

**A**  
**Background Paper\***  
**on**

***SOME IDEAS ON GOVERNANCE***

\*This Paper was prepared for the Commission by Dr. Abid Hussain.

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**SOME IDEAS ON GOVERNANCE**

1. **Introduction:** The Constitution of India has clearly articulated the social and economic goals and has specified agents for achieving the promised social revelation. Matters concerning formation and working

of the executive agencies (both political and civil) are spelt out. Citizens have been assured that the executive together with other organs of the State (Legislative & Judiciary) would uphold their rights and remove the inequities from which the anti-democratic forces derive their sustenance. Good Governance, it was hoped, would transform the social, political and economic life of the people, within the framework of democracy.

**2. Inadequacies and Failures:** In the beginning the constitutional arrangements relating to governance worked more or less to general satisfaction and provided the law abiding citizens with a fairly safe, and secure life. However, as time passed their inadequacies have become evident and Government has lost its élan as it has failed to live up to the expectations of the Constitution to give real substance to the policies designed to promote social well being even the most modest expectations have remained unfulfilled.

2.1 The present situation is characterised by a pervasive disenchantment with the way things have worked out. It is futile to debate whether it is the institutions provided by the Constitution that have failed or whether the men who work these institutions have failed. Probably both, but while we cannot abolish the men we can only endeavour to improve the environment in which these men function hoping that a more conducive environment would improve behaviour and performance of the men and women who command the strategic heights of governance.

2.2 Failure to ensure the socio-economic goals is now no longer attributable to scarcity of resources but to the failure of Governance. It is the insufficient attention paid to such a transformation that has deepened the fissures between the people and the administration. The failure to regenerate society lay in the basic conceptual weakness that encouraged the untested assumption that people are best served when the ruling classes originate, execute and administer policies, plans and programmes for their welfare from above. This misconceived paternalism has reinforced the tyranny of the Status Quo and has gravely weakened forces of change. The Indian problem, Nehru had recognised, was not to foster stability in the system but to transform it. The 'Law and Order' pre-occupation of the bureaucratic mind led to the entrenchment of the system that the Constitution had promised to transform. This mind-set thwarted the initiatives for legislative to socio-economic well being of all sections of people. Repeated surgery, in the shape of constitutional amendments, had to be resorted to instill even minimal transformative features. Examples include land reforms and steps to deal with the entrenched injustices of the caste system and halting measures for evoking rights to property as transcendental.

2.3 Another fundamental flaw vitiating governance emanated from the lack of conviction that the consent of the people is the basis of democratic government. The over-arching theme, a legacy from the Colonial days, that people remain a passive category subjects rather than citizens remained firmly rooted on official mind. People aroused only at intervals of five years or there about to choose their rulers and to go back again to a life of political passivity. Political mobilisation of masses mostly remained neglected. This produced all manner of infirmities and has given rise to alienation of the people from the political system.

2.4 Rights of the people are inalienable. The words "**we the people**" signify not only the moral and historical insight of founding fathers but they serve to reaffirm they are the source of all constitutional authority and that the test of Good Governance was measure of people's well being. However, the functionaries of the State have failed to realize that they are servants of the people and not their masters. Test of a vibrant democracy is the degree of success in calling its Executive to be accountable to the people.

2.5 The words 'we the people.....' were not empty rhetoric; they were earnestly inscribed to recognise and respect India's political sovereign – the people. The highest rank of a person in a democratic country is to be its citizen. But the new administration class, working under the mesmeric spell of colonial attitudes, was reluctant to consider the people at large as citizens. They continued to treat them as subjects or 'ryots' both owing allegiance to a superior master. This denial robbed them of power and made it possible for the executive to snuff out the significance of the people. It

is the possession of power that gives people control over their destiny and authority over those whom they have chosen to serve them. Ambedkar had cautioned: "By independence we have lost the excuse of blaming the British for any thing going wrong. If hereafter things go wrong, we will have nobody to blame except ourselves".

2.6 Self Government is better than even good Governance. Unless self-government is ensured by clear devolution of power from the centre to the periphery, people are prevented from participation in Governance. They can not eliminate arbitrariness in executive actions which generally tilts the balance in favour of the privileged. Moreover the 'top-down' state of affairs does not legitimise 'self-government' which is of primordial value. 'Top-down' administration stifles public initiative. To make people effective they must consciously enjoy and assert their constitutional entitlements and not be mere supplicants for or objects of administrative largesse. That is the rationale of the 73<sup>rd</sup> and 74<sup>th</sup> amendments to the Constitution. A strong sense of public duty comes from empowerment. People's attitude changes from one of obedience to authority to active participation in governance. It is only when the gap between the executive and the people is narrowed down through decentralisation that democratisation can occur. The whole configuration of governance changes if democratic order is conceived not as a 'once in five year ritual' of changing the guard but as a continuous renewal of democratic life from a knowledgeable and participative citizen body. A citizen as a political and social unit could alone take responsibility for transformation of the state of the society. Adequate constitutional amendments in this regard could alone make it possible for strengthening people's say in governance involving beneficiaries in implementation, introducing flexibility through greater autonomy to States and local bodies, enabling greater involvement of voluntary agencies, introducing better delivery systems through self-help groups and so on. The essence of the matter is that there should be effective participative democracy at all levels; once people become the fountainhead of power, their role in governance becomes meaningful and effective. It encourages an active sense of public duty, replacing emphasis from authority and obedience to active participation. The system can deliver the goods through devolution, decentralization and democratization, thereby narrowing the gap between the base of the polity and its super-structure.

