

Administrative Reforms: A Paradigm Shift through Public Vigilantism

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Abstract – In the wake of recent developments and people's participation, the administrator needs to have new traits of tact, programmatic approach, dynamism, flexibility and adaptability in any situation. Vigilant public opinion guarding the rights of the individuals and the community is must. Public shall be adequately informed about the matters in which government action directly impinges on their daily lives. The community should have the knowledge of administrative norms and reforms, practices and structures then only they can provide genuine support for the goals, policies and programmes of the government. Public vigilantism through RTI is increasingly becoming a powerful tool to promote, transparency and corruption free administration. Whistle Blower Act, focusing on Public Interest Disclosure now play an active role in unearthing illegal and unethical practices going on in any organization. Lokpal Bill first passed in 1968 is still fighting to make its way towards Jan lokpal bill

Keywords – Pragmatism Public Vigilantism, RTI, Whistle Blowing, Transparency Lokpal and Jan Lokpal

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INTRODUCTION

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Administration is manned by human beings who are susceptible to corruption. But the tragic part is, we accept corruption as a ways of life. Government offices are engaged in development work which expects humanitarian approach and teamwork rather than hierarchy and status, flexibility and decentralization rather than control and authority. They should be willing to take rapid adhoc decision without worrying to follow procedures and protocol.

In development oriented democracy, the government has to definitely go by laws and not by men but at the same time, it should not go for rigidity of rules, rather frequent revision of rules in the light of experiences encountered. Effective decentralization of authority and better education and understanding about the common tasks becomes the prime concern for both the politicians and the bureaucrats.

A number of mechanisms are there to help the citizens such as legislature, the courts, the administrative agencies, and Adhoc enquiry procedure. In democratic setup, a party has to carry the promises made to the electorates. Therefore any departmental policy is the result of combined efforts of both the Ministers and the bureaucrats. The departmental experts (bureaucrats) provide richness to policy by having expertise in that subject and party technocrats help the Ministers in policy formulation as

well as strengthen his control over the implementation of these policies. I would reiterate that organizational discipline and integrity are the foundation of the state and the administrators should eschew parochialism, and corruption of all kinds.

Vigilant public opinion guarding the rights of the individuals and the community is must. Public shall be adequately informed about the matters in which government action directly affects their daily lives. Democracy can be sustained by a close relationship between the administrative agency and the public it serves. Therefore the community should have the knowledge of administrative norms and reforms, practices and structures then only they can provide genuine support for the goals, policies and programmes of the government.

Indian people face the problems of red tapism and favouritism. Favoured decisions delay proper timely decision and make government unpopular. All communications to concerned affected should be answered without any delay and files should be treated like creditors and disposed off immediately to avoid any kind of appeal for favour. For taking decisions on important issues, conference of the concerned with the issue should be practiced without any loss of time.

To bring Sawaj or Good Government which is the proclaimed aim of all the parties, good persons need to be entrusted with power though the electoral process. Administration can improve if the leader are genuinely committed to good government and

eschew caste and communal considerations. The Neutrality of the Civil Services and promotion on the basis of merit and good performance are vital to improve its functioning. The immediate accountability of civil servants is to the government in power but their loyalty has to be the public cause and to the public interest and the national goals and its objectives. The same applies to political executives also.

RIGHT TO INFORMATION ACT-2005

Democracy as popular rule is only possible if people have access to information. The right to information is fundamental and derives from the principle that whatever is in the public domain is the public and all people must have an access to it. This reform will go a long way in bringing shady contracts to light. We can no longer remain silent spectators and expecting high standard of morality from the politicians and the bureaucrats. We must bring an end to the culture of private good at the expense of the state and the people. We must hit with conviction, determination and discipline to overcome insurmountable corruption and crisis of character. Crumbling economy, mounting social tension are all signs of the incurable disorder. We better stop now else it will be postponed for ever.

