



People Power

LOK SATTA

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a national campaign for political reform

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News Letter

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Health Survey

In order to deepen its understanding of the public health scenario, Lok Satta decided to do a survey of the Urban Health Posts (UHPs) in Hyderabad city. There are in all, 67 UHPs spread all over the city. Each UHP is supposed to cater to an average population of 80,000 people.

A plan of action was chalked out in consultation with the healthcare team (you will recall that Lok Satta formed a sub-committee comprising of doctors to study the Preventive and Primary Health Care System in Andhra Pradesh). The team helped in selecting the UHPs to be surveyed (initially we were to survey only 20 UHPs), and in preparing the questionnaire. A few key tasks had to be taken care of at first – like obtaining the addresses of the UHPs, mobilizing volunteers, and orientation for the volunteers. After managing to collect the details about the UHPs, the Lok Satta team was able to mobilize 126 volunteers by meeting and talking to the heads of a few local colleges. 56 UHPs in all were surveyed. The questionnaire used in the survey sought to quantify many issues pertaining to health services such as quality of treatment, availability of personnel, beds-inpatient ratio, and patient perception of the urban health services

Prior to the actual survey, we conducted a pilot survey to check the workability of the questionnaire. This pilot survey helped us rectify the minor defects in the questionnaire. The student-volunteers were then given an orientation on how to undertake the survey. The doctors made sure that the students were fully aware of the purpose of the survey.

It was planned that each group, consisting of two or three students, would visit one UHP. During the survey, the volunteers faced problems, from the expected (lack of cooperation from the staff, etc) to the startling (non-existence of the UHP at the address given by the DM&HO). As a token of our appreciation, the students were given certificates of

appreciation at the end of the exercise.

As of when the newsletter is going to press, although the evaluation process is done, the report is not ready. We will publish the results of our findings in our next issue.

Visit By IAS Trainee Officers

From the 5th to the 8th of February, 2005, 11 IAS trainee officers of the 2004 batch belonging to Lal Bahadur Shastri National Academy of Administration, Mussoorie, visited Lok Satta office on a Winter Study Tour. This tour was a part of their professional training program aimed at systematic exposure to the work being done by the Non-Governmental Organizations, particularly in rural areas.

The trainees spent three days with Lok Satta, which enabled them to understand Lok Satta's endeavours in ushering in various governance reforms in the country. The IAS trainee officers visited Lok Satta units in West Godavari, Warangal, and Karimnagar districts in three different groups. During their trip, IAS trainee officers were exposed to the working of the School Education Committees, Water Users Associations, Citizen's Charter, self-reliant cooperatives, pilot projects pertaining to franchise system in power sector, our efforts to strengthen local governments and several local successes of Lok Satta.

On the last day, Dr. Jayaprakash Narayan interacted with the trainees. A host of issues related to democratic reforms were discussed. It would indeed give us, at Lok Satta, a great sense of satisfaction if, in the course of this brief exercise, we succeeded in imbibing in the young officers, an idea of how government can be more citizen-centered and a commitment to this ideal. We hope that their visit to Lok Satta's office and district units have helped them to better understand the needs of the people.

Campaign to Correct Transport Woes

In an effort to assess the problems faced by public transportation users, Lok Satta conducted a survey of citizens in Hyderabad and Ranga Reddy district between the 20th and 24th of February. More than 10,000 citizens were surveyed. The survey was conducted as a part of Campaign for Integrated Transport Improvement (CITI) to elicit public opinion on public transport.

The results of the survey showed that about 81 percent of the people surveyed would prefer to take Multi Modal Transit System (MMTS) if the service were improved. At present there are 8 trains with MMTS, which make 74 trips daily. The capacity of these trains is 1 lakh. But, only 20 thousand people are using this service. Further findings show that

there is no connecting facility between MMTS and road transport; also, the parking facilities are so poor that people avoid using their private vehicles to go to the MMTS stations. And almost everybody surveyed, stressed the need for a common journey pass for a monthly fare of Rs 400, applicable for RTC buses as well as MMTS.

