



# UPDATES

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## LokSatta Blogs

Hear often from us now! We have recently launched weblogs for Lok Satta (<http://loksatta.blogspot.com>), VoteIndia Campaign (<http://voteindiacampaign.blogspot.com>) and Dr. Jayaprakash Narayan (<http://jayaprakashnarayan.blogspot.com>). These blogs would serve as a regular information dissemination tool and enable Lok Satta to communicate faster and effectively with its supporters, partners and prospective volunteers. We hope to hear directly from you through our blogs soon.

## Local Courts Bill



Lok Satta has suggested some modifications to the Local Court Bills prepared by the government. The key changes suggested are:

- Appointment of local courts for every 50,000 people
- Expansion of jurisdiction in criminal cases to some offences which might entail more than one year imprisonment, though the magistrate office is limited to one year (patterned after schedule 1 of CRPC under section 26)
- Draft Bill prepared by government proposes 2 lay judges along with a qualified Nyayadhikari. Lok Satta proposes local courts with nyayadhikaris and without the lay judges because involvement of lay judges will only make the process more cumbersome, dilatory and expensive. Also appointment of lay judges may lead to mistrust, complaints of partisanship, and political interference in justice delivery.
- Pending cases which fall under this category maybe transferred to the respective nyayalayas.

## Briefs from Annual Apex Body Meeting



*Dr. Jayaprakash Narayan interacting with prominent Lok Satta members and volunteers*

The annual apex body meeting of Lok Satta was held on the 13<sup>th</sup> of November at FAPCII Hall, Red Hills, Hyderabad. The meeting reviewed the impacts of the previous one-year's activities and chalked out plans for future events. Past

activities reviewed included awareness programs carried out for Right to Information, Students Day 2004, International Anti-Corruption day 2004, Youth Camp, as well as events related to Municipal elections (Citizens forums, People's manifesto), constitution of a Federation for Empowerment of Local governments (FELG), etc. Future plans include creation of Citizen Help Centres in all municipal towns (near existing Lok Satta units) to act as information desks for passing on RTI related information. Post Municipal Elections, an interaction program is being held for the newly elected councilors on planning the utilization of their available resources to achieve optimum results. Plans to launch a major movement for transformation of political culture were also discussed. A meeting would be held in two months time to finalize a plan of action for such a movement.



*Muneshwar Rao Warangal District president of Lok Satta addressing the attendees.*

## Lok Satta Gujarat conducts Interactive Discussion on RTI

Gujarat Chapter of Lok Satta Movement along with the Ahmedabad Management Association conducted an interactive workshop on the RTI Act 2005, on 29 November, at Ahmedabad. The panel discussion on RTI was attended by Dr. Jayaprakash Narayan, National Co-ordinator, Lok Satta; Hasmukh Adhia, Principal Secretary to Gujarat Chief Minister's office (in charge of admin reform and RTI implementation in the state); and Tanvish Bhatt, Advocate in Gujarat high court, specialising in RTI. Rajiv Vastupal, President of AMA delivered the welcome lecture while F B Virani, Lok Satta Gujarat co-ordinator, delivered the concluding speech.



The three panelists touched upon the varied aspects of RTI implementation.

Hasmukh Adhia, presented the governments perspective and spoke about preparation from the government's side: about how the government is equipping itself, using web for RTI dissemination, appointment of information officer etc. Dr. Jayaprakash Narayan spoke about the background of the RTI Act and how the act required the participation of people to be truly powerful. Tanvish Bhatt highlighted the grey areas of the Act; areas which could give rise to some problems from the legal perspective and on which clarification from government had to be forthcoming. FB Virani spoke about Lok Satta plans in Gujarat and how it would now use the opportunity presented. Lok Satta Gujarat chapter plans to focus primarily on communicating and providing capacity to the common citizens and large number of NGO in Gujarat, to ensure optimum utilization of RTI.

## Dr. Jayaprakash Narayan delivers the first Dr. HM Patel Memorial Lecture

The Charutar Arogya Mandal, a reputed NGO in Gujarat, invited Dr. JP to deliver the first memorial lecture under the auspices of the HM Patel Programme for Academic Excellence, held in honour of its founder chairman, the late Dr. HM Patel. Dr. Jayaprakash Narayan delivered a lecture on Healthcare and Governance to an audience comprising Government, leading medical practitioners, academicians and other prominent citizens. Healthcare continues to be a sector in India where our performance is woefully short of our potential. The lecture focused not on past mistakes but on possibilities to rejuvenate the healthcare system to make reasonable quality care accessible to all Indians at an affordable cost.

