

COMMON CAUSE

VOICE OF "COMMON CAUSE"

OUR BUREAUCRACY

In this issue of the Periodical we have chosen to present the various views of readers, and their perceptions, about the functioning of bureaucracy in the country. Readers have communicated these views in response to the article of Director of COMMON CAUSE, entitled "BLAMING BUREAUCRACY FOR ALL OUR ILLS IS WRONG". A large number of readers have written to us communicating their perceptions of the functioning of our bureaucracy. A number of these letters are severely critical, and even condemnatory, of the position submitted in the article.

- * Everybody is eligible to take membership of COMMON CAUSE. No form is required. Merely send your name and complete address, preferably written in CAPITAL LETTERS. Send it to our new address: COMMON CAUSE, Common Cause House, 5, Institutional Area, Nelson Mandela Road, Vasant Kunj, NEW DELHI 110070. We are ever so grateful to Mr. Vikram Lal, of Eicher Tractors for having enabled construction of COMMON CAUSE HOUSE.
- * Membership fee for individuals is Rs.100 for one year; Rs.500 for life membership for individuals; Rs. 200 for annual membership of organisations and associations. Send by crossed cheque in favour of COMMON CAUSE.
- * We receive numerous letters. Replies are invariably sent. On the average our receipt is about 20/30 letters every day. Kindly, therefore, write only when you must; letters received in local language present us difficulties in deciphering.
- * Donations to COMMON CAUSE are eligible for exemption available under Section 80-G of the Income Tax Act. Your donations, and those of your friends, will be most welcome indeed.

The TOI article has been reproduced in this periodical from page 3 onwards. We are desirous that our readers should have opportunity of reading the comments and observations of the people who have conveyed their perceptions on the views put forth in the article. Their letters have been reproduced on the pages following the article. In some cases the letters, which were very long, have had to be slightly abridged, without affecting the substance.

Submission made in the article was that by and large our senior bureaucracy should not be considered as tainted with corruption, that there has undoubtedly been unfortunate lowering of their morale, particularly in the States, having been adversely affected by facing constant threat of the weapon of transfers, which has inevitably affected their functioning and effectiveness. Certain facts relating to the transfers of senior officers speak for themselves, though these may not necessarily be indicative of the actual position in all the States. These facts relate to the State of Uttar Pradesh. In this State, during the past few years one Chief Minister effected transfers of 1350 officers of civil administration and police, another Chief Minister transferred 820 officers; and still another ordered 521 transfers. When the weapon of transfers hangs so precariously over the head of officer, one cannot expect him to be able to take a stand which would be in conformity with the actual requirement and in accordance with the current decision required on the matter before him. We feel that it is singularly unfortunate that experienced and knowledgeable officers are transferred, and shifted from one post to another,

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merely on the whims and fancies of the political masters, even though such transfers may in fact be deleterious to the interests of the administration.

In the article it was emphasised that in the minds of the people in general the word bureaucracy constitutes the totality of the functionaries of the administration, whether the administration is of a government office or an office of municipal body, electricity supply organisation, telephone authority, water supply body etc. People come in contact with these various authorities, bodies and organisations. Their perception of the functioning of the bureaucracy is the treatment they receive in these offices, largely at the hands of the subordinate officials. These subordinate officials are tied up in miles of red tape. People in general feel greatly frustrated and harassed by the attitude they encounter at the hands of these subordinate officials. This leads often to the use of grease money by them, even though the matter may comprise the legitimate payment of electricity bill or telephone bill or the requirement of securing Completion Certificate of an additional portion constructed in the building.

According to the views expressed in the article, several perception of bureaucracy was that it was identified with the functioning of all such offices in general. The contention put forth was that the rules, regulations, procedures and forms, arising from the multiplicity and proliferation of our laws, some of which are antiquated, are the major cause of difficulties that are created for and encountered by the people, and that in any case it would be wrong to attribute all these ailments to the various levels of officers who in fact should be considered to comprise bureaucracy.

Views communicated by the writers in these letters are largely condemnatory of this position. We need to take into consideration the fact that these are the perceptions of the people about bureaucracy and its functioning, and that senior officers too cannot escape the blame because rules and regulations and procedures are, in fact, formulated by them; they are receiving hefty emoluments; have not attuned themselves adequately to the requirements of appropriate functioning of democracy in the country. They have to take the blame for things where these have gone wrong. They cannot find excuses by putting the blame on politicians who are, according to the views expressed in these letters, not fully acquainted with the procedures of functioning of the offices.