Following the survey, Lok Satta conducted an open forum with the general public on the 27th of February in which around 200 people participated and discussed the ways in which the smooth flow of traffic can be facilitated. The people present there discussed how the four wings such as MMTS, APSRTC, MCH and traffic police with better coordination can improve the transportation without incurring additional expenditure.

In the coming months, CITI plans to take up a pilot project for improving traffic flow in one of the major arterial roads by involving all the stakeholders.

Training Program for Office Bearers

In view of the forthcoming Municipal Elections, Lok Satta conducted a training program for the office bearers to oversee the elections. These training programs were conducted in the three zones of AP, namely, Kakinada in East Godavari, Tanuku in West Godavari, and Ongole in Guntur. The training programs were held between the 21st and the 24th of February.

Unconstitutional Move by the AP Government

Earlier, on the 22nd of February, a team led by Dr Jayaprakash Narayan met the Panchayati Raj minister, Mr JC Diwakar Reddy, and Municipal Administration minister, Mr.Koneru Ranga Rao, and submitted a memorandum to them demanding immediate conduct of elections to the urban local governments in Andhra Pradesh. Using the excuse of an unfinished delimitation exercise (delimitation of constituencies is something that is undertaken when constituencies have to be redrawn because of the demographic changes), the AP government wanted to defer the elections to the urban local governments. The current term of the Municipalities in AP, is due to end on March 28th 2005. Lok Satta informed the senior government functionaries that postponing the elections is unconstitutional. The delegation also demanded that the Government:

- Establish, as per law, Metropolitan Planning Committees in place of Urban Development Authority within the city areas.
- Establish Ward Committees under the leadership of Municipal Councillor, which will look into issues such as removal of garbage, maintenance of streets, roads, etc.

Updates on National Advisory Council meetings

The Tenth NAC meeting was held on the 5th of February. The subject of discussion was autonomy of cooperatives and strengthening of local governments. The issue of composition of state Legislative Councils was also taken up. The members also dwelt on the urgency of devolving financial powers through the Central and State Finance Commissions and expanding the use of IT and e-governance to ensure transparency and effective social audit.

The Health Task Force of the National Advisory Council met on February 14, 2005. The Health Secretary, PC Hota and Principal Advisor, Planning Commission, Meenakshi Datta Ghosh, Dr. Shiva Kumar and Dr. Jayaprakash Narayan were present.

The possibility of extending the National Rural Health Mission (NRHM) to the whole of the country was also discussed. Risk pooling and health security for the poor was discussed. The NAC has specifically recommended that elected local governments should own and control the healthcare delivery at all levels in the

district. It has been decided that all issues would be sorted out and preparations for the implementation of the Mission would be made over the next three months.

Know our Interns

We have currently four interns assisting us at Lok Satta.

Daniel Snyder: A law graduate from Australia who is on a 4-month internship since February 2005. Daniel is working on judicial reforms.

Abhishek Krishnan: A student of law from National Law College, Bangalore. He assisted us in working on an aspect of Health reforms during February, 2005.

Ayesha Huda: A second year student of BA (Economics) from St. Francis College, Begumpet, Hyderabad, during January and February, 2005.

Vaidya Gullapalli: A BA in History, she is working on judicial reforms and has been working with us since December 2004.

Parliamentary Committee on RTI

Making a presentation before the Parliamentary Committee on Right to Information on 14th February 2005, Dr Jayaprakash Narayan made a strong case for including state and local government functioning within the purview of the Bill. Referring to the Constitutional position that Right to Information is a fundamental right, Dr Jayaprakash Narayan pointed out that Parliament has the power to make a law operationalizing the fundamental right to information on all matters pertaining to governance at any level – Union, state or local. Dr Jayaprakash Narayan also suggested the following measures to increase the effectiveness of Right to Information:

- Provide for the constitution of a State Information Commission for each state under Section 12.
- The fee charged shall not be such that it may amount to denial of the right. Moreover, it is important to ensure that the fee so charged shall not be a source of revenue for the government, and shall not be subject to periodical enhancement.
- There should also be reasonable civil penalties for non-compliance and, a quick and fair compensation to the citizens for non-supply of information.