2.7 Institutions and structures do impinge on the working of the fundamental law of the land. There is, however, a substantive problem of the philosophy that underlies such institutions and structures. And that has to do with the role of the State. Immediately after the Second World War, when the decolonised world began its quest for development, the intellectual context favoured a strong, in fact a leading, role for the State in the development process. It was partly a legacy of the Great Depression, but it was also a reflection of the major changes brought about by the October Revolution in 1917. An alternative route to the process of industrialisation, which held the key to the removal of poverty, in which the role of the market in the allocation of resources was believed to be marginal, was the lynchpin of the strategy for development enshrined in our Constitution.

2.8 Some of the shortcomings in the governance outlined above are inherent in the centralized nature of the Indian State which lays down the parameters of the administration. There is an indissoluble link between the two. This was evident when the norms of colonial administration, with their long ancestry, came early to stamp their features on the post-independence dispensation. Colonial administration had created a top-down system of command and obedience in which State and local units of government were treated as subordinate to the Central Government.

**3. Reallocation of Subjects in the 7<sup>th</sup> Schedule:** Reallocation of subjects from the three Lists given in the Seventh Schedule is a prerequisite in this context, to make governance come closer to the people. The Central List of subjects should contract drastically, confining the Centre to subjects of national importance such as defence, National Security, foreign policy, Interstate-rivers, communication, macro-economic, planning, environment, etc. The list of subjects meant for the States and for other layers of government will have to be augmented with the Centre refraining from involvement in matters best addressed at the lower levels.

**4. Rationalisation of size of Governments & Devolution of their functions:** There is no reason why the central government should have large and unwieldy ministries handling subjects like education, health, agriculture, rural development, social welfare, industry, power, etc. when these areas can more conveniently and appropriately be handled at the state, regional or district levels. The centre can at best be a clearing house of ideas and knowledge but for it to be actually involved in shaping policy and in allocation of resources is an over-lapping of jurisdiction. Down sizing of the Government should also follow. Big Governments are not always conducive to efficiency and promptness. People should know where the buck stops.

4.1 Similarly, if the state governments do not delegate authority and resources to units below the state, similar acts of aggregation and aggression occur depriving local bodies of initiative, capacity for innovation and experimentation. The richness and diversity of experience across tens of thousands of communities in locations across the country is sought to be standardised and homogenised by such straitjacketing as is involved in the present arrangements. We need to break away in a decisive manner from this dogma of centralisation which had its counterpart in centralised planning. There must be power in the local governments to 'remould through experimentation, our economic practices and institutions to meet the changing social and economic needs. A single courageous unit of local government may serve as a laboratory and try a novel, social and economic experiments without risk to the rest of the country.

4.2 However we need a few cautionary sign posts. A major achievement since the attainment of independence has been the creation of a common Indian market that approaches in size some of the biggest markets in the world. This is the foundation of political unity. Anything that weakens or threatens to weaken or destroys India's political unity has to be prevented. Therefore no unit of the Union can be empowered to weaken the foundations of the common market. It is because of this predominant consideration that currency belongs pre-eminently to the realm of the Union government. So does the defence of the realm, the hallmark of national sovereignty. Further it should always be kept in view that when the Centre does not hold societies become polarised. Similarly, the fact that some items belong to the union list does not mean that the Union can act in any manner it things fit as long as it is assured of legislative support. The concept of continuous renewal of consent means that, within limits central policies are publicly debated and agreed to. The citizens should have access to information, data, arguments that go into the making of executive or legislative decisions. Only then can citizens feel that they have contributed to the functioning of the polity.

4.3 This has to be considered with devolution of authority, responsibility and resources to appropriate levels. Decentralisation cannot work without the devolution of resources. If the major sources of revenue remain with the centre then the notion of the state autonomy would lack substance. Therefore, along with re-configuration of the three lists of the constitution there has also to be a re-configuration of the sources of revenue. The states should be able to raise resources for the tasks they have to undertake. This would bring into broad relief issues of regional imbalance. However they cannot be swept under the carpet by making the comfortable assumption that the centre can act as a big brother to help the weaklings. The last four decades have amply demonstrated that regional imbalances have grown in spite of these subventions provided by the centre to help the weaker states.