The entire matter of functioning of bureaucracy, therefore, requires to be viewed in the context of the adverse comments which have been communicated in these letters of readers of the above mentioned article and which cannot be disregarded. These are indicative of the general feeling of the people on this important question in the context of administrative reform. We have considered it appropriate to apprise our readers about these views of the wide cross-section of the people who have communicated their views and comments. More importantly, we feel that this matter should be comprehensively considered by the Central Ministry of Administrative Reforms, by the Chief Secretaries of the State Governments, and by important institutions such as the National Academy of Administration, Mussoorie and the Indian Institute of Public Administration at Delhi. We are separately writing to them in this connection.

You often say: "I would give, but only to the deserving". The trees in the orchards say not so, nor the flock in the pasture. They give so that they may live. For, to withhold is to perish.

...

Nobody talks of charity of receiving. Everybody talks of charity of giving.

...

If it was not for the rocks in its bed, the stream would have no song.

...

I find life an exciting business and more exciting when it is lived for others.

...

TOI ARTICLE WHICH HAS ATTRACTED
LARGE NUMBER OF LETTERS.

BLAMING BUREAUCRACY FOR ALL ILLS IS WRONG

H.D. Shourie

The tendency to blame everything on the bureaucracy has grown and is now widely spread. The erstwhile bureaucracy was called the "Steel Frame". Their successors have not been able to maintain the reputation. The popular perception is that the steel frame has rusted. The entire bureaucratic structure is tied down in miles and miles of red tape, nobody takes responsibility, nobody is accountable. Their functioning was described sometime ago by an expert in public administration as "cumbersome, wasteful and dilatory".

The general impression also is that the entire system has become corrupt, and that bureaucracy has got politicised, they do not take decisions because they fear that the politicians in Opposition may get alienated and upon coming to power, they may create difficulties for the officials. Overall, the fair name of the bureaucracy has got devalued and tarnished.

Such generalisations are not justifiable. Undoubtedly there are inadequacies in the operation of the entire system of administration at the Centre as well as in the States, more so in the latter, these inadequacies need to be corrected and overcome. The entire picture, however, needs to be considered in proper perspective.

Governmental administration is spread over a very wide field. In the minds of the general public it also encompasses the municipal bodies, statutory authorities such as those providing water, telephone, electricity, transport etc., various quasi-governmental institutions and organisations, and public sector enterprises. People come in contact with functionaries of different levels in these various offices and particularly the lower levels who are tied down amidst a plethora of prescribed regulations, procedures and forms which emanate from diverse laws and rules.

This overdose of laws and rules has recently attracted attention, though the reform effort was related only to the Central laws. There exist close to 25000 state laws. These laws generate an enormous number of rules and regulations, and numerous forms and procedures emanate from them. It is amidst this forest of laws and procedures that the functionaries of various offices operate.

Over the decades they have grown in dimensions and intricacies and contribute to the inadequacies and delays which in turn lead to harassment of the public, who often resort to the use of "speed money" and "grease money" to get their problems solved.

These problems are manifested very prominently in the series of legislations dealing with subjects such as building regulations, sanitation, education, transport, electricity, levy and payment of various taxes and other diverse requirements of the general public. They also prove to be very irksome to those who seek approvals for setting up and operating companies, industries and other enterprises. There are 298 sections of law relating with Income Tax, 385 rules relating to assessment of excise; 96 chapters of tariff rules relating to customs; and each of these are open to different interpretations and enforcement by the concerned officers through the subordinate staff. There are 51 different Acts covering 2030 pages embodying rules and regulations relating to maintenance of registers by the industrial undertakings. Under each of these statutes there are inspectors who have powers to visit the undertakings; and almost every day two or three inspectors are found in each factory. There are 160 forms prescribed under the Acts and Rules which have to be filled by the enterprises; all these often necessitate cajoling and coaxing of the concerned officials. No wonder that crossing all these various hurdles often involves the need to please officials by greasing their palms and sometimes resorting to payment of hafta.

The term 'bureaucracy' in common parlance and from the viewpoint of general public, included all the various rungs of officials in the multitude of offices. It is the maze and multiplicity of laws, rules and regulations which as stated above, inevitably lead to entanglement in red tape. However, the senior administrators, with a few unfortunate exceptions, have maintained a reputation of diligence, honesty and effectiveness. When all the various problems encountered by the general public are attributed wholesale to this section of bureaucracy, it is obviously wrong and unfortunate.

