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People Power

Governance, Human Rights and Citizen

September 30, 2002, IMG, Thiruvananthapuram
True Swaraj

The real Swaraj will come

not by the acquisition of authority by a few,

but by the acquisition of the capacity by all

to resist authority when abused

- Gandhiji
Human Rights

Negative rights

Life & liberty

- Freedom from oppression
- Freedom from unreasonable restraints
Human Rights

Positive rights

Human dignity

Freedom from

- Child labour
- Drudgery
- Hunger
- Public defecation
Positive Rights

Justice

Local courts
Fair processes
Just compensation for violations
Speedy resolution
Independent crime investigation

State
Individual
Positive Rights

Opportunity for vertical mobility

School education
Health care
Basic sanitation
Water
# Realization of Human Rights

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Realization of Human Rights

Goal

Vertical mobility: Resource allocation

Sensible policies
Effective delivery
Accountability
Empowerment
Local government
Is there a Resource Constraint?

**OECD countries:**
- Taxation and Public Expenditure: 45% of GDP
- Public expenditure on health, education, and social security: 25% of GDP

**India:**
- Taxation: 18% GDP
- Public expenditure: 29% GDP
- Public expenditure on education, health & social security: 6% GDP
Are Resources Properly Deployed?

Daily public expenditure of Union & States: Rs 1800 crores

Requirement to build school infrastructure for all children: Rs 15000 crores

Capital: 8 days public expenditure (onetime)

Recurring: 4 days public expenditure (annually)

Requirement to provide household toilets for the poor: Rs 36000 crores

Capital: 20 days public expenditure
Resources & Utilization

State government in a large state:

Total employees: 900,000
Clerks: 270,000
Attenders
Drivers
Non-service providers 450,000 (50%)

Shortage of teachers: 200,000 (two-teacher schools)

Health: Public expenditure - 1% GDP
Private expenditure - 4.2% GDP

(Highest private share in the world except civil war ravaged countries)
Are Services Reaching the Poor?

- 90% of teachers do not send their children to schools where they teach!
- 60% of Public health expenditure - curative
- 26% only for preventive medicine
- Full immunization coverage : 32%
- Sanitation : 28%
- Ill-health biggest cause of impoverishment and indebtedness
- For preventable and curable disease, poor pay more and suffer more
Whose Rights are Enforced?

- 25 million cases pending in courts
- Simple torts and rights violations have no remedies
- Justice is slow, tortuous, complicated and expensive
- Judge - population ratio low (10 / million)
  (OECD: 110 / million)
- There is a market demand for criminals to provide rough and ready justice
- Usury (60 - 100% annual interest rates) exceedingly common
In a Mature Democracy

- Political process should resolve the crisis
- Parties, elections and public office are the route to reform
- In India a vicious cycle operates
Failure of Political Process

- Parties
  - Autocratic and unaccountable
  - Repel the best
  - A problem, not solution
  - Choice - Tweedledom & Tweedledee

- Elections
  - Change of players
  - No change of rules of game
  - Criminalization
  - Money power
  - Flawed process
    - Electoral rolls (40% errors)
    - Bogus voting (22%)
Campaign Expenditure – Vicious Cycle

- Illegitimate expenses are often 5-10 times the ceiling or more
  (Assembly ceiling: Rs 6 lakhs
   Lok Sabha ceiling: Rs 15 lakhs)

- Every crore spent illegitimately
  Rs 10 crore returns
  (to cover ROR, Interest, personal upkeep, supporters, family’s future, next election costs)

  Rs 100 crore collected through bureaucracy
  (for every legislator, there are 2000 employees who need to collect ‘rent’)

  People suffer ten times more.
  (Payment extorted, on pain of delay, harassment, humiliation, anxiety and greater loss)
Irreducible Role of Government

- Public order
- Rule of law
- Justice
- School education
- Healthcare
- Infrastructure
- Natural resource development
Way Out

- Assert people’s sovereignty
- Fundamental democratic transformation
- People-centered governance
Key Governance Reforms

- Comprehensive electoral reforms
- Empowerment of local governments
- Instruments of accountability
- Speedy and efficient justice
Electoral Reforms

• Process improvements
  – Preventing polling irregularities
  – Arresting and reversing criminalization of politics
  – Checking abuse of unaccountable money power in elections

• System improvements
  – Political party reform
  – Proportional representation
  – Direct election of chief executive at the State level with clear separation of powers
Empowerment of Local Governments

- Transfer of funds, functions and functionaries to local governments

- Link between
  - vote \( \leftrightarrow \) public good
  - taxes \( \leftrightarrow \) services
  - authority \( \leftrightarrow \) accountability
Instruments of Accountability

- Right to Information
- Independent crime investigation
- Independent appointment of constitutional functionaries
- Independent and effective anti-corruption agency
- Term limits for public office
- Strict penalties for abuse of office
- Citizen’s Charters
- Stakeholder empowerment
Judicial Reforms

- Redefine writ jurisdiction
- Increase number of courts
- Local courts in local language (Gram Nyayalayas)
- Time-bound justice
- Independent crime investigation
What Can Civil Society Do?

- When political process fails, the ball is with citizens, the ultimate sovereigns
- Local assertion
- State-level reforms
- National platform for larger reforms
What Can Citizens Do?

- Resist misgovernance
- Check corruption
- Influence public discourse
- Channel resources better
- Enforce better services
- Bring pressure for reforms
Approaches to Citizens’ Action

- Collective, informed assertion
- Wide dissemination of information
- Effective mass communication
- Strategic intervention
Conditions for State-Wide Movement

- A group of credible citizens with excellent track record
- Insights to political and governance process
- A practical agenda which unites all segments
- Professional, full-time, institutional approach
“The punishment suffered by the wise who refuse to take part in the government, is to suffer under the government of bad men.”

Plato