In the early 2000s, the social activist, Anna Hazare, spearheaded a movement demanding that state governments give citizens the right to information within 30 days to show how public servants spent public money, culminating in the Right to Information Act (RTI) 2005, which promised more accountable and transparent government.

Public vigilantism through RTI is increasingly becoming a powerful tool to promote, transparency and corruption free administration. It ensures a free flow of idea and information which enables people to be informed and participate in public activities. Independent groups, supplied with full information should be encouraged by the government to help in policy, making. 'Centers of experts as Advisory centers having right persons to take the lead. Right to Information Act has appeared as a powerful tool for strengthening democracy and good governance by enhancing the citizen's ability to participate. The legislative intent of this Act is to promote transparency and accountability in the working of any public authority. There is a need for a sustained mass awareness campaign, disclosure of information by Public authority and public demanding for information to be submitted.

But there are still concerns that the public are being denied information because of corruption and on false excuses information is suppressed.

WHISTLE BLOWER ACT-2014

Focusing on Public Interest Disclosure, Whistle Blower Act was passed in 2011 and became an Act in 2014. Whistle blowers now play an active role in unearthing, illegal and unethical practices going on in any organization. However cases of threatening, harassment and even murder of whistleblowers have been reported. This Act does not define the term and extent of victimization, nor has any specified procedure for enquiring into complaints. The safety of Whistleblower is however of crucial importance. It can help the average citizens in obtaining information on procedures. The political and executive heads today have to work in consonance with the people for their welfare. The governance is for the people so they must be consulted.

LOKPAL BILL: SHAPING THE FUTURE

When Administrative Reforms Commission looked into the adversaries of existing arrangements for the redressal of citizens grievances, it proposed for the establishment of new machinery- Lokpal, based on the institutions of Ombudsman in the Scandinavian countries and the office of Parliamentary Commissioner of New Zealand. ARC recommended for the formation of Lokpal (appointment by the President on the advice of the Prime Minister and removal like that of a judge of a supreme court). Its activities included to investigate the administrative activities done by either the concurrence of the minister or the secretary, if an individual is aggrieved by such activities of the government. However many attempts were made by several governments (1971, 1977, 1985, 1989, 1996, 1998, 2001) to institute the office of Lokpal but all went in vain.

In its present form it is useless and the civil society has not accepted it. The people of India are sick of corruption. The latest revision of the proposed Lokpal Bill was certainly an improvement over the anemic bill drafted by the Law Ministry in Dec. 2010, but the government was still not ready. It wanted to retain certain- controls, which unfortunately may provide escape route to the corrupt.

Since 2010, social activists have pursued anti-corruption measures, taking to the streets to decry the failure of Government to respond to scandals and the acceptance of corruption as part of 'doing business'. Up to 20,000 people had taken to the streets in Delhi and marches had taken place in more than 52 cities in protest at the Government's handling of this issue. From informal protests against rampant corruption, the movement had evolved into a political narrative targeting all parties and a wider culture of apathy that pervades all levels of Indian life. While Indian electors have always been politically vociferous, stalling economic growth has encouraged people to seek both a change in government and a shift in the standards to which those in public office are accountable. Lokpal bill is more than 48 years old

(Loksabha in 1968) but has many loopholes and does not serve the purpose. There has been a different government in power but none wanted to come up to pass the bill as it would be a biggest hurdle for corrupt politicians. The young Indians want a clear country and will do anything and everything to get this done

ANNA HAZARE: JAN LOKPAL BILL

The Jan lokpal Bill or Citizens Ombudsman Bill is a draft drawn up by civil society activists. Drafted by justice Santosh Hedge, former judge of the Supreme Court, Lokayukta of Karnataka, Supreme Court lawyer- Prashant Bhushan and RTI activist-Arvind Kejriwal, the draft bill envisaged a system where a corrupt person found guilty will go to the jail within 2 years of the complaint. It also sought power to persecute politicians and bureaucrats without government permission. Retired IPS officer Kiran Bedi, Swami Agnivesh, all part of the movement called it "India against corruption". They described the movement as an expression of collective, anger of people of India against corruption. They joined their hands to request, persuade or even pressurize the government to enact the Jan Lokpal Bill, as it would create an effective deterrence against corruption. Since all institutions are under governmental control they do not have any autonomy and that is the main reason why corruption is so widespread.