Senior officers and functionaries of the Government in India has had a long tradition of effective discharge of their duties and responsibilities. In the pre-partition period and first couple of decades following the Independence, the senior services constituted the real steel frame. It has been with the subsequent wider spread of government and in the responsibilities assigned to the bureaucracy, that the senior officers of the various services, have come to feel greatly handicapped in effective governance. This fact is inconvertible and needs to be kept in view while decrying the functioning of bureaucracy. The responsibility for this decline cannot but be attributed to the atmosphere generated by the way politicians have operated in the country. It is undeniable that the services have generally got politicised. Senior functionaries are shuffled and reshuffled on the whims and predilections of the politicians.

The weapon of effecting transfers has contributed the maximum to the decline of morale and effectiveness of the senior officials. No officer feels secure in recording his opinion and issuing orders. Unfortunately everybody is compelled to first consider how the political masters would react to whatever he records or decides. The emergence of such a situation was anticipated by Sardar Vallabhbhai Patel, The "Iron man" of the country's first cabinet, who established the Indian Administrative Service in place of the Indian Civil Service. For preserving the tradition of effective governance, he emphasised that "the key to efficient administration is the sense of security at the top and non-interference by the politicians." He categorically stated that ministers should not directly give orders to any subordinates and they must deal with them only through their superiors.

These and other basic essentials of effective governance and good public administration are unfortunately disregarded by the politicians in power. They are more interested in maintaining themselves in power by manipulations and stratagems, discarding the norms and criteria which are the fundamentals of an efficient administration. The manipulations are evident from the incredible expansion that has taken place in the ministries of some states where the number of ministers ranges from 70 to 100; and which has also been manifest at the Centre where the size of the Cabinet which was to consist of not more than 16 according to the recommendations of the Administrative Reforms Commission, now generally has three times this number.

More important from the viewpoint of the functioning of bureaucracy is the unfortunate saga of the wholesale and unjustifiable transfers of senior officers, solely on political considerations. The method of functioning of political masters in general is such that there is always a threat facing the officers of being transferred or even being chargesheeted and suspended. The weapon of transfers has unfortunately been exploited by the politicians-in-power much to the detriment of morale of the services.

Inadequacies in the functioning of services are consequently inevitable. There has been a further unfortunate development of some of them stooping to corruption and adopting inappropriate postures to please their political masters. These developments do not bode well for future governance of the country. Politicians are also to be blamed for the inadequacies that have crept into the senior services. They cannot escape blame for inaction and failure in the matter of overhauling of the laws, regulations and procedures which lead to harassment and dissatisfaction of the people who are thereby inclined to blame the bureaucracy for all their problems with the government.

LETTERS RECEIVED FROM READERS OF TOI ARTICLE ON "BLAMING BUREAUCRACY FOR ALL ILLS IS WRONG".

"The views of Mr. Shourie are totally disagreeable. No doubt the politicians might be active in their work but for that senior bureaucrats could not be pardoned for their deeds, incompetence, inefficiencies, indecisiveness, lack of application of mind and common sense, psychic behaviour and playing the game of hatching conspiracies.

Are the senior bureaucrats and the departmental Secretaries careful and aware of the working of their departments? For example, take case of the Secretary Power and Industries whether he has taken care to see why electricity installations are of poor quality, why the cables are sub-standard, why the poles are rusted, whether the subordinate staff is capable of handling the situation, what are the public grievances etc. I do not think here the political boss has come in the way. Similarly the Governor of the Reserve Bank of India, why does he not know and anticipate the work out currency notes until the public starts shouting? Does the writer wants to say that the politicians have interfered in their work? Can you call such bureaucrats competent administrators? Such conditions are prevalent in other Government departments too. When the Secretaries are entitled to handle their departments independently, how can be said that the Ministers coming in their ways?

It is very difficult to approach the bureaucrats, hence the general public approach the politician. The bureaucrats have become totally indifferent to their work. They have become more self-conscious, self-interested in themselves, their families and their children and misusing their position and power. When they are transferred to some unpleasant places, it should not be taken as injustice. Being a bureaucrat of the All-India services, they are entitled for so much perks, facilities, pay, availability of funds at their disposal apart from the large sum of the bribe, they should not grumble for transfers. Gone are the days when

The British Civil Servants were leaving their motherland to join duties in the remote corner of India in spite of other serval odds leaving their young kids in the care of somebody in their native place. Were they grumbling? Once you accept the job, you have to abide by the conduct and service rules. The top bureaucrats have their associations and colleagues to take care of their grievances. Why multitude of the bureaucrats are involved in the corruption cases and scams because they do not bother of the politicians.