## LOK SATTA PAPERS

### Report on the Offence of Scandalising the Court of India: by Daniel Snyder

This report considers whether the current Indian law on offence of scandalising the court is justified, and if not how the law should be amended. This report concludes that the proposed bill does not go far enough. Further amendments need to be made to the substantive and procedural law that governs cases in which a person has been accused of scandalising the court. Having demonstrated the need for reform, the report goes on to make several recommendations, including amending the *Contempt of Court Act, 1971* and the Constitution of India.

## ASER Survey in Andhra Pradesh

Lok Satta is conducting the Annual Study of Education Report, carried out nationally by Pratham, in 22 districts of Andhra Pradesh. 20 villages in each district and 20 houses in each village are being chosen randomly for testing children's skills in the areas of reading, writing and basic mathematics. This survey conducted by 20 volunteers in each village, is to be completed by mid-December 2005. Findings of the study will be published shortly in a newsletter.



# Second Administrative Reform Commission (ARC) visits Hyderabad

The Second ARC spent three days in Hyderabad from 18-20 November interacting with officials at the NPA, Government as well the general public. Following is the summary of their interactions.

## **18 November 2005: Discussion on Collaboration on Reforms in relation to Rule of Law and Public Order, National Police Academy, Hyderabad**

The Second ARC headed by Chairman Shri. Veerappa Moily met with the Director, National Police Academy (NPA) and other NPA personnel. The discussions focused on the current methods of police training, possible areas of improvements, creating an approach to police reform as well as possible collaborations with NPA to finalise a list of police reforms based on a national consultation or workshop.

## **19<sup>th</sup> November 2005: Meeting with Andhra Pradesh Chief Minister and Government officials**

The meeting with the Government focused on pushing for effective and accountable local governments. While local governments in countries such as communist China, military controlled Pakistan, are suitably empowered and effective, the unsuitable notion of a vast nation like India being ruled by a few centres of power was discussed. Talks also focused on implementation of the Right to Information Act (2005), Citizen's charter, as well as establishment of an independent ombudsman with the power to investigate, impose penalties and remove both elected officials and other appointed members.

The meeting with the CM too focused on restructuring of village panchayats to make them viable units with economies of scale. One of the greatest challenges faced by the nation lies in restructuring in order to suit the requirements of growing urbanization, and to meet challenges of infrastructure.

Currently there are 1.5 million habitats in rural India, each with an average population of about 500 people. These are organized into 600,000 revenue villages and around 250,000 panchayats. In Andhra Pradesh itself, there are 55,000 habitats, 29,000 revenue villages and 22,000 village panchayats. These 55,000 habitats are scattered far and wide, making it virtually impossible to provide meaningful public service infrastructure or urban amenities to the

people. Many major states of India have been addressing this problem in recent years by clustering several villages and constituting bigger village panchayats.

## **20<sup>th</sup> November 2005: Public Hearing, Jubilee Hall**

The Public Hearing received 63 specific suggestions/recommendations pertaining to the ARC's subjects, 22 Broad recommendations/suggestions (but related to ARC's subjects), and 67 Unrelated/Extraneous/ Personal issues, etc.

The outcomes of the hearing were as follows:

- (a) There was a huge response from public-spirited citizens
- (b) While a majority of people expressed only their angst and desire for change, a significant minority did come up with very concrete, insightful and practical suggestions for reform
- (c) Because such a participative or deliberative culture is not fostered in our democracy, the discussions sometimes tended to be in-disciplined and even chaotic.
- (d) Also because people rarely have a chance to express themselves on issues of governance, there was a lot of unrest and anger about corruption, mis-governance and perceived injustices suffered at the hands of a callous administration.

Below is a sampling of suggestions received:

### **Administrative reforms:**

Instant compound penalty to be levied on persons who are caught corrupt.

### **Police reforms:**

Greater financial autonomy for police stations, lesser emphasis on the police post hierarchy, minimum qualification should be raised, local government can be handed to handed over civil law and order matters.

### **Specific Reforms for better administration:**

Specialization for IAS at the state level, which can be introduced after 15 years of field experience, Rotation of officers from 'focal' to 'non-focal' posts once every three years, to reduce the scope for corruption.

## Comparative picture of village panchayats to population in a few select states.

S. No	State	Village Population	No. of gram Panchayats	No. of Villages	Average population in gram panchayats
1	Rajasthan	43,267,678	9,288	41,353	4,709
2	Bihar	74,199,596	12,181	45,113	6,091
3	West Bengal	57,734,690	3,360	40,793	17,183
4	Orissa	31,210,602	5,254	51,349	5,940
5	Andhra Pradesh	55,223,944	21,944	28,123	2,517
6	Kerala	23,571,484	991	1,364	23,786

For inputs from Lok Satta on the above, visit the Lok Satta Blog at <http://loksatta.blogspot.com/>



## Can Indian politics catch up with its people?

When the Prime Minister visited USA earlier this year, different people perceived the visit and its outcome in different ways. But all have agreed that this visit marked a breakthrough in Indo-US relations, and in the eyes of the Western world India is now officially the strategic counterweight to the rapidly rising power of China. India clearly has arrived on the global scene.