4.4 The principle that responsibility must be accompanied by corresponding resources can be dispensed with only at the cost of perpetuating the beggars mentality. The gap between the rich and the poor states within the country has to be bridged by policies that stimulate growth in the poor states, rather than by handouts which end up in the hands of the undeserving. The existing policy regime has only stimulated competition between the states on the size of the plan. The bigger the size the more successful is the political leadership of the state supposed to be. Performances and outcomes do not matter. Thus U.P. and Bihar can continue to wallow in illiteracy while state leaders go about trumpeting the size of the plan they have secured from the Planning Commission. The states must have the matching resource to do what they ought to but they must also take the responsibility, fiscal, political and administrative, for what has to be done.

4.5 The present policy regime is an elaborate subterfuge for seeking scapegoats. The Constitution has encouraged this charade. The sooner it ends the better it will be. This is the only way to harmonise

the imperatives of all round development with those of reducing, and ultimately eliminating, caste-based inequities. The list of subjects allocated in the 3 lists indicated under Schedule 7 will have to be drastically reallocated to make the States operate on a more federal bases than at present. This is inseparable from an equal insight in financial framework in which generation of fiscal resources acquires greater and balanced autonomy. Consistent with this principle, it would be desirable to provide in the constitution that the additional terms of reference under Article 280(3)(d) in the interests of sound finance should be finalised in consultation with the States, preferably through an endorsement of the National Development Council. Also the time would appear to have come to give to the recommendations of the Finance Commissions the status of a legally binding award. This would enforce accountable and responsible behaviour throughout the spectrum of the institutions of governance.

**5. Human Resource Management and Involvement of Community:** When one talks about resources it does not only mean financial resources, it implies human resources as well. You cannot ask a district councillor to take charge of primary or secondary education at the district level without giving the elected district council control over administrators and teachers who run the school system. If a primary school teacher looks to a distant education director or the education minister or state level elected representative from the area for his promotion or any other improvement in his conditions of service, he is not going to be accountable and responsive to the needs of the local community. This simple example raises the question of the present structure of social and economic services and how it needs to be remodelled or refashioned to bring it in line with the requirements of the age of decentralisation. We have to think in terms of services being owned by the communities which use these services. There is no reason why the district councils cannot recruit, train, manage cadres of school teachers, supervisors, administrators for primary and secondary education, leaving the area of high speciality professionals like curriculum developers to be handled by regional or state level bodies. This would bring local communities in intimate relationship with the education personnel and create appropriate environment for bringing forth responsibility and accountable behaviour from services to the local communities that pay them. It will also ensure that the communities themselves fulfil their obligations towards such personnel and towards the larger objectives of creating and sustaining a healthy and vibrant education system. Similar logic can be employed in regard to other services which are needed at the district levels and it can be extended upwards to the state level.

5.1 What is urgently required at this juncture is a straightforward recognition in the fundamental law, cutting through the verbiage of devolution, that a district is the basic unit of planning for development - social, cultural, economic and human. Along with this it is necessary to provide that creation of new districts has to conform to the criteria of viability. Otherwise the political process already under pressure of the forces of fragmentation would be unable to at least moderate the present trends.

**6. More Powers to Local Elected Bodies:** Functions, finances and functionaries would have to be placed under the direct supervision and command of elected bodies at relevant levels of operations. This would, to a substantial degree, correct the existing distortions and make officials answerable and accountable to the people. This has implications in respect of devolution of political and financial powers from the Centre, too. Devolving as much power as possible to local and regional levels of government increases the ability of the system to foster citizenship and to enhance the citizen's decision-making abilities. Officers at local levels have greater initiative in implementation under the watchful eyes of the people directly effected.

6.1 Dispersal of power through local autonomy maximises opportunities for popular participation and helps change the nature of the relationship between the State and the civil society. Instead of being merely the passive recipients of rights, citizens become active agents. A democratic society cannot function properly if everything in it is left only to the state or even to statutory bodies. Statutory action will be infructuous if it is not underpinned by voluntary action. The driving force for regeneration comes not from the state or its institutions but from social movement. People acquire more characteristics of a ruler than ruled where they set up associations and NGOs to assert their rights and preferences in the domain of public policies. This exercise of political power through civil society originated as different from

statutory (bodies) opens the way for **concomitant democracy**. Civil society consists of open and secular institutions that mediate between the citizen and the state. Thereby state and civil society do not work as antithetical or substitutable but as complementary to each other. Private associations and pressure groups act as a powerful brake on state Institutions and also monitor the conduct of public servants. In the absence of civil societies the state machinery and civil servants becomes the dominant nexus of power. The modern idea of self-government requires emergence of civil society which would make people self-reliant rather than remain dependent on state institutions and subject to their control.