The modern tendency of the bureaucrats is to maintain their own lobby with certain politicians, influential persons, mediemen to support one another and get the benefits. These lobbies project even the incompetent bureaucrats as capable persons. So much posts of senior bureaucrats are created and the retirement age is increased to the effect that about 70% of the national income is spent on the bureaucracy.

Are the COMMON CAUSE promoters aware that 80% of the secret service money in the hands of the bureaucrats for securing secret information is used for their personal cause? Was this tendency present during British Raj? The British bureaucracy was the real steel frame is an insult to that word. Indian bureaucrats selected by All India Services are cowards.

It is matter worth consideration whether the selection procedure of Ail India Services is wrong. Apart from getting selected in academic qualifications it should be made mandatory for them to go through mental test, test for capacity to take proper decisions, test for common sense and application of mind, general behaviour before a selection by the board of experts.

Politicians may come and go but the bureaucrats are permanent till their retirement and competent bureaucrat can definitely carry on well with and without interference but they should mend their ways. According to general public opinion, politicians interference in bureaucratic field is not that much effective."

G.B. KADAM, FROM MUMBAI

* Copies of this periodical are being sent to all writers of the article at their addresses.

"This is with reference to your article published in The Times of India of 25th November.

As a consumer activist I have always admired the lone battles that you have been fighting with courage and conviction against the injustices through your various PILs. This article of yours analysing the causes for the inadequacies in the Government is in line with your other action.

You have rightly pinpointed the main causes for the decline in the administrative efficiency as -

- (a) The increasing dimension and intricacies of the laws and rules;
- (b) The politicisation of the administration; and
- (c) The frequent and uncalled for transfers.

Based on my experience as a retired State Government servant, I may like to add a few more points:

1. The growth in trade unionism preventing any action against a delinquent official;
2. Audit Rules stressing the procedure and not the results;
3. Likelihood of comments in media or legislature etc.;
4. Over-centralisation of powers. Even where powers are decentralised, effective exercise thereof is prevented due to interference from high ups may be political, hierarchical or from any other power groups; and
5. Lack of legally enforceable time bound action/decisions setting up of redressal machinery to punish the officials concerned is necessary.

The correlation between the efficiency of the Government and poverty alleviation is obvious, particularly in case of a developing country where the private enterprise is perforce limited due to lack of resources, skills and opportunities.

I hope that with your dynamism and dedication you will not allow this most important problem to sleep and will continue your efforts to find a solution."

H.K. AGRAWAL, FROM BHOPAL

"Corruption is eating our Indian society. It has reached every level of administration. We are always very quick to point out fingers to the bureaucrats. While pointing out, we forget the other fingers facing us. Who are these administrators? They are not aliens. They are part or let's say product of our society. It is the society which has conditioned the bureaucracy to follow the present way of life. Can a handful of people decide the way of millions? One famous political thinker, J.S. Mill called the common people as 'sheep'. I beg to disagree. We are far from being sheep, we are intelligent enough to put all our blame on the ruling elite.

A look at the genesis of corruption shows, clear responsibility of the commoners. During the British rule people used to give gifts to their foreign rulers in return for a favour. Mind you favour. Not the usual dues. And this tradition continued. Administrators are there to turn Acts into actions. They are not supposed to take care of individual advantages and disadvantages. WE are wrong to expect them to bend laws to suit our purpose.

Let's take look at common, day to day, examples. Say, Traffic Rules! You break them and then try to grease the traffic Police's palm. Who is guilty? Both! But the balance tilts more towards you. Sometimes rigid rules do come our way of progress. If you are sure of the inadequacy of such law, why not protest publicly. This 'give and take' between two or three has brought the society to the place, where it is now. Created a lot of problems and complications.

We have committed one more mistake. Paid too much importance to the Government official. Why expect them to do things for us. We expect our area to be cleaned by the Municipalities, roads to be maintained, take care of the environment. Can't we do something for ourselves, as a community. I feel it is possible. These acts will also compel the authorities to act. They would be able to see a threat to their jobs and may change their ways. Yes!, it's possible. We need to act in order to make the authorities work.