Incorporation of the above provisions in the Right to Information legislation will give full meaning to the liberties guaranteed to citizens under the Constitution.

National Campaign for Political Reforms – Status Report

We reproduce below (in part) an email sent by Dr. Jayaprakash Narayan.

This is a brief update on the National Campaign follow up.

1. The documentary being made by Dr. Krishnaswamy of Chennai, is nearing completion.
2. The creative team put together by Momentum (a communication strategy firm) has come up with some very good ideas – there are three strands emerging separately, and they are all complementary. But Momentum should weave them together. We expect their output within 3-4 weeks.
3. It appears that a new name and logo are emerging for the campaign. The Core Group will take a final decision in a meeting. If the consensus is in favour of the new name and logo, we will provide appropriate links so that all queries to Janadesh website will automatically be directed to the new logo/website.
4. As part of the National Campaign, local campaigns are

planned involving citizens in improving the integrity of the voter lists. This campaign will also be geared towards the systemic change in voter registration - through Post offices guaranteeing access, affordability, transparency and citizen - friendly procedures. The campaign will be taken up with the active support of the Election Commission (EC). The modalities have been finalized in a series of discussions with the EC, culminating in the meeting in Bangalore on March 17 with the Deputy Election Commission Sri A N Jha and the Chief Electoral Officer, Sri Dasgupta.

This campaign is likely to be launched in Bangalore by the CEC on April 15. Janaagraha will spearhead it. We need to mobilize volunteer support and produce creative capsules for public education. Lok Satta will extend all required support. We need to finalize the logo of the National Campaign well before this campaign, so that it can be undertaken as part of NCPR.

It will also be taken up in Hyderabad, and in a revised form (as sample surveys etc) in Chennai. Later, we will extend to other cities in collaboration with the Election Commission.

For the time being Mumbai will be deferred, since Election Commission feels that the city needs time to recover from 'election fatigue!'

5. As part of NCPR, another campaign will be launched to improve procedures in Central Excise and Customs with the objective of reducing corruption through simplification, transparency, digitization, industry-friendly approach and accountability. This will be in collaboration with the Central Vigilance Commission (CVC) and the Central Board of Indirect Taxes (CBIT).

Already work is underway in Hyderabad and Mumbai. Public hearing will be held around the end of April with CVC, CBIT and Industry in these cities in the first phase.

6. We need to prepare a 3-day training module for orientation workshops for about 1000 senior volunteers ('evangelists') in our target cities. We have the content, but not the format. resource persons who can create the module. Then we will take up the workshops - participative, through exercises and case studies. By that time the film too should be ready.
7. In Chennai apart from the Core Group members, other volunteers are being identified together, they will form the local Core Team for NCPR. In Bangalore, Janaagraha will

lead the Core Team, with support from other volunteers identified. In Mumbai, local Lok Satta chapter will lead the effort with support from other organizations. In Ahmedabad, a group is now being formed. The members will soon decide the name and structure of it. Sri Fatehchand Virani will be the lead person. Sri Nitin Shukla, and Anand Shah and his colleagues from Indicorp will extend support. In Kolkatta, a group is getting formed with Sri Viji Iyengar leading the effort.

8. We are exploring the possibility of identifying Core Teams in the Hindi heartland. Our inadequacy in the great northern states is evident. But we need to make serious efforts to initiate some activity in atleast one or two States. We may get a better picture after about a month.
9. We are in the process of getting some material ready - explaining how NCPR agenda would have solved the problems in Goa, Jharkhand, Bihar and Haryana. Once it is ready, we will post it on the website. I also propose to send an email blast to a large number of people.
10. Events in Britain may be working to our advantage. Tony Blair is losing steam, but Conservatives are not yet ready to replace Labour. There is a decent chance of Liberal Democrats emerging as the key players. In such an eventuality, it is almost certain that Liberal Democratic party will insist on a shift to proportional representation as a precondition to support a Labour Government. It is widely believed that elections will be held in May. Therefore, NCPR should be able to capture that mood and opportunity to advance the agenda in India.