6.2 One of the marked weakness of the present regime has been its failure to effectively play its role in the socializing process. It has failed to use the machinery of the state to create a society of equals founded on the principles of social justice, secularism and eradication of casteism. In this regard, the situation of the Dalits and backward castes points to glaring failure of the state. In spite of several programmes launched by it, the state has failed to energetically lift up the Dalits and members of other lower castes. As the executive has overwhelmingly identified itself with the stratified sections of the privileged few, it remained insensitive to the calamities that befell the weaker sections of the society and reluctantly took steps to repel the most injurious actions perpetrated against them. Large sections of these people remained docile, submissive, passive and tame. Piecemeal changes improved the conditions slightly, but the very spirit of the people by which the Constitution was to be sustained continued to rap.

6.3 Poverty which had its roots in the old system of land holding and wealth accumulation also remained by and large unvanquished by the programmes launched to eradicate it. The executive machinery failed the basic aims of the Constitution to eradicate mass poverty and illiteracy and to improve the standard of health and general well-being. These received scant support from the regime in spite of big promises made to fulfil the scheme of things enshrined in the Constitution. The administrative classes emerging as an elitist class failed to identify themselves with the meek and helpless, nor did they strengthen social movements wedded to social transformation. Relevant provisions of the Constitution in this respect remained mostly neglected by the executive agencies.

6.4 The arrangements of administration (bed-rock of governance) under the Constitution now appeared inadequate to meet the situation. The effectiveness of premier services to play its role in augmenting the socialising process remained limited and foreclosed possibilities of finding just solutions.

**7. Civil Services:** One of the problems that remains to be addressed in the context concerns the All India Services. The structural problem is that these two services (Administrative & Police) were founded on the imperial idea of territorial control. It was at the district level that the Raj really became an operational reality. The territorial integrity of the imperial domain rested on the territorial control over hundreds of districts from over the length and breadth of the country. Therefore services were recruited for the purpose of maintaining political control over the vast territories of the empire – and their counterparts could be found everywhere in the colonised world governed by Britain – but were expected to do sundry other jobs such as tax collection once again the major part being from land, regulating trade and industry and supervising urban centres, but the numbers involved in staff jobs in the central and provincial secretariats were miniscule compared to the presence of the services at the district level.

7.1 This colonial idea was not abandoned when the country became free for reasons which become clear from the constituent assembly debates. Be it as it may, the present situation is that the structure of the All India Services would appear to be incompatible with the development or full fledged democratic representative government at the district level. In plain words it means that law and order has also to be brought within the ambit of the elected district council which should also be in-charge of developmental activity. It may well mean the disappearance of the post of the district collector, an institution traditionally venerated by the advocates of the All India Services. We would need cadres trained to detect, prevent and investigate crimes and to maintain the peace and public order but the need for a generalist officer to maintain public order may be questioned. In fact if the force to combat crime and maintain public order should in a substantive sense be subjected to the control of the elected representatives at the district level. It is only thus that public service at the district level would acquire significance and be the real stepping stone for leadership at higher levels.

7.2 The end of the imperial continuum in the administrative set up may require a different conception of the generalist services. The brightest university graduates who wish to enter I.A.S. (Indian Administrative Service) could then be trained in a variety of subjects having to do with the economic and financial administration of the states and the centre and policy making in higher branches of administration such as security, science and technology, international trade to constitute a truly elite corps of administrators which would be mobile within defined fields but would not perform the present generalist jig of moving from animal husbandry to defence to women welfare which makes a total mockery of any concept of administration in these days of knowledge explosion.

7.3 These are several ways in which the IAS can be improved and rationalised and made to play an important role in transforming governance and attention should be given to them. Above a certain level – above the present Joint Secretary to GOI level – the posts should be manned by persons drawn from different services and sources and even from industry, corporate houses, NGO's and the Posts of Secretaries should not be the near monopoly of IAS officers. We should specialise some of the generalists and generalise some of the specialists through proper career management. Such persons alone should hold the top posts. Career management has to improve greatly and be freed from day to day political manipulation. The system which has come into vogue of a minister choosing his Secretary to Government from among the officers of his own State has to be given up at once. In the early years upto 1970s it was recognised that a Secretary was Secretary to Government and not Secretary to the Minister and case was taken in postings most of the time to ensure that the two did not belong to the same State. Exception was made only on the basis of the individual work of officer for a particular job and not because 'x' minister wanted 'y' officer from some State or community.

7.4 For career management and preparation of lists of persons suitable for senior appointments on an objective basis, international experience is available. The political leadership should be willing to give up its hold.

