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Usher in democratic equilibrium & good governance in 2012

JANUARY 03, 2012

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THE disequilibrium in the country's democratic system has reduced the Executive and the Legislature to the status of a second fiddle. The extended debates in Parliament over the Lokpal Bill are a manifestation of this phenomenon.

It is the media, the civil society, mobs/public protests and the Judiciary that are calling the shots. The Executive and the Legislature are increasingly looking for the right signals from these four assertive pillars of democracy to perform their duties.

Good and rational governance has become the biggest casualty in this on-going churn within the world's largest democracy.

The aggressive assertion of democratic rights by different segments of the system has virtually killed the concept of responsibility for the citizens. And reckless assertion of rights and demands without responsibility is sure-fire means to anarchy in the long run.

One should feel the diverse symptoms of this chaos before looking at the need for restoring a healthy balance among all pillars of democracy. After all, the democracy can be sustained only by subjecting each of its pillar to mutual checks and balances. The unwritten rule of the law should be that no institution is above written and unwritten norms of transparency and accountability.

Feel the discord in the democracy:

++ ♦ It is becoming impossible to do business in India, ♦ bemoaned Niranjan Hiranandani, Managing Director, Hiranandani Construction, at a recent high-profile conference in Mumbai.

++ ♦ Media pressure is very great and not every judge can withstand media pressure. Forget a judge, not any minister can withstand media pressure. ♦ The law minister Salman Khurshid said this in July 2011 in an interview with the Economic Times.

++ Administrator of Haryana Urban Development Authority (HUDA) at Gurgaon thrashes himself with his shoe to prove his integrity and tries to win over a mob resisting illegal encroachments on a road. This IAS official's earlier pleading with the mob including touching the feet of certain protesters. All this went in vain. He had to resort to self-flagellation as there are very few takers for the rule of the law in the country.

++ The Supreme Court pulled up the Union government for not ♦ showing seriousness ♦ in bringing back black money stashed away abroad, and constituted a Special Investigation Team (SIT) to take steps to bring back unaccounted monies reported the Hindu on 4 July 2011.

++ Civil society/NGOs and mobs trash the country's energy security by forcing the Government to scrap/deny approval/defer/delay/abandon several hydel, thermal and atomic power projects/coal and uranium mining projects. Environmental activism has even marginalized the basic human right to potable water.

++ The Executive bows before Team Anna's might on the Lokpal bill, thereby making secondary the role of legislature and Centre-State consultations on legislations that impact States as well.

++ Executive expresses its uneasiness with CAG's reports. ♦ It is not right for the CAG to go into issues which are not the concern of the CAG, it is not the CAG's business to comment on policy issues. I think they should limit themselves to the mandate given under the constitution. We are now a permissive society, I think if the media can get away with murder so can the CAG, ♦ deplored Prime Minister Dr. Manmohan Singh in June 2011.

One can cite many more instances to drive home the point that assertiveness by media, civil society, judiciary, mobs and CAG are posing a grave challenge to governance. The assertiveness owes its origin to governance deficit and thus appears justified. The assertiveness, however, also aggravates bad governance.

It is no wonder to find leading lights of the corporate & intellectual world bemoaning policy paralysis in the Executive.

A group of a dozen such prominent citizens including Deepak Parekh, Justice B N Srikrishna and Azim Premji have commissioned an independent study on governance deficit and public

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Whatever be the findings and recommendations of any such study, the fact remains that all pillars of democracy are currently not acting responsibly, thereby contributing to governance chaos.

Governance deficit is no doubt triggered by weak political leadership of the Executive. The deficit is, however, aggravated by all four other pills of democracy. The deficit is actually an outcome of complex interplay of specific deficiencies in all the five entities.

Take the case of public ire manifested in the form of protests that cause great deal of time and money to other members of public, mob violence and lack of civic sense. How many citizens realized that they defy the Constitution when they burn buses and trains, uproot railway lines, burn vehicles and buildings and resort to bandhs, 'chaka' jams, etc?

An average citizen is only becoming assertive of his fundamental rights and remaining oblivious of his basic duties.

How many citizens know that the ten fundamental duties of the citizens enshrined in the Constitution include the duty to safeguard public property and to abjure violence?

With the Governments hardly doing anything to enforce this fundamental duty and curb mob violence, the courts are stepping in. In November 2011, the Supreme Court indicated that it might ask the Central government to set up special courts to try cases of damage done to public property in agitations. A month earlier, Kerala High Court ruled that those who are arrested for damaging public property would get bail only after depositing money equivalent to the loss that is caused.

