

**LOK SATTA**

*People Power*

**State and Liberty**

**Constitutional Values vs Colonial Instruments**

27<sup>th</sup> – 30<sup>th</sup> January, 2002

Mont Pelerin Society Regional Meeting, Goa

# 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

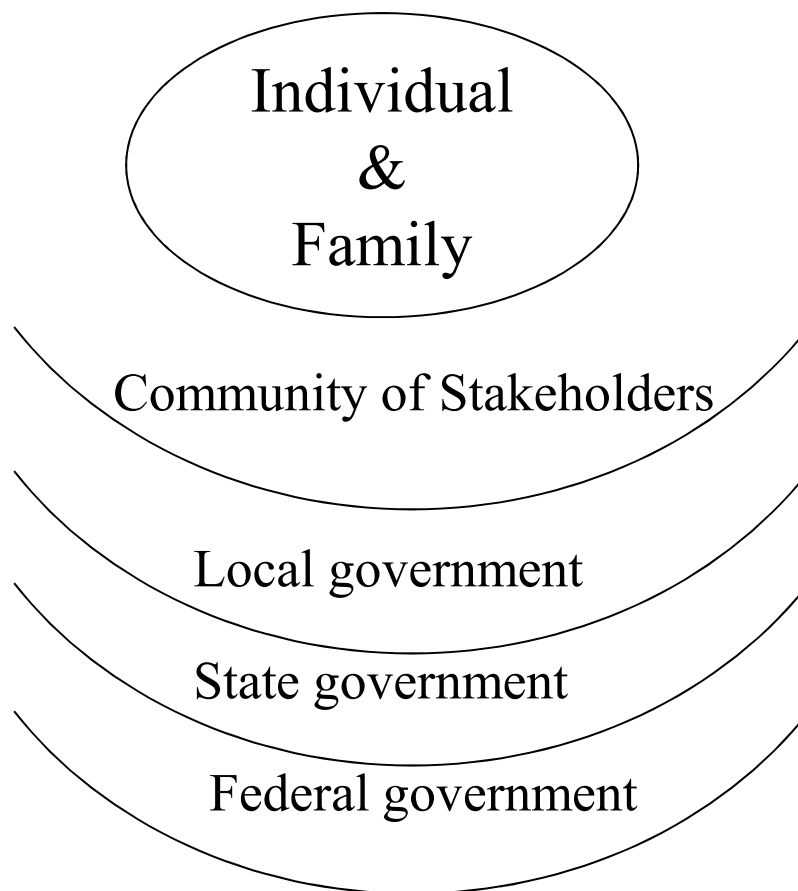
- *Gandhiji*

# State and Liberty

- **Defend Freedom**
  - Laws to regulate conduct
  - Laws to protect liberty (child labor etc.)
  
- **Common Services**
  
- **Facilitate enjoyment of freedom**
  - Public order and peace
  - Education
  - Health care
  - Elimination of drudgery
  - Conditions for economic growth

# State vs Citizen

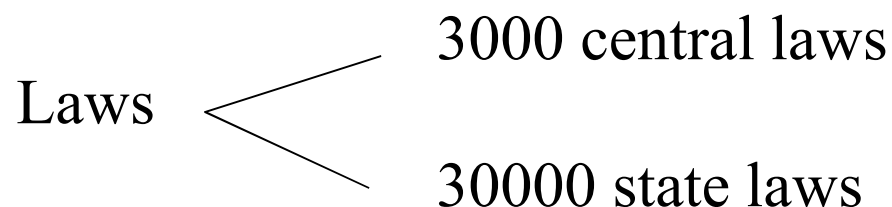
- Strong State → authoritarianism
- Weak State → anarchy
- Citizen-centered enabling state



# Components of Democracy

- Liberty
- Self governance
- Empowerment
- Rule of law
- Self-correcting institutions

## Tools of State Power



Personnel – 20million employees - > 70 % of organized workers

### Public Money

- Rs.1800 crores/day
- only 5 % GDP spent on education, health and social security

# Distortions of State Power

- Positive Power restricted  
Negative power unchecked
- All organs are dysfunctional
- A system of alibis  
Victims of a vicious cycle
- Change of players  
No change in the rules of the game
- Political process ought to be the solution  
But has become the problem itself

# Is Liberalization Enough?

## State's role:

- Rule of law
- Public order
- Education
- Justice
- Health care
- Infrastructure
- Sustainable (Natural Resource Development)

## Unintended consequences

- Corruption shifted to sovereign spheres
- One-time corruption – golden goose effect
- Abdication of state in critical areas



# Key Concerns

- **Electoral Process**
  - Unaccounted money power
  - Criminalization
  - Polling irregularities
  - Autocratic parties
  - Distortions of FPTP system
  - Problem of disguised executive
  
- **Centralization**
- **Failure of Rule of Law (25 million cases pending)**
- **No Accountability**

# Freedom-enhancing Reforms

- **Electoral reforms**
  - Political funding
  - Decriminalization
  - Fair polling
  - Regulation of parties
  - Proportional representation
  - Separation of powers

Contd..

Contd..

## Freedom-enhancing Reforms

### ■ Decentralization

Vote  $\rightleftharpoons$  Public good

Taxes  $\rightleftharpoons$  Services

Authority  $\rightleftharpoons$  Accountability

### ■ Rule of law

- Independent crime investigation
- Speedy justice
- Accessible justice

Contd..

Contd..

## **Freedom-enhancing Reforms**

### **▪ Accountability**

- Right to information
- Citizen's Charters
- Empowerment of stakeholders
- Independent crime investigation
- Independent appointment of constitutional functionaries
- Independent and effective anti-corruption mechanism

# Dangers of Status Quo

- Fiscal collapse
- Anarchy
- Authoritarianism
- Balkanization
- Unfulfilled potential
- Avoidable suffering

# Society's Follies

## Absence of

- Sense of equality
- Trust
- Sense of common fate

# How do we Enlarge Freedoms?

- Citizen-centered governance
- Efficient and focused government
- Accountability
- Participative political culture
- Leadership development
- Conditions conducive to liberty
- Steps to promote human dignity

## Gandhiji's Talisman

“Recall the face of the poorest and the weakest man whom you may have seen and ask yourself if the step you contemplate is going to be of any use to him. Will he gain anything by it? Will it restore him to a control over his own life and destiny? In other words, will it lead to Swaraj for the hungry and spiritually starving millions?

Then you will find your doubts and yourself melting away”

- *Gandhiji*