7.5 The absence of clear cut relationship between the people and the state functionaries is responsible for much which has gone wrong. All this happened because, inadvertently or otherwise, we allowed the colonial legacy of administration to continue to hold sway in the post-independence era as well. For instance, the change of nomenclature from ICS to IAS did not even constitute a cosmetic change. The so-called 'steel frame' of the British Empire became the role model for the fledgling IAS fraternity. The 'guru mantra' of the old guard, viz, the I.C.S., was the maintenance of the status quo and the new guard, viz. the IAS, was only too willing to oblige and follow suit. It is a naïve hope to expect status quoists to initiate or welcome changes for a variety of reasons. First, they have a vested interest in perpetuating their dominant advantageous position along with the privileges flowing from it. Second, being for the most part bureaucrats rather than intellectual leaders, they lack the vision and imagination to devise new and innovative policies, preferring to tread the beaten track and to continue familiar programmes.

7.6 Many other failings of the executive machinery leading to violation of fundamental rights have also become obvious. The obscene and atrocious acts systematically employed by certain sections of the executive devalued and debased the moral authority of the Government. The civil and police services failed to serve the people well. Corruption and illegal ways vitiated the course of justice and fairplay. Hardships, negligence and injustices accumulated, which had adverse political consequences. Perks, fringe benefits, special arrangements and privileges provided exclusively to executive officers and political masters set them apart from the people. What is still more galling is that most of these freebies had no legitimate sanction but were self-appropriated by the high and mighty ruling elites as some sort of a divine right. A massive decline in the prestige of public office occurred in the public eye. Corruption, like cancer, proliferated in the whole body politics. Delivery agencies were rendered ineffective and partial. Credibility of government organizations suffered very badly with the run-away expansion in the bureaucratic apparatus of the State does not serve society but it served itself. Disillusionment with democratic governance became pervasive.

**8. Making the Civil Servants amenable to discipline:** The need for well-orchestrated administrative effort on the part of the Union and State level administration in achieving constitutional goals and national



targets is well recognized. While it cannot be denied that administration have assisted the government of the day in making and implementing the policies. Cases are increasing where they have failed morally and professionally and yet remained immune from imposition of penalties due to complicated procedures provided for taking action against them as per Article 311 of the Constitution (against the erring officers). This has had a bad effect on the overall discipline. The safeguards provided to civil servants could only be justified if they were to exercise exceptional probity in their activities and conduct and were to put public service before self, not otherwise. Though the state functionaries do need safeguards against harassment, malice and witch-hunting by superiors and political masters or even from some self-styled activists, in practice it is carried too far, becoming counter productive. The excessive safeguards have emboldened the civil servants to flout or circumvent rules with impunity and engendered a feeling of irresponsibility. It has also become a principal threat to the doctrine of accountability to the people. Thus it has become extremely difficult to punish the guilty and put the working of the executive on proper rails. (CBI and like agencies have not proved equal to the task either.) Hence the need to modify the existing provisions and procedure and make the civil servants more amenable to discipline without any injustice being done to them. The doctrine of permanency will have to undergo a radical change. Measures weeding out personnel lacking probity or competence and induction of outside talent on contractual basis should also be encouraged.

8.1 There is no doubt that the way the administrative law has operated in the country and the way it has been interpreted by the higher courts has tended to confer an immunity against action to meet out swift punishment to the delinquent officers. But that only points to the need for a thorough reform of the administrative law as well as an overhaul of a judicial system. One cannot take away guarantees of fair and impartial treatment of services and still hope to get competent and devoted performance from public servants. The need is not to discourage good people; the need is to discourage bad people which objective can be served only by efficient and speedy procedures to bring the guilty to the book.

9. **Methods of Evaluation:** Stability of tenure and guarantee against arbitrary punishment are essential if you want to get the best out of public servants. At the same time the present methods of evaluation of performance need drastic reform. At present neither the quantity nor the quality of output of individuals and collective units in myriad organizations of government is properly measured with the result that the good, the bad and the indifferent are all lumped together and mostly chronology determines who goes ahead and who does not. These would also require extensive changes in the civil service regulations. This has to be a continuous process of bringing knowledge of organization into play in relation to our institutional set up.

10. **Lok Pal:** Cases have multiplied, giving rise to questions regarding the impartiality of the civil service. Critics blame them for putting self-interest above public interest and bending too willingly to do extra-legal dictates superiors and political masters instead of performing duties impartially and conscientiously as per law. Sections of people ill-served clamour for relief and for restoration of the rule of law and justice in transactions. Amidst a spate of corruption scandals and financial scams, it is imperative that the long-awaited Lok Pal Bill becomes a law. The other institutional arrangements like 'whistle blowing', etc. should also be put in place to curb corrupt practices.

10.1 A pliable civil service influenced and manipulated by the political executive has severely strained the authority of governance and the executive personnel have lost confidence in their own value of service to the people. They are consumed by a desire to achieve and hold high offices for their own personal gains. People have remained secondary and are treated more as subjects than citizens. It alienated administration from people and contributed to the prevailing malaise of misgovernance and significant demoralization all over. The system seems unable to solve problems that people face. Unsolved problems at times start driving some sections of society to violence, while the powers that be little realize that sporadic violence can lead to major upheavals in society.

