

Good Public Governance Critical Issues



Public Governance

- **Difficult to define in precise terms. Basically it means managing public affairs by government and its entities.**
- **Political process with legal framework & well defined procedures & systems to achieve objectives of the State.**
- **In Indian context, objectives are stated in the Preamble of Constitution.**
- **Constitution also lays down a broad framework how the objectives could be achieved.**
- **Three wings of a democratic State – Legislature, Executive & Judiciary.**

Preamble of Indian Constitution

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens: **JUSTICE**, social, economic and political; **LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; and to promote among them all **FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation; **IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.**

Structure of Governance

- **All laws are required to be in conformity with the Constitution.**
- **Democratic country: Rule of law guiding principle; all citizens to be treated alike; no discrimination.**
- **Government: Ministries, departments, statutory bodies and PSUs are State. Detailed rules for disposal of government business.**
- **All have well defined rules & procedures.**
- **To ensure fair play, regulators - Central Election Commission, State Election Commissions, UPSC, SPSCs, CAG, CIC etc.**
- **All of them are required to work impartially and with utmost integrity.**

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Governance & Politics

- **Governance:** policy formulation, execution, resolution of disputes / grievances – administratively or judicially.
- Party in power influences government policy.
- PM / CM & Ministers control administrative machinery through various means: **appointments, promotion, posting, transfer & disciplinary cases.**
- **Executive's Role in appointments to key positions:** Chairmen & Members of PSUs, Statutory bodies, and sometimes judges of High and Supreme Courts.

Checks & Balances

- **Various committees of Parliament & State legislatures, e.g. PAC.**
- **Opposition parties and members through various means – Question & Answers, debates and voting on various bills and proposals of government, no confidence / adjournment / call attention motions.**
- **CAG, CVC & CIC, Lokayukta in 17 States.**
- **Commissions like NHRC, SC & ST Commission, Women Commission, etc.**
- **Regulatory bodies like SEBI, TRAI, CCI etc.**
- **Press and Media**

India's Performance

- **Reasonably good growth rate. India of past & present. Self sufficiency in food production, education, health, infrastructure.**
- **Emerging major economic power.**
- **General improvement in quality of life. Life expectancy at 65 years compared to 57 in 1957 & 61 in 2000.**
- **From license raj to liberalization of economy. Marked performance in industrial production, especially IT & Telecom.**
- **Indians acquiring foreign companies on the increase.**