When the woman's car suddenly stopped and would not start again, the man in the car behind her honked his horn incessantly. Getting out of her car, she went back to him; "I can't seem to get my car started. Would you please see if you can get it started while I sit here and lean on your horn?"

See once again the roots are being sprayed deep inside us. We feel this job is not ours. Others should do it. People occupying the seats feel the same. After all, they reside in the same society. The result is delay, red tapism, corruption.

Our political system is great. Dons, Goondas, cheats, illiterates are the bricks of this structures. Who elects them? Again, we someone like Gawli is hero for many. A very few of the politicians are clean. Illiteracy is often held responsible for lack of awareness. I don't know to what extent it is true. But, I don't feel one needs to know the alphabet to have an understanding of good or bad. Bureaucracy has been used as a scapegoat by the politicians.

Come to taxes. Yes, our government collects lot of taxes from us. It is a pain. So you prefer not to pay them. This creates lack of funds. How are the people supposed to work without money? When it comes to taking benefits, we are prepared to take maximum of it. Even if we don't qualify, we manage to produce forged certificates and documents. And in this case, no one but we are guilty. We can always justify saying this is nothing compared to Bofors and Hawala. But, we forget that what is wrong is wrong.

The above points may seem that I am trying to justify the bureaucrats. No, I don't deny their role. They also had the option to say no. We made a mistake by offering and they were equally wrong in accepting. It is a two-way traffic. If we can't clap with one hand neither can we shake them. It's time to own up responsibilities and stop laying it on some one else's shoulder."

MOUSHUMI MONDAL, FROM MUMBAI

"I had the honour to go through your thought provoking article and was surprised to learn your views about bureaucracy.

Governance refers to the STRUCTURE, SYSTEMS and PROCEDURES (Laws, Rules, Regulations, prescribed forms etc.). Bureaucrats are fully to be blamed for the present state of governance and administration.

Political function and directions to their executing bureaucrats may have "SELFISH INTERESTS" but the total percentage of such instructions are very few. Every peon and clerk is not posted or promoted by Politician nor every bureaucrat's posting or transfer is politically motivated. There is lack of responsibility and NO INTENTION to clear the MESS created by their predecessors.

Shelter is taken behind the plethora of Laws, rules and regulations; on the contrary the absence of property documented reference material on various subjects, gives the opportunity to "Collect the TOLL TAX."

In 1947, the stature of politicians like Nehru and Patel, was so high that it was NOT possible for the I.C.S. to suggest any deviation from what their Minister directed. It is this legacy that has caused havoc in our administrative system. The Nation was divided into Constituencies based on Pre-Independence -- REGIONAL CONGRESS and the excuse or basis was taken as the "Population" --- as constituency was made comprising of specified number of adults within the framework of the Regional Congress. The constituency had no relevance to the UNIT of ADMINISTRATION i.e. the DISTRICT.

If we had one M.P. and one MLA per District with the mini-cabinet of collector, SSP, Civil Surgeon, and others for education, industry and CIVIC AMENITIES, each district would have progressed much more in 50 years than what we observe today.

If we consider the intelligence and family background as an important criteria for the elite services, we have a very fine collection of highly intelligent persons; but what is the output of this selected lot? They have only taken advantage of ill-educated politicians by guiding them in totally incorrect manner. A Politician only gives out the MISSION STATEMENT", he/she does not draft the entire policy and when the lengthy draft is submitted to the Minister, he observes certain points of his interest and the rest is left to the bureaucrat to check and implement. However, there is "NO ACCOUNTABILITY", NO SENSE OF RESPONSIBILITY with the Politician nor with the elite services and the Nation suffers.

You have always worked with a "Missionary Zeal" and created an Hones\ Organisation like "COMMON

CAUSE"; therefore I can freely interact with you on this subject".

BRIG. K.K. SRIVASTAVA, FROM NEW DELHI

"This is in response to your article wherein you try to condone the behaviour of bureaucrats and bureaucratic machinery prevailing in the country at the moment. Politicians have dared to use bureaucrats and bureaucratic machinery because top bureaucrats have failed to give protection to their members against the unlawful demand of the politicians. If they would have done this, present situation would not have arisen. The second thing they could have done is to see that high integrity and moral standard should have prevailed within the bureaucratic system by weeding out erring members and removing and punishing them. These things they did not do due to quick benefits, moral turpitude of their own. You should not try now to condone their actions. In history of nation, there is nothing late and you could correct your own actions. They have created the position of vast population like that of "Draupadi" of Mahabharat. Institution, which should protect the people against abuse of rulers, have joined the hand with the abusing rulers to loot and demoralise the people. They have demoralised the whole nation. Openly, bureaucrats make deal with corrupt politicians. This is unacceptable.