11. **Civil Services Board:** Arbitrary and questionable methods of appointments, promotions and transfers of officers by political superiors also led to corrosion of the moral basis of its independence. It has strengthened the temptation in services to collusive practices with politicians to avoid the inconvenience of transfers and to gain advantages by ingratiating themselves to political masters, which

was at the expense of being fair and independent. They would do the politicians' biddings rather than adhere to rules. Lest the situation becomes more vicious, it is necessary that a better arrangement be conceived under the Constitution. The question of appointments, transfers and placements is not to be left to the discretion of the politicians or administrative bosses but be entrusted to independent and autonomous boards constituted (under the Constitution) on the lines of UPSC. Clear and predictable guidelines and revised rules of service may also be worked out.

11.1 The vertical hierarchy as against the horizontal one makes officers less accountable to the people for whom they have been employed to serve and more accountable to their official or political superiors situated away from the people lodged in places far away. This is inherent in the present arrangement where functions, functionaries, and finances are not placed in one place in the hands of those who run and preside over the local affairs, including local government. This requires to be changed.

**12. Transparency in Administration & Right to information:** A major promise of a different style of governance is the citizen's excess to information. The right to information cannot be hedged by so many restrictions as to render it meaningless. The idea is not as it is often supposed by the supporters of the proposal that people at the district level or village level would know what has been allocated for their respective territories and how it is being spent. The concept is much broader and much richer. How much should a country spend on its defence preparedness? What kind of weapons it ought to have and why? If democracy has to have any meaning in the modern context, questions like this kind cannot be reserved exclusively for the experts to discuss and decide. Political education of the citizens has to embrace these and other similar questions that have bearing on the kind of society that we wish to build. It is only if the right to information is legislated and develops from precedent to precedent that rights and responsibilities will begin to go together. Currently we only worry about our rights but do not spare any thought for our responsibilities because we do not either care to know or have no means of knowing what is involved in making one policy choice rather than another. We therefore also do not know what kind of obligations go with different options that we can choose from. It is comparatively easy to mislead people about the consequences of a policy option. If a full knowledge about the implications is vouchsafed only to the chosen few, and the common folk, the unshaven lot, are ignored on the ground of their ignorance and irresponsibility, then the act of detonating a bomb can be represented as a major enhancement of the country's status without altering the existential reality of the weakness within.

12.1 Much of the common man's distress and helplessness could be traced to his lack of access to information and lack of knowledge of decision-making processes. He remains ignorant and unaware of the processes which vitally affect his interest. Government procedures and regulations shrouded in a veil of secrecy do not allow the clients to know how their cases are being handled. They shy away from questioning officers handling their cases because of the latter's snobbish attitude and bow-wow style. Establishment of **right to information** should be promulgated and needs to be given real substance. In this regard, government must assume a major responsibility and mobilize skills to ensure flow of such information to citizens. The traditional insistence on secrecy should be discarded. In fact, we should have in place of an oath of secrecy, an **oath of transparency**. Administration should become transparent and participatory. Right to information can usher in many benefits, such as speedy disposal of cases, minimizing manipulative and dilatory tactics of the babudom, and, last but most importantly, putting a considerable check on graft and corruption.

**13. Accountability:** Social audit of official working would be another way of developing accountability and answerability to the people. Without such an arrangement, neither performance nor delivery systems could be monitored or improved. The social audit by free and independent agencies could also lay the ground to harness resources of men and material to improve human conditions. This would also be a pre-condition to secure the over-riding objective of people's participation in government and a means to evaluate the utility of the services on the touchstone of its performance.

13.1 It may also be worth considering that officials, before starting their career, take an oath of loyalty to the Constitution and swear to abide by the basic principles of good governance (see Annexures I and II). This would give renewed sense of commitment by the executives to the basic tenets of the

Constitution and would prove important both substantially and symbolically. This might also clear their minds marvelously.

13.2 During the course of these fifty years that our Constitution has been in operation, many new avenues of work and responsibility have come up which were not there earlier. Government was responsible for maintenance of general law and order apart from implementing certain governmental programmes of economic development. Government cannot any longer confine itself to these only. The role of government and civil servants has to undergo a striking change. If the new services and new avenues are to be harnessed and put in the service of the people, governance has to recast its responsibility to tap the wells of new avenues based on new technologies and new knowledge by employing expertise and agencies specially engaged to handle them. Indeed many new professional services have since been harnessed. In fact, in relative terms, the importance of general service administration has receded into background and the need for technical professional services are in the forefront of developmental activities. The new services have indeed found the way up. But it is nevertheless imperative that their role, status and importance, vis-à-vis the IAS should be clearly spelt out, reformulated and given a meaningful and dignified status. Other non-IAS, Secretariat Services which have many legitimate grievances should also be upgraded to play their role more effectively. General administration would remain important but its role has to be clearly redefined. Controversies between the new and the old services, and within the services if allowed to develop, would become a formula for disaster.