Recent events have once again clearly established the need for a change in the rules of the political game. Proportional representation with certain checks to prevent fragmentation; direct election of the Chief Executive in States to ensure stability, clear separation of powers, and honesty in governance and internal democracy in parties to make them instruments of political mobilization rather than fiefdoms of coteries are three key ideas whose time has come. We have the product, and we are flexible to ensure that there is least destabilization of the polity. At the same time, we have no ideological blinkers. If there is compelling evidence, which shows that we need to re-examine our agenda, we would be more than happy to do so. But clearly, status quo is unsustainable and unacceptable.

Institution of Governors – Time for Change

- Dr. Jayaprakash Narayan

Recent events in Goa, Jharkhand, Bihar and even in Haryana have highlighted the deep political crisis afflicting our society. It is easy for us to blame a governor here, a party leader there, and a legislator everywhere for all these distortions in our polity. But we would be better off if we ask the right questions and make an earnest attempt to find rational answers. Democratic polity inevitably goes through several vicissitudes and convulsions. All democracies faced such crises, and eventually healthy conventions were evolved and reforms engineered.

One way of responding to our recurring political problems is to resign in despair, and accuse our politicians and constitutional functionaries of perfidy and villainy. But that would be both illogical and unhelpful. Illogical, because it makes no sense to believe that all politicians are crooks, and those of us observing them from a distance are angels. Nor can we assume that only those special qualities of senseless greed and unending hunger for power enter politics. When we see a pattern of behaviour persisting and repeating itself, then we should look at the causes for such behaviour. Only then can we go beyond the symptoms, and focus on remedies required to set things right in the long

term. Otherwise, we will forever be surprised with each violation of constitutional norms, disappointed with each breach of democracy, and in general frustrated with the way our institutions malfunction with unflinching regularity.

What are the questions we should ask ourselves in the light of recent political shenanigans? Four questions come to mind instantly. First, if even tightening of anti-defection law which prohibits legislators switching loyalty in any number does not seem to work, then can we think of electoral systems which preclude defections altogether. In other words, is there a system, which removes all incentive to resign from legislature, and eliminates all possibility of defectors being rewarded for bringing down governments? Second, can we eliminate uncertainty after election in states? Can there be an elected government enjoying public confidence and seen to be fully legitimate? Can we prevent the possibility of dark horses emerging suddenly after the election and thwarting the will of the people, reducing elections to a farce and a power game without any meaning in terms of democratic legitimacy and public good? Events in Karnataka after the 2004 Assembly election, and those in Haryana in 1982 and many other

instances are a testimony to foisting pretenders on the unsuspecting public, or undermining the will of the people.

Third, can we change the rules of the political game and ensure that governments can survive with honesty? Will we have a situation in which elected governments are all the time busy managing legislators for survival, and perpetually in fear of losing power? Can we change the incentives in politics and make the political process hospitable to those who strive to promote public good? Will we ever have governments which are capable of delivering public services, and fulfil the aspirations of citizens who elected them to serve?

Finally, India is a land of continental proportions and extraordinary diversity. A large state in India is larger than most countries of the World. Could we give up some of our medieval and colonial practices of ruling from Delhi? Do we require unelected, nominated governors as constitutional heads of States? Are governors morally justified in thwarting the will of the people? Can they claim plenipotentiary powers unmindful of the democratic verdicts and the principle of governance by consent? In what way is the governor imposed upon a state by a distant, imperial Union government a legitimate constitutional authority in this day and age? How is the governor's institution any better than the Subedars appointed to preside over the destinies of the distant provinces by the Mughal emperors? Can we redesign this institution of governor, and make it modern and democratic? Can we, at the same time preserve national unity and the ultimate sovereignty of the Union government? Can we reconcile true federalism with national unity and integrity?

All these and many more questions need to be answered satisfactorily if Indian democracy has to mature, and our governance is to reflect the will of the people and fulfil our aspirations. Let us examine the last of these questions now - the role of the governors.