India's Performance

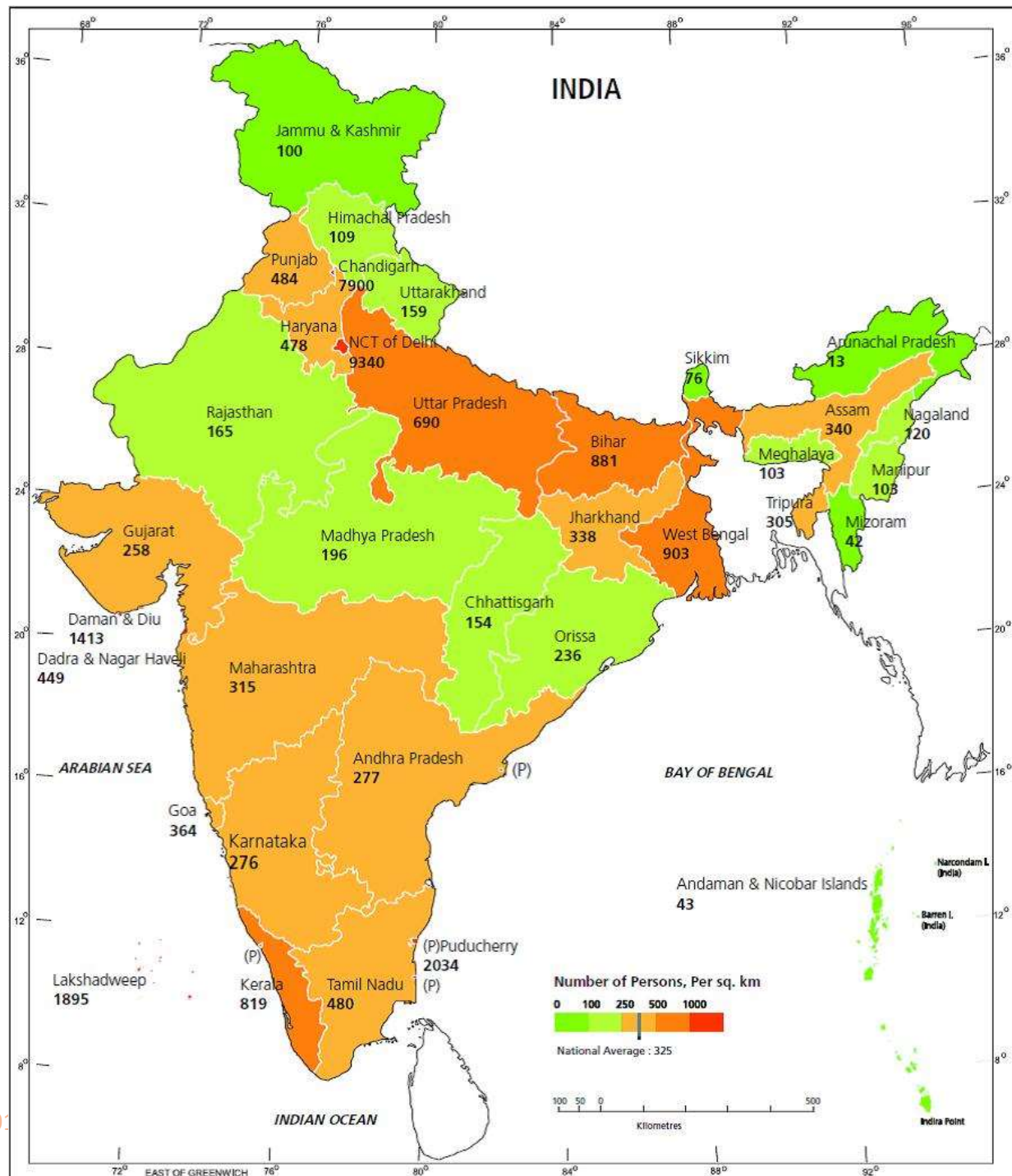
- **Several good institutions of higher learning – e.g. IITs, AIIMS, IIMs.**
- **Initiatives like RTI, RTE, UID etc.**
- **Several appointments, especially through UPSC are transparent and merit based – e.g. civil services.**
- **Vibrant democracy – media, rise of civil society, growing awareness amongst citizens about their rights, judicial activism.**
- **Credible election management system.**

Dimension of Public Governance

Item	2001	2011	Difference	%
States/UTs		35 (28+7)		
Districts		640		
Towns		7,936		
Villages		6.41 lacs		
Population	102.87 cr	121.02 cr	18.15 cr	17.64
Males	53.22 cr	62.37 cr	9.15 cr	17.19
0-6 years	16.39 cr	15.88 cr		-3.11
Females	49.65cr	58.65 cr	9.0 cr	18.12
Literacy Rate	64.83 %	74.04 %		9.2
Males	75.26 %	82.14 %		6.9
Females	53.67 %	65.46 %		11.8

Dimension of Public Governnace

- **33% of Indian population lives in 3 states – UP, Bihar & West Bengal.**
- **53% India's population lives in seven BIMARUO States -Bihar, Jharkhand, MP, Chattisgarh, Rajasthan, UP, Orissa + add West Bengal. They contribute only 31% of India's GDP.**
- **Expenditure on development to Total Expenditure – Kerala 49% & AP 74%.**
- **Unwanted and unproductive populist measures have destroyed economy of the States & GOI. Massive subsidies. Punjab classic example of mismanagement.**
- **Un-even growth. India cannot grow unless poor performing States improve.**