It was proposed that the new Jan Lokpal bill will bring autonomy in all the institutions and that will lead to wiping of corruption. However the then government (UPA-II did not agree to the proposed team Anna's Jan Lokpal). Team Anna had proposed for an 11 Member body having different wings for investigation, prosecution and vigilance. It would be machinery for grievance redressal and for protecting whistle blowers. The CVC and part of the CBI dealing with the corruption cases will be merged with the Lokpal. It should work in a transparent & participative manner.

However, the governments agreed do all member body but the Lokpal should not deal with vigilance. Vigilance function is to be performed by CVC and corruption wing of the CBI and it should continue to exist separately. On the issue of inclusion of the PM under the ambit of the Lokpal the then government objected to its arguing that as it would paralyze the entire administration. It could be divested of his portfolio or dropped from the government. But public opinions are if the head of the government is corrupt, it would be a mockery of justice to let him get away with it. According to the constitution, immunity is granted only to the President not to the Prime Minister.

So far as the accountability of the members of the Parliament to the Lokpal for their conduct in the parliament is concerned, team Anna emphasized on conduct of MP's within Parliament also, if it is an

offence under the Prevention of Corruption Act. But government again objected to it because whatever an MP does in the Parliament, it is his parliamentary privileges so Lokpal should probe an MP only for the activities that took place outside the parliament.

Jan Lokpal bill supporters further stated that Lokpal should have powers to impose departmental penalties and also to recommend appropriate measures / penalties under conduct rules for the corrupt bureaucrats and those recommendations should be binding on the government but the government felt that the Lokpal cannot erode the job security of the Bureaucrats provided by the Constitutions.

The Government however expressed its objections on many issues like:-

- Judiciary should not be under the ambit of Lokpal as it will disturb the basic structure of the constitution.
- The Lokpal should not deal NGO's because it will clog the Lok Pal and paralyze it.
- Decision making will be causality for fear of a complaint (possibility of lodging complaints by government servants against each other to settle personal grievances).

The Lokpal is not a panacea for all ills what if some members of the lokpal become corrupt in future. Political support to corruption seems to have reached epic proportions. It is most unfortunate that instead of commanding a group of concerned citizens under the leadership of Anna Hazare, who had launched anti corruption crusade on behalf of civil society – our political master had left no stone unturned in suppressing the movement. However under new government, administration and governance to a major extent are under control because of robust and dynamic leadership of our Prime Minister-Modi jee.

CONCLUSION

It is general perception that bureaucracy is government because bureaucracy had an edge over Ministers due to its strength of permanency, superior knowledge, training and expertise. Ministers being temporary in nature have to depend upon their cooperation to secure the execution of policy. But unfortunately the interaction between administrators and political leaders is characterized by tensions and conflicts because of differential normative commitments and position specific bias in role perception. The success of a political system depends on the implementation of the ideological concepts and social programmes and it can be achieved if both work closely and amicably in the interest of public. Their consensus can translate the

political manifestoes into administrative reality that ultimately procures the social policy of the state. Several institutional machinery today like CVC, CBI, RTI, Whistle blowing and Lokpal and Lok Ayukta have been working effectively to adhere this goal.

Whistle Blower protection that (2011), Demonetization by Modi government are the important initiatives to unearth black money. 'Right to Information to control corruption and providing corruption free services' by public authorities has appeared as important instruments in the hands of people and the civil society. Fighting against Corruption should be the purpose of every citizen of India and they should not prove themselves cowards to stand against corruption. Accountability is the hallmark of every public administrator and it is his ethical responsibility to be accountable to the people of India

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