Do not hide under the courage of very few honest and efficient bureaucrats. Top bureaucrats have neither inclination nor guts to protect them against traitor and criminal politicians and political parties.

I feel you lot should wake up and give lead to the population. Let the people know that have integrity and a courage to do your duty. The wholesomeness of bureaucratic system in any country and society is to govern fairly and fearlessly. Institution should have clear goal and purpose is to do 'Atm-a-Kalyan' i.e. to look after their own interest and to show faithfulness' i.e. to look after their own interest and to show faithfulness like dog. I think they have to learn that their immediate obligation is to serve the public honestly and efficiently."

KISHORE VALIA, FROM MUMBAI

"I am rather intrigued to read your defence of the bureaucracy in the Times of India. While what you have written is not incorrect - it certainly does not hit the bull's eye. I quote from your article:

"The key to efficient administration is the sense of security at the top and non-interference by the politicians."

If anything, the problem with all civil servants - not necessarily at the top, is too much security. The services rules, as they are interpreted for the civil service make it virtually impossible for any of its members to lose his job whatever the disciplinary or economic compulsion. Transfer is therefore the only punishment which can be meted out.

The civil service has all along successfully stymied all efforts to link its remuneration with its efficiency/productivity. The capitulation of the Gujral Government to their threats is too recent to be forgotten.

You have nowhere the attitudinal problems of the civil servant. Most probably you have not recently had the occasion to apply for an electricity connection or get a house plan approved or for that matter a wrong telephone bill amended.

I do not feel that the arcane laws, rules and regulations are the brainchild of the politicians only - the senior civil servant is a willing accomplice.

In the police force, the problem is not at the level of the Inspector General, which can be easily sorted out. The problem is at the Thana level which is far more intractable. Similarly with the civil service the problem is not only at the Secretary level, but in your own words "with functionaries of different levels in the various offices and particularly the lower levels who are tied down amidst a plethora of prescribed regulations

....."

I do not see what this has to do with correcting a wrong electricity or telephone bills".

A.K. NAIR, FROM NEW DELHI

"I am shocked, bewildered, astonished and unable to express my anguish at the article, 'Blaming Bureaucracy for all ills is wrong', in the Times of India (25th Nov. 98). I am sorry to say that writing such an article at a moment when the bureaucracy has almost brought down the two State Governments and almost the Government of India by their sheer negligence and high-profile negligence of duties, to say the least, gives a person the distinct impression that the COMMON CAUSE is also going to fall in line with the Daily Newspapers and standard magazines, none of whom has been fair in reporting facts and the state of the nation since the BJP Government took power. NO DOUBT A MAJORITY OF THE POLITICIANS ARE NOT ABOVE BOARD, BUT THEY LACK THE MATURITY AND EXPERIENCE REQUIRED FOR THE HIGH PROFILE DEPTS. THRUST ON THEM, AND WHAT IS STILL WORSE, THERE IS NO METHOD TO CHECK THEIR ACTIVITIES, THE LOKPAL BILL NOWHERE SEEING THE LIGHT OF THE DAY. I am 60, and suffered the miseries, indignation and the aftereffects of the corrupt, selfish and good-for-nothing babus for 40 years in service, and alongside as an Indian, in every branch of governance. But let us take the events of immediate past only.

As already said, the high-rise in the prices of onions, and thereafter other vegetables brought down the State Governments, which went to the polls, WHY? BECAUSE SOME SUPERIOR CLASS IAS DID NOT STOP EXPORT OF THE COMMODITY TILL THE END OF SEPTEMBER, WHILE THE CROP HAD BEEN SPOILED IN MAY-JUNE ITSELF. What was the Agriculture Secretary and his high-profile Advisors enjoying the rank of Joint and Additional Secretary doing in the Krishi Bhawan? And what arrangement the Food Secretary made to control the shortfall and make alternative arrangements? And what for the Secretary Commerce is paid for, when he does not know what is the surplus available for export? And last, but not of least importance, WHAT WERE THE CHIEF SECRETARIES OF THE PRODUCING STATES AND THE FOOD AND CIVIL SUPPLY SECRETARIES, BESIDES THE AGRI. AND IRRIGATION SECRETARIES IN THE STATES, BEING OF THE RANK OF SENIOR IAS LEVEL DOING?

