

LOK SATTA

People Power

Governance, Human Rights and Citizen

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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

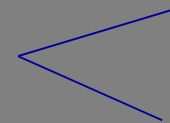
Just compensation for violations

Speedy resolution

Independent crime investigation

State

Individual



Positive Rights

Opportunity for vertical mobility

School education

Health care

Basic sanitation

Water

Realization of Human Rights

Goal

State action

Human dignity

:

Strong policies

Effective laws

Resources

Justice

:

Rule of law

Local courts

Judge - population ratio

Simple procedures

Accent on rights of poor

Accessible process

Realization of Human Rights

Goal

Vertical mobility

:

State action

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 } 180,000

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
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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%)
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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
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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
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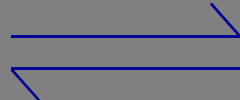
Empowerment of Local Governments

- Transfer of funds, functions and functionaries to local governments

- Link between

vote  public good

taxes  services

authority  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
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Judicial Reforms

- Redefine writ jurisdiction
 - Increase number of courts
 - Local courts in local language (Gram Nyayalayas)
 - Time-bound justice
 - Independent crime investigation
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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