RTFCLARR) Act 2013 in all states.
- 9.5 Remove the control of trade lobby and anti-farmer bias of agricultural produce trade policy and remove agriculture related deals from Free Trade Agreements like RCEP.
- 9.6 Support cooperative form of organizing agriculture (from input and credit procurement to farming, processing and marketing of output) by way of farmers' collectives, Farmer Producer Organisations and farmers' direct marketing efforts.
- 9.7 Reduce the cost of inputs, especially green inputs, for farmers either by regulating industry price or offering subsidy directly to farmers or allowing special works to augment agricultural infrastructure under MNREGS.
- 9.8 Address the menace of stray animals by removing all legal and vigilante-imposed restrictions on cattle trade, compensating farmers for destruction of crops by wild and stray animals and supporting animal shelters.
- 9.9 Provide 'Kisan Cards' to all farmers in the country including tenant farmers, sharecroppers, women farmers, adivasi farmers, landless cultivators and livestock-rearers that entitles them to agricultural credit from banks, crop insurance, disaster compensation, and all government schemes.
- 9.10 Ensure implementation of land ceiling laws, transfer of surplus land and other available land to landless poor and Dalits, provide land rights and pattas to women and mutation of land in the name of women successors.

## 10. Inclusion of, and justice for, vulnerable populations

*Antim insaan ke saath, barabari ke liye*

### **Objectives:**

As the core values of the Constitution and the very idea of India as an egalitarian, pluralistic and inclusive society faces the greatest threat ever, the brunt is borne by the most vulnerable sections of our society. Aggressive majoritarianism and legitimised hate propaganda have created a formidable climate of fear and violence, with mounting discrimination and exclusions of vulnerable populations. Market fundamentalism, an exclusive focus on economic growth, elite capture and crony capitalism have resulted in burgeoning inequalities which especially burden those impoverished populations who are further disadvantaged by gender, caste, tribe, ethnicity, disability and religious identity.

Systemic and structural changes are necessary to address the challenges faced by these groups. At the same time, for each of these excluded populations, it is necessary to secure greater inclusion by strengthening protective and affirmative action. A variety of carefully crafted policy measures to address each of these groups, need to be adopted.

### **Action points:**

10.1 Enact a comprehensive Anti-Discrimination law and constitute an Equal Opportunity Commission to oversee implementation of such a law, which covers all vulnerable groups.

- 10.2 Prevent rising hate crimes against religious minorities and disadvantaged castes by creating criminal culpability of public officials with command responsibility, who fail to prevent hate violence (on the lines of the recent Manipur law on lynching, the first in the country). Secure speedy justice by instituting fast-track courts. Provide significant relief and reparation for lynching and hate crimes.
- 10.3 Enact a law to reverse the burden of proof for NRC in Assam to the state authorities who claim that the person is a foreigner, instead of the current practice of placing the burden of proof on the alleged undocumented migrant to prove citizenship based on documents to establish their pre-1971 roots.
- 10.4 Establish an independent commission for looking into systemic injustice meted out to innocent Muslims incarcerated for long years under terror laws, and other such injustices.
- 10.5 Extend scholarships, on par with SC/ST, for Muslim girls to encourage higher enrolment and retention in school and adopt a policy of ensuring diversity in institutions of higher education.
- 10.6 Provide statutory backing for Tribal Sub-Plan and Special Component Plan. Introduce gender budgeting, minority development plans and disability plans – by restoring the planning process and the Planning Commission. In each district plan, ensure an inbuilt norm to have a percentage of funds allocated for minority locations in terms of roads, water supply, sewage, schools and medical facilities.
- 10.7 National mission to end manual scavenging and sewer workers death and full implementation of the Prohibition of

Employment as Manual Scavengers and their Rehabilitation Act, 2013. Ensure requisite changes in technology and law to ensure dignity and safety of sanitation workers.

- 10.8 Establish an independent commission with appropriate powers to monitor and ensure proper implementation of the SC & ST (Prevention of Atrocities) Act, 1989, Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and to look into atrocities against Dalit (SC) women. This should be supplemented with SC Commissions in every state, to provide oversight on the state and local governments actions in advancing the development rights of SCs, and also to prevent, investigate and punish atrocities against SCs.
- 10.9 Reversing tribal land alienation through a range of legislative measures including Gram Sabha's participation in the identification, investigation and restoration of lands to tribal people. Improved Implementation of Forest Rights Act in the interests of forest dwelling tribal cultivators. Tribal gatherers should be free to find the best market for their products.
- 10.10 Introduce incentives like special tax benefits for employment of SC, ST and disabled candidates in the private sector.
- 10.11 Appoint a judicial commission to deal with the large-scale criminal targeting of tribal people in Maoist affected areas and to investigate criminal cases filed against tribals and their supporters who have been languishing in jail for years.
- 10.12 Undertake special measures for protection and development of denotified tribes, nomadic and semi-nomadic peoples. – Establish an independent Commission to ensure protection and development of nomadic tribes

and denotified tribes, for developing and implementing a comprehensive package of educational, housing and other facilities.