I am sure nobody in your unit has any practical and first-hand experience of working in the Government offices. YOU ARE TALKING OF THE TRANSFER OF IAS OFFICERS AT THE BEHEST OF POLITICIANS, BUT DO YOU KNOW HOW THESE VERY IAS DEALT WITH THEIR SUBORDINATES FROM OTHER SERVICES? I belong to the Indian Statistical Service, whose staff and officers have the harshest possible life collecting data from the SAMPLE VILLAGE (AND NOT THOSE NEAR THE ROADS OR EASILY APPROACHABLE) IN ALL SEASONS AND WEATHER, BEING AWAY FROM THEIR HOMES AT ANY GIVEN TIME, WHICH MEANS THAT THEY WERE NOT ONLY FORCED TO MAINTAIN TWO ESTABLISHMENTS, BUT ALSO WOULD NOT FIND ANYBODY TO GIVE THEM A GLASS OF WATER OR CUP OF TEA WHEN THEY CAME HOME, AFTER THIS ARDUOUS AND EXTRAORDINARILY DIFFICULT TOURING LIFE. And would you believe that the remaining 50% have not moved out of the building, let alone the station, IN THIRTY TO 35 YEARS OF SERVICE CAREER?

I am sorry to state that the example of Sardar Patel quoted in the article has no relevance today as far as the day's bureaucracy is concerned. It is quite common to see the senior bureaucrat taking decisions for reasons far removed from public service. Had the service been so sincere, the LIKE OF SHARMAS WOULD NOT HAVE BEEN MOVING FREELY FOR 20 YEARS. As a subordinate officer for 40 years in VARIOUS DEPTTS. OF THE GOVERNMENT. I had often been bewildered by the final orders on a file. For example, how do you justify release of 50 lakhs to a rich State like Punjab for a particular vaccination of animals, while the State of U.P. with ten times more animals gets 6 lakhs! and this particular discrimination continued from year to year, AND NOT TO MEET SOME EPIDEMIC IN PARTICULAR YEAR!

The fact remains that there is no ACCOUNTABILITY AS FAR AS THE BUREAUCRACY IS CONCERNED, WHILE THE POLITICIANS ARE AT LEAST DEFEATED AT THE HUSTINGS. Transfer from one Ministry of another does not affect the bureaucrat as much as frequent displacement out of station, AND THAT TOO IN STATES WITH ALTOGETHER DIFFERENT SYLLABI AND LANGUAGE. THE IAS CAN BE TRANSFERRED ONLY BETWEEN HIS CADRE STATE AND CENTRE."

GOVIND PERSHAD, FROM FARIDABAD.

Once someone jokingly asked Fulton Sheen: "Why are so few women in heaven?"

"Because in heaven they observe 30 minutes' silence daily," was the tentative answer from Sheen.

"I suggest a PIL to ensure insulation of the bureaucracy from the political masters on lines similar to the judiciary. These days even the lowest of the official is required to pay the politicians for getting postings, promotions or assistance in disciplinary proceedings. There appears no other way to reduce corruption and the consequences resulting from the interference by the political masters.

I also suggest a PIL to prevent appointments of politicians to different statutory bodies/corporations as Chairmen or Members at the sweet will of the Chief Ministers. For these assignments either there may be direct elections or these posts may be filled by the experts from the Government."

R.C. CHUGH, FROM INDORE

"Not only the public, the bureaucracy has become a victim of itself. It is no more that often believed self-correcting system. While it is burdened with the thousands of written and unwritten laws, which even law courts interpret differently, there is no mechanism for correction. For any honest, hard working and sincere individual it is impossible to continue on his chosen path. Vested interests and callous attitudes, somewhere along the line, guide the system to the destiny (I wonder if any lesson has been learnt from Mahabharat).

In today's scenario you approach some one for help, he tries to get out (and succeeds in doing so) by dismissing the problem as too specific, too general, too personal, widespread, rare, implications of correction, costs etc. "Ability to adjust is a virtue" is the ultimate lesson learnt, sooner or later. The policies of selective extensions in government jobs, post retirement assignments, memberships of committees deepen the crisis further.