In federal democracies, there is always a problem of where the sovereignty rests - at federal level, or state level. The division of powers between the federal government and provinces is only one of these difficulties. The extent to which the federation can intervene in provincial subjects is sometimes ill-defined. Most of all, federal government has the obligation to protect the citizens' liberties and defend the Constitution. However, most mature federal democracies found sensible solutions. Let us see how countries like the United States, Canada, Australia and Germany dealt with the issue of constitutional head of state at provincial level.

The United States has a simple, practical, effective system based on the theory of separation of powers propounded by the great philosopher, Montesquieu. According to this principle, the powers of state are in three distinct compartments. The executive branch governs the country, frames policies, implements them, spends public money, controls employees, and enforces law. The legislative branch makes laws, approves taxation and expenditure, and keeps a watch on the executive. The judicial branch is independent of these two. It adjudicates between citizens, tries criminal offences and punishes the guilty, settles disputes even between government and citizens, and interprets the Constitution and protects the liberties of people. All these three should be separate from each other, and each should act as a check against the abuse of authority by the other two. This system of checks and balances protects the citizens and promotes liberty.

Based on this principle, Americans elect their state governors directly. The elected governor is both the head of government incharge of all executive functions, and Constitutional head of State representing all the people and approving legislation. Since

the people of the state elect him directly, there is no possibility of legislators defecting to change government until his term is over. Nor is there a chance of his dissolving legislature or rewarding lawmakers. Each branch functions within its limits, and both must coexist and function in harmony. In such a system, the federal government cannot appoint a Governor to head the States. If the State deviates from the Constitution, Supreme Court can intervene, and the federal government will use force if necessary to enforce the Constitution. This is the simplest and most practical model to run a federal democracy. It ensures that citizens choose their head of government, and the federal government cannot dictate terms to the States.

Canada and Australia are former British colonies. Both have dominion status, and the British monarch is still the head of State for both countries. The Queen appoints a Governor General in both countries, based on the advice of the Prime Minister. Both countries are federal, and they have provinces with their own elected governments. In Canada, the Constitutional head of state in the provinces is the Lieutenant Governor appointed by the Governor General, as advised by Prime Minister. The Lieutenant Governor has a few reserve powers, but they are not exercised. He cannot dismiss a government, and there is no possibility of federal rule. Notionally, the Lieutenant Governor can refuse assent to a Bill. But the last time a Lieutenant Governor exercised such a power was in 1961 in the province of Saskatchewan.

In Australia, Governors are appointed as Constitutional heads of provinces. These appointments are made by the British Queen, based on the Prime Minister's advice. These appointed Governors have a few emergency reserve powers, but these are rarely used. In effect, the Governor is a ceremonial functionary, who can occasionally dismiss a state government. But in reality, such an action is unthinkable.

In Germany, they have a republican form of government. The federal government does not appoint Governors of States. The State legislature elects the Minister President of the province who exercises as Constitutional head of the State. He, in turn, appoints a government which enjoys majority support in the legislature. The Minister President of the province has no other powers.

In India, we are still continuing with the archaic, colonial institution of Governors which is a relic of the British Raj. In a federal republic, there is no room for the Union government to appoint a Governor as a subedar in the State. This is very much like the imperial practice during monarchies. The results of this unhealthy practice are predictable.

We need to completely alter the Governor's institution. The best option is to elect the head of government directly in States. Such a Governor is chosen by the people, and acts also as head of State. This will remove uncertainty and instability, and honest government will be possible. People decide who their leader is, but not backroom power brokers, or a distant government in Delhi.

Alternatively we can elect the Governor indirectly. The legislature can elect the Governor, Just as the President is elected. Such a Governor would be accountable only to the State, and can be removed by the legislature.

It is time that we gave up this archaic, colonial institution of appointed Governor playing politics in his host state. The Governor has become like the sixth finger - useless, and sometimes a nuisance. Once we reform the nature of Governor's institution, we will not have a Goa or Jharkhand repeating again. In order to protect the liberties and deal with emergencies, we can have other provisions for intervention of the Union.