If each citizen considers his constitutional duties as a religion and makes it a daily prayer or song for generation next, then at least half of the governance deficit would disappear.

Now turn to the Executive, which must lead the country out of despondency in the New Year 2012. It must transform itself into an open, transparent, agile and responsive Government.

The six-year Right to Information Act (RTIA) should be implemented as tool for good governance and not as means to securing information from the Government. Transparency makes government employees responsible and accountable.

Dr. Singh voiced concern over perceived misuse of RTI at the annual convention of information commissioners in October 2011.

He said: *Even as we recognize and celebrate the efficacy and the effectiveness of the Right to Information Act, we must take a critical look at it. There are concerns that need to be discussed and addressed honestly. I had mentioned last time the need to strike a balance between the need for disclosure of information and the limited time and resources available with the public authorities. A situation in which a public authority is flooded with requests for information having no bearing on public interest is something not desirable.*

The Government still acts miserly when it comes to making voluntary disclosures. It should learn from Uncle Sam with which it has cooperation agreement in the area under the name 'the U.S.-India Open Government Dialogue'.

Without compromising its security and other strategic interests, the US Government uploads billions of megabytes of information on numerous official website. Take any subject; take any department and compare the content of the relevant websites in the US with corresponding websites in India, the transparency deficit becomes glaring.

The Government must act proactively on RTI to make redundant the need for public to seek information. Dr. Singh might perhaps like to make a beginning with himself. Let him make disclosures about the operations of Prime Minister's office, excluding defence and home security. The PM website's utility is at present lies only in the access to the text of Prime Minister's speeches and press releases that are not issued on all sensitive events such as corporate honchos' hobnobbing with PM.

Dr. Singh might well like to take a leaf out the openness practices by one of his predecessors, Late V.P. Singh.

Mr Singh, who practiced openness first as Finance Minister and later as PM, communicated directly with all members of Parliament. He regularly apprised parliamentarians about the issues and the Government's decision on them starting with his first letter in June 1990.

The issues, on which Mr. Singh wrote letters to all MPs, ranged from Indo-Pak talks to involvement of youth in nation-building activities. He also made public his communication with the Chief Ministers. He also had regular interface with the members of public.

The head of the Executive has to makes his presence felt at home as well as at overseas summits, which have now become more frequent.

It is here pertinent to refer to a governance reforms report titled 'The Future of Government: Lessons Learned from around the World' that was released by World Economic Forum (WEF) in June 2011.

As put by WEF report, 'The future of government lies across networks that include government, business, NGOs and civil society at multiple scales and levels, from global institutions to neighbourhood and tribal councils. Locating the most effective nexus for particular activities and understanding how governance works in this new complex ecosystem are at the core of the future of government. Powerful ideas such as government as a platform and open government emphasizing transparency, collaboration and participation rely on a strong orientation towards networks, thus the Council gives primary attention to this core concept.'

UPA Government needs to transform itself into 'flatter, agile, streamlined and tech-enabled (FAST) government' in keeping with the report's general recommendations.

What applies to the Government applies much more to Indian Inc., which has the dubious reputation of parting with bare minimum information to the shareholders. Half the corporate

frauds would not happen if the Government incorporates a provision in the Companies Bill directing all companies, both private and public limited companies, to make public their annual reports and quarterly results on the Internet.

For the stock market listed companies, the Government should introduce corporate disclosure norms as followed in the US.

Similarly, the votaries of transparency and accountability, the media, civil rights activities and the judiciary must embrace what they preach to the Government.

Let the Government enact separate comprehensive transparency and accountability laws for both the media and NGOs. If judiciary can reconcile to one such separate law for itself, why should the media and the civil society run away from the public torchlight?

To restore democratic equilibrium and vibrancy, each institution should exist and operate within its parameter. Judiciary must confine itself to safeguarding laws, apart from interpreting the Statute and the Constitution. The judges should not start exercising executive powers and start pontificating on all issues under the sun.

Similarly, the Comptroller and Auditor General has to exercise caution in not trespassing into policy advocacy while auditing financial transactions the impact of policy on transactions. Turf wars must end for the sake of good governance for the public.

If introspection and self-restraint do not work, the Legislature and Executive would be well within their right to create transparent mechanism to prevent encroachment into their respective turf.

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