Dimension of Public Governance

- **Regional parties vs national parties.**
- **Corruption a very serious issue. Its dimension is enormous. Coalition, communalism and caste based politics major source of corruption and bad governance.**
- **Terrorism and communalism.**
- **Seven states were badly affected by Naxalism. Fruits of development did not reach the poor. Some improvement.**
- **Terrorism & Naxalites getting support from hostile countries, who want to de-stabilize India economically & politically.**
- **Vibrant democracy and media.**

Dimension of Public Governance

- **Very sorry state of delivery of services & accessibility of officers to public. No deadlines & assurance of time bound delivery.**
- **Intricate rules and instructions. No clarity.**
- **Enormous discretion to employees / Ministers.**
- **Support to employees / officers for obvious reasons. No performance based evaluation.**
- **Politics of recruitment & postings / transfers. Collusion of employees with politicians in making money.**
- **Growing politicization of bureaucracy.**
- **Politicians, bureaucracy & to some extent Judiciary and the public have jointly created the mess.**

Dimension of Public Governance

- RTI is helping, but its impact is vanishing.
- E-governance: several success stories- railway reservation, banks & insurance, passport , income tax, excise & custom, many more etc. but long way to go.
- A few States have enacted law for time bound delivery of services. But the situation has not improved.
- Mindless doles to the public without any return; free electricity to farmers in Punjab, laptops in UP. Subsidy culture killing the States and the country.

Common Man: Public Governance

means getting the following twenty commonly needed services efficiently in a hassle free manner

Ration Card

BPL Card

EPIC

Gas Connection

Copy of Land Records

Water Connection

Birth & Death Certificate

Electricity Connection

Driving License

Telephone Connection

Registration of Vehicles

Passport

Registration of Documents

Municipal Services

Opening of Bank Account

Admission in Schools / Colleges

Registration of FIRs

Speed Disposal of Court Cases

Access to basic health care

Merit based appointments

Some Encouraging Signs

- **BIMARUO States: People have begun to talk and value development.**
- **Political parties coming out with programmes and schemes.**
- **Application of ICT in government and banking sector. More needs to be done.**
- **Politics of development is beginning to take shape.**

Judiciary

Court	Pending Cases	Vacant Posts
Supreme Court	63,843	5
High Courts	44 lacs	319
District Courts	268 lacs	4,382
Total	313 lacs	4,706

- **Long drawn appointment system.**
- **Accountability & integrity of judges are a matter of serious concern.**
- **Legal recourse for common man out of bound; beyond the means of even well do to persons.**

PENDENCY

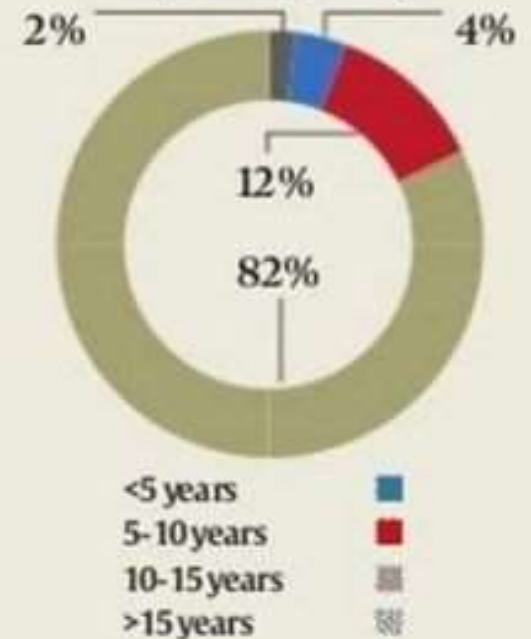
Among the High Courts, pendency in Allahabad longest, Sikkim shortest