**14. Specialists and Generalists:** Technocrats and experts have been employed in the past, but they had to play second fiddle to the generalists. But specialization has reached such levels of sophistication that a specialist is no longer going to be satisfied with a subservient position in the dispensation where changes in the field science and technology are taking place at a bewildering speed.

14.1 All this calls for suitable legislative action, provision for which should clearly be laid down in the form of an Act for which a provision exists in article 311 and which has not yet been done (except that an Act related to IAS was promulgated).

14.2 Over the years several Committees were appointed to review the state of administration. Their reports have spelt out measures to correct malpractices. Some of their recommendations, though sharp and sound, have failed to redeem the situation. While all efforts should be made to take full advantage of these reports and implement their recommendations, the malaise is far too deep to be set right by mere technical or administrative reforms. Much more is needed to be done. It is imperative to devolve power from the Centre to the periphery and modify and add some provisions to the existing constitutional arrangements to gear up the working of the executive machinery by making it more accountable to local government.

14.3 The decline in quality of governance has been augmented by the excessive governmentalisation of all public activities. Autonomous public institutions like para-statal, banks, financial institutions, universities and even cooperatives were micro-managed resulting in failure to achieve their declared objectives. Because of micro-management they could not held responsible or accountable. Every organisation had an alibi for failure.

14.4 It should be recognised that a mature democracy is a polyarchy of several institutions and not merely Government at various levels. Government's role is to get the laws enacted, provide for the framework of a category of public institutions and provisions to regulate them and protect the public from fraud. As stated above, an even more important role is to implement the laws fairly and effectively, but not to interfere and micro-manage.

14.5 The decline in governance is no less due to the failure of professional groups (which are privileged sections of the society) to uphold standards. It is the duty of a member of each profession to uphold the dharma of that profession. It is the duty of each professional organization to prescribe and uphold standards and take action against the deviant. That is the whole object of setting up self-regulating organizations like, Institution of Engineers, Chartered Accountants, Medical Council, Council of

Technical Education, Bar Council, etc. But these organisations have been functioning more as lobbies for each profession. Professions are instruments of public service. They and the perceived benefits of their members have become ends in themselves. For example, it has now come to the position in judicial administration that courts are for lawyers and not for the public. Every suggested reform of the judicial system is obstructed by strikes and agitations of lawyers. No low-cost alternative redressal system is allowed to come up. Even simplified systems incorporated in statutes regarding family courts, consumer protection, etc. are subverted and made complicated. Examples can be cited from every other profession.

14.6 The contribution of the judicial arm, with the assistance of lawyers as mentioned above, in the decline of governance has to be recorded. It is not a small contribution. The delays in courts, the frequent adjournments, the lengthy trials and hearings, the insistence on special privileges and perks during service and after retirement, the subordinate corruption etc. are well known. Of course, one has to record that the higher courts have in recognising public interest litigation become the last refuge of the harassed citizen and have done a magnificent job in drawing attention of the executive to its failures. At the same time, in the High Courts, the writ jurisdiction has been used indiscriminately in the opposite direction resulting in protection of tax evaders, delinquent and inefficient civil servants, forest and works contractors and so on. In many cases, the public position has been faulted on technical grounds and the dishonest let off against public interest. The judicial system has to reconcile this paradox.

**15. New Challenges:** The advent of globalisation presents a new series of challenges to the administration. Activated by technological improvements, a new inter-national relationship of our interests across issues and boundaries has come into being. Trade and financial developments have tightened to mesh of economic linkages across boundaries and regardless of preferences. The new state of affairs just cannot be wished away but must be engaged with. We should build up expertise to ensure that the interests of our country and the people are not overwhelmed by the forces of globalization and that our interests are properly served. We must evolve our foreign and domestic policies to control our future and serve our interests better. We cannot mortgage our interests nor can our security be left to the mercy of others. Government cannot abdicate its responsibility to affect international events and conditions to our advantage. Without the capacity to handle this new situation, we would be striking empty postures and would fail to seize the opportunity to develop in the context of globalization. The executive of the State should learn to anticipate global developments and endow our policy with more knowledge-packed inputs to handle them to our advantage. At the same the aim has to be to tap the wellsprings of patriotism and give our people a sense of patriotic duty to harness the energy for economic and social development to spearhead programmes and develop pride and self-confidence. Mass political education and raising of political consciousness become inescapable. This is the task to be performed by political parties. To remain actively involved in new development programmes the people would also need the support of well organized, well prepared, knowledge-oriented personnel and well thought out policies. Think-tanks and organized intellectual groups would have to be promoted through state funding, etc.