- 10.13 All government created and allotted housing and house-sites should be done in the name of the woman head of household and must prioritise single woman headed households.
- 10.14 The requirement of giving father's name must be changed to mother's name to prevent stigma against single women and their children, as well as against sex workers.
- 10.15 Put in place effective protective legislation and regulations that protects women workers from sexual harassment in not just the formal, but also the informal sector.
- 10.16 Reworking of the Transgender Persons (Protection of Rights) Bill, 2016. Standard and dignified procedure for legal gender recognition and affirmative action and inclusion of gender/sexual minorities in all social welfare policies.
- 10.17 Clear policy for effective infrastructure and service provision to allow for persons with disabilities (PWDs) including those with psychiatric disabilities, to live a dignified life in the community. All policies and schemes of the government and public institutions must be required to carry out disability audits and ensure accessibility of all public spaces and transport for PWDs, implementation of reservations, childcare for disabled persons and effective ICDS integration of all disabled children.
- 10.18 Households with PWDs should have first claim on all land distribution programs of government surplus lands as well as ceiling surplus lands. Employment guarantees must

provide for inclusion of PWDs. Proper enumeration of PWDs must be undertaken.

10.19 Community Kitchens- Affordable and nutritious cooked food and highly subsidised prices, which would protect the destitute aged and sick, as well as single migrants.

# 11. Environment

*Recognize communities as trustees, custodians and shareholders of their local ecosystems and natural resources to ensure their sustainable and equitable management – across generations and species*

## **Objectives:**

In seven decades of independence, India has become an increasingly resource-endangered nation. The extent and productivities of our natural ecosystems have declined, our biodiversity is depleting, two-thirds of the land is degraded, our water bodies are heavily polluted and air pollution in large parts of the country is unacceptable. The GDP growth-at-any-cost policies pursued by Central and State Governments after 1991 and their global partners have rapaciously expropriated common pool resources - water, forests, land and minerals - concentrating them in a few hands and ruining rural livelihoods, environment, ecology and its governance.

Articles 48A and 51A of the Indian Constitution require the State and the citizens respectively to protect the environment. The States and Union Governments have neither shown the requisite political will nor have they empowered citizens and communities to fulfil their Constitutional duty to protect the environment.

Various factors are responsible for the degradation of India's ecosystems and natural resources despite several laws to protect them. First, the prescribed legal penalties are not deterrent enough. Second, the responsible environmental regulation, conservation and pollution control agencies are not sufficiently independent and professional to be effective. Third, in the name of improving "ease of doing business", successive governments have diluted the laws and weakened the regulators. Finally, we

have adopted an economic growth model that is incompatible with environmental protection.

We seek an alternative development model that: enhances productivity, sustainability, equity; ensures transparent, accountable and decentralised governance; provides equitable access to natural resources while protecting India's ecology and biodiversity, and helps fulfil the needs and aspirations for all Indians. Policies and laws must recognize communities as trustees and managers of their local ecosystems and natural resources. Pollution must be prevented at source, and wherever it exists the polluters must pay for harming the environment and human health. The political executive should enforce the laws rather than merely winking at the statutory violations committed by polluting businesses. Environmental agencies must be restructured to primarily support communities to manage the environment.

**Action Points:**

- 11.1 Establish an independent and empowered Environment Commission, along the lines of the Environmental Protection Authority mandated by the Supreme Court in the Lafarge judgement, to lay down environmental standards and regulations and ensure their compliance.
- 11.2 Legally empower relevant local assemblies like gram sabhas, mohalla sabhas, tribal councils to be part of decision-making, monitoring, enforcement and redressal structures to improve environmental governance.
- 11.3 Enact comprehensive legislation within two years to recognize communities as trustees, custodians and shareholders of their natural resources, and to involve communities in biodiversity conservation by empowering

them to conserve and govern their local ecosystems and natural resources, with legally mandated tenure, rights and responsibilities over them, as in the Forest Rights Act. Restructure the Forest Department and other relevant agencies to service such governance.

- 11.4 Establish appropriate autonomous structures to regenerate and protect groundwater resources and urgently enact a law, based on the draft Dr. G. D. Agrawal helped prepare in 2012, establishing an autonomous agency to conserve and protect the rivers of India.
- 11.5 Significantly increase the number of air quality monitoring stations in highly polluted areas for adequate real-time data generation and strengthen the regulatory agencies to model this data and ensure implementation of appropriate pollution control strategies.
- 11.6 Adopt a national energy policy for phased shift to decentralized and renewable energy over the next fifteen years and nationalize oil and gas.
- 11.7 Enact appropriate legislation to incentivise the manufacture and use of public transport and non-motorised private vehicles and disincentivise the manufacture and use of private cars based on their real economic and ecological costs.