The rising importance of India is entirely due to the first world attitudes of our people. Despite mass poverty, limited natural resources, centuries of oppression, socially "fragmented by narrow domestic walls", historical baggage, the Indian people have extremely positive attributes to succeed in modern world. At the heart of our resilience as a society, is the strength of the family as an enduring institution with the attendant sense of responsibility and infinite capacity to face hardship. Ordinary Indians exhibit uncommon

ambition and drive. Witness the entrepreneurship of the dabbawallahs in Mumbai or the millions of tiny enterprises in unorganized sector which are sustaining our economy. For a poor country, the amounts paid by families for education of children and healthcare are astronomical. The thrift of our people is legendary, and Indian consumer, not easily swayed by consumerism, seeks good value for money. Time and again the Indian society has displayed an enlightened and modern spirit of nationalism, without much animosity or jingoism. All these are recipes for success in the twenty-first century.

And yet antediluvian politics continues to retard our society. Leadership in modern world contrasts greatly to that in India. In a remarkable speech to European Parliament recently, Tony Blair, emphasizing the need for keeping pace in a changing world, reminded OECD

countries that, “USA is the world’s only super power. But China and India in a few decades will be the world’s largest economies, each of them with populations three times that of the whole of the EU...India will expand its biotechnology sector five-fold in the next five years. China has trebled its spending on R & D... Now, almost 50 years on, we have to renew. There is no shame in that. All institutions must do it. And we can. But only if we remarry the European ideals we believe in with the modern world we live in”. That is the stuff of true politics and great leadership, rooted in genuine soul-searching, passion and spirit of public service.

Does our politics measure up to the challenges of today? Four unhappy characteristics dominate our political landscape.

First is the patronizing attitude: citizens know nothing and are parasitic; they need regulation, protection and doles. Witness the quality of debate on BHEL disinvestment. Every perceptive citizen knows that public sector in India is largely private sector of those in public office. We only need better goods and services at least cost, and it does not matter who produces them. And yet, public interest is sacrificed at the altar of failed ideologies. Or take the fears of globalization stoked with unceasing fervour. Mighty USA and Europe are showing signs of anxiety with the increasing competitiveness and growing market share of China and India, and our antiquated politics can only see dangers in every opportunity! Or take the labour markets: the world over, rigid markets and overregulation led to large-scale unemployment; and yet we want to perpetuate status-quo at the cost of the millions of job seekers. And of course the politicians’ eternal preference of doles and subsidies over empowerment and liberation of productive potential is too well-known to require elaboration.

The second dangerous feature of our politics is its predatory nature. Politics of plunder and rent-seeking have become the norm. Distortion of markets, kleptocracy, and shameless display of unearned wealth have created a culture of illegitimate plutocracy. Power and ill-gotten money acquired by abuse of power have become ends in themselves. Obsession with power at any cost has created a class of criminals and crooks dabbling in politics, and decent citizens are increasingly marginalized or shunning public life. As Yeats lamented, “The best lack conviction and the worst are full of passionate intensity.” In the process very few new and

powerful ideas are vigorously pursued to improve the conditions of the bulk of our people or to accelerate our growth rate.

Third, politics continues to be medieval in nature. Much of the debate on education is focused on rewriting history or detoxification of text books. The ‘great’ debates are about the location of a temple or a mosque, or past insults and private injuries. Obscurantism is zealously guarded, and “the clear stream of reason has lost its way into the dreary desert sand of dead habit.”

Finally, incompetence and laziness have become virtues in our political domain. Even today, our vision of education is merely increasing enrolment and reducing dropouts. Rarely is our public discourse about quality of education, seizing opportunities or increasing productivity of citizens. Our universities languish despite the potential of our youngsters. Most households are petrified at the thought of seeking school admission for their children or getting any medical attention. Quality education and healthcare are simply inaccessible and unaffordable to most Indians. China may run medical schools to educate Indians at moderate costs; USA and Europe may attract bright Indian youngsters to their universities; India may have the potential to create world class facilities and become the hub of global education and health services; but our politicians are oblivious to the challenges of today, and frame lazy policies and execute them incompetently.

Clearly such a mismatch between first world people forging ahead with growing aspirations and third world politics undermining our prosperity and happiness is unsustainable. Either the people will have to force politicians to change and recreate a polity worthy of us and capable of meeting the challenges; or politics will retard our future and bring India down by several notches. Which will happen first? That is the great question of this decade, and the future of our nation and world will be shaped by the answer we give together. *(This article is based on Dr. Narayan’s op-ed column published in the Financial Express on 29 July05)*

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