**16. Governance and Foreign Policy:** The structural problems of foreign policies would be to constantly aim at making the best possible use of the international order and use it to our advantage. Use of force to impose the will of one country over another has become less potent. A totally different style of foreign policy has to be designed to attain the basic principles laid down in the Constitution. In the country's governance, the duality of foreign and domestic policy in country's governance should end. The two should not be antithetical. A serious effort is implied to combine the two to recast relation and launch a creative initiative to achieve strategic partnerships the world over. Recasting of relations with other countries on the principles of inter-dependence so that domestic interests are furthered through it. Our domestic interests cannot be put off. We must know how to implement our constitutional convictions in this regard. This calls for a thorough change in the form, working and structuring of Foreign Affairs mechanisms including the Ministry. Foreign policy implementation is now more than mere diplomacy.

16.1 There is lost of fuzziness in widespread talk about erosion of moral values, loss of character so and so forth. This kind of debate leads nowhere. There are no constitutional remedies against downright theft, cheating, chicanery, moral and political hypocrisy and deliberate falsehood . We cannot produce

good people out of nothing and out of nowhere. The basic thing is to adopt right policies in all spheres – education most of all, but also economic and security. The government that fails to protect the life and property of citizens and their human rights and dignity can hardly face the challenges of prejudices, habits and failings of peoples morality. These are not matters of high metaphysics. There is a great deal of accumulated wisdom available on the subject. That it has not been used is true. It stands to reason that its non-use must benefit some people. Very often, people who benefit may be found in the garb of rulers. The fundamental political question before the country is how can such people be unmasked and overthrown? Only organised political parties can answer this question. If they do not societies may crumble. History offers many consolations but rarely if ever solace for the politically naïve.

16.2 Good governance proveset on the ability to strike a balance between morality and pragmatism. The educational institutes, think tanks and media should play an important role in this regard.

16.3 Good governance also calls for good leadership. It is imperative that such a leadership should be sensitive to the needs of the people and should have knowledge of the alternatives which would meet their needs and possess the capacity to mobilize public opinion in their favour. Such a leadership would also guide political and civil executives to ensure good governance.

**17. Prime Minister, the Undisputed Leader:** One of the methods for restoring stability and cohesion of functioning to governance in a parliamentary government is to empower the Prime Minister to emerge as an undisputed strong leader in office. One of the ways of doing this (apart from other Parliamentary reforms) is to empower the Prime Minister to dissolve the House when he thinks that the house has exhausted its mandate and an appeal to the country is called for. This will reinforce leadership in maintaining standards of integrity and public morality in the performance of the ministers and members of parliament and reduce the influence of special interests. This is really a matter of stating a political doctrine of high constitutional import and getting it ratified by the Supreme Court.

**18. Comptroller and Auditor General:** As and when the office of the ombudsman, or in local parlance the Lokpal, comes into being, there is legitimate hope that the scope for veniality and gross willful negligence by political and administrative bosses will be appreciably reduced. However, the Lokpal cannot act effectively as a 'lone ranger', his hands will have to be strengthened from all possible sources. One such unfailing source is the periodical mandatory reports of the Comptroller and Auditor General of India (CAG). Hitherto, CAG reports have not often been treated with the seriousness and sincerity they demand. At times they are treated in a somewhat cavalier fashion. Preparation of CAG reports understandably time-consuming and by the time they appear, the officials indicted for financial malpractices or some other grave lapses have retired or gone to pastures new and in the process the domain of accountability and answerability gets a severe jolt. The constitutional office of CAG, therefore, need some more teeth to expeditiously and effectively back individual malefactors and delinquent agencies even if virtually speaking some of them are half lying in their graves. (Read separate chapter on CAG)

18.1 Power not only corrupts but also inebriates. This attribute of power leads the state or its agencies, at times, to use unwarranted or excessive force or to indulge in some other reprehensible activity. Today public opinion of media are alert enough to compel the state to institute a commission of enquiry in the event of some such act of commission by an official agency. However, an enquiry commission lumbers upon with its tortuous sittings and hearings and by the time its findings come out, the passion of the agitated public have almost cooled down if not altogether vanished. Moreover, for lack of full judicial status to an enquiry commission equivalent to that of a judicial court politicians, officials and other concerned persons do not take the summons and proceedings of the commission with appropriate seriousness and deference. And to top it on the findings of the commission are reluctantly acted upon, if not all, especially when the indicted party happens to be politicians or officials in power. An impartial enquiry commission, whenever deem necessary, acts as a healthy check on the arbitrariness and high-handedness of the state and its agencies, provided, of course it completes its findings without avoidable delay and the state is mandatory obligated to act on its findings within a reasonable time-frame. Hopefully, the Constitution can take cognizance of this aspect so that enquiry commissions can

become effective tools for initiating corrective or even punitive measures wherever government or administration exceeds its brief.