These are simple averages — so while they indicate length of delays, at least 50% of total number of cases are pending for longer



A huge majority of cases have been pending for 10-15 years

Break-up of pendency in 5-year brackets helps understand ageing of cases, and can form the basis for prioritising hearings



Public Governance - Corruption

- **Corruption a global phenomena, but the recent events demonstrated how deep rooted it is in our polity. Political parties, ministers, judiciary, bureaucracy, businessmen, journalists involved; degree may vary.**
- **Affects growth rate significantly.**
- **Even trusted institution like Army has scams.**
- **Culture of corruption, non performance and inaction created over a long period of time.**
- **Tolerance to corrupt practices has increased enormously. We are willing tool and partner.**
- **Nexus of politicians, officers, businessmen, influential media persons and at times judiciary.**

Public Governance - Corruption

- Inflation has added to the woes of the public.
- Enormity of the amount involved in scams is mind blowing.
- Public feeling the impact of corruption.
- Corruption, money laundering, narcotics and crime closely related. International alliances and syndicates.
- People does not realize - corruption more dangerous than terrorism. Affects all of us in every way.
- Corrupt persons are the enemy within and can collude with the enemies of India to destabilize

Public Governance - Corruption

- **We had witnessed chaos during early seventies of the last century resulting in Emergency.**
- **Size of India is so big that governance has to undergo sea change. We should move towards decentralization. People can't travel to state and national capitals for their work.**
- **We must move towards - Zero tolerance to corruption and non-performance and launch a war on both.**

Critical Issues & Action Plan

- 1. Present system of dealing with corruption ineffective. Effective Lokpal Acts for the GOI and the States. Present Lokayukta Acts in 17 States are toothless. PCA should also be made effective.**
- 2. Special courts for time bound trial of corrupt decisions. Quantum of punishment should depend on the status of persons involved.**
- 3. Streamlining & simplification of investigation of corruption cases – CBI handles all types of cases. Overburdened and inward looking. Excise, IT, Customs and ED must be made accountable and effective.**

Critical Issues & Action Plan

- 4. Streamlining & simplification of administrative processes.**
- 5. Time bound delivery of all public services.**
- 6. Money in foreign banks-how to get it back.**
- 7. Electoral reforms: role of money, time bound decision on election matters, criminalization of politics, unrealistic limits on expenditure, no consensus amongst the political parties.**
- 8. Time bound decision of election related petitions. Amend relevant Acts.**

Critical Issues & Action Plan

- 9. Time bound appointment of judges at all levels.**
- 10. Government is the largest litigant – it must examine and streamline areas which lead to litigation on a large scale**
- 11. All constitutional and statutory bodies and commissions must be made truly independent.**
- 12. Judicial reforms to streamline legal system.**

Critical Issues & Action Plan

- 13. Overhauling of bureaucracy**
- 14. Politicization of bureaucracy and police - how to stop or minimize is another challenge.**
- 15. Single window and time bound system of clearances for all projects especially related to land, forest and environment.**
- 16. Application of ICT.**
- 17. All land related sectors (forest, mining and real estate) are dump-yard for black money. SEBI type regulatory framework needed for real estate, mining and forest. Start an exchange for sale & purchase of property.**

Critical Issue & Action Plan

Role of the Public & Civil Society

- 1. Don't encourage corruption.**
- 2. Become voter and vote judiciously on merit, and not on the basis of caste, religion. Don't sell your vote.**
- 3. Remember corruption is the worst form of crime and enemy of the self and the country.**
- 4. Educate the public on their rights and obligations and build genuine pressure groups to make the authorities to take corrective measures.**

Good governance is my right and I must have it.

Movement for good governance is second freedom movement.

Whatever law or system may be, what matters is how the people use it. In some countries, conventions are more sacrosanct than the law.

In the ultimate analysis, let us not forget, everyone in democracy matters.

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People get the government they deserve!