It is logical to attempt to open a help line to help the bureaucracy in protecting it from itself. Only then it could be protected from outside, and it could serve the national interest. Tribunals and law courts or the revisions of the 25000 laws have their own place. They will go on."

DR. R.D. SHARMA, FROM MUMBAI

"Two recent events one relating to ordinance on appointment of CVC and other pertaining to the transfer of Director, Enforcement, have established the urgency to clip the power of the IAS cadre. This cadre is deeply entrenched in the power game at every level of administration and are taking full advantage of the inadequacy of the system for their personal gain. They are neither trained nor have the right attitude to assist and guide the politicians to understand the nuances of the administration. They are most unresponsive to the needs of the common man.

Britishers had created Indian Civil Services primarily to serve the colonial system. Their main task was (a) revenue collection and (b) law & order. This service therefore was more responsive to the rulers than to the people. However, since the service was considered a very prestigious, the cream of the Indian society was attracted towards it.

After Independence this cadre was retained and was considered the steel frame of the administration. The then civil servants had the stature, vision and intellect to give free and frank opinion to the political masters and provided vital inputs to them for formulating policies and its implementation. Thus they played very important role in the initial stages.

The political leaders at that point of time too had great stature and were fired with enthusiasm and patriotism for making India a prosperous and progressive nation. These leaders acknowledge the competence and versatility of the then civil servants and hence felt that this cadre is essential for smooth functioning of the Government. This probably was a mistake as Governance of a modern country needed professionals not generalists specially in core areas of Finance & Banking, Industry, Commerce, Defence, Communication Agriculture and Education.

The new breed of administrators belong to the I.A.S. cadre have neither the competence nor the inclination to qualify for the complex task of nation building. They have, however, ensured for themselves unfettered power without accountability. Economic and social indices show a very dismal state despite

availability of vast natural and mineral resources and abundance of skilled manpower. Every action of these civil servants negates the Panchsheel of the concept of the management i.e., TRANSPARENCY; TRUST & INTEGRITY; RESPONSIVE; EQUITY & BOLD & DECISIVE.

A very bold and decisive steps are, therefore, called for to rescue the machinery from the clutches of present bureaucracy. In my views the following steps will have salutary effect in accountability of bureaucracy and removing the infirmity in administration:

1. Replacing the top hierarchy (Secretaries) in the Ministries by professional managers having proven track record in the relevant fields.
2. Downsize the lower bureaucracy as recommended by the Fifty Pay Commission. Reducing the flab will not only save government spending but will also result in improving the efficiency.
3. The professional managers will have to be given tasks and goals to be achieved within specific time-frame and cost. There will be no dearth of talents who will be meeting the exacting requirements for achieving the national goals if they are allowed to function without the interference from various vested and pressure groups.
4. Politicians should only enunciate broad policies and goals for the country and thereafter monitor the progress through a select group of professionals.
5. The remuneration and other perquisites should be flexible and linked with the performance.

I fully understand that a snap decision will invite opposition and hostility but a soft option of any change is just not available now. The I.A.S. cadre cannot be disbanded but a message should be sent that every incumbent of responsible posts will be accountable and no alibi for failures will henceforth be acceptable."

NARENDRA KUMAR, FROM GURGAON.

"The article does not depict the appropriate and correct scenario as on today. Bureaucracy means - "Officials who keep their positions - whatever political party is in power." In the same way - "a bureaucrat is the official who works in a bureau or government department - especially one who obeys the rules of his Department without exercising much judgement." Therefore, the term bureaucracy in common parlance and from the viewpoint of general public has to include various rungs of officials in the multitude of offices and the bureaucrats have to be squarely blamed for non-governance. The so called plethora of prescribed regulations, procedures and forms - emanating from diverse laws and rules even after 50 years of Independence - is the gift of our steel frame bureaucrats. The politicians "come and go" but our "steel frame" bureaucrats remain in their respective chairs for nearly 30 to 35 years. This fact is certainly inconvertible. These bureaucrats interpret the rules and regulations in the way they like as per their own convenience. The politicians are guided/misguided by the bureaucrats obviously because a politician general does not have the depth and detailed knowledge of the rules and regulations. It happens basically due to inadequate educational background for the most of the politicians at the State level. The bureaucrats take full advantage of this. The big volume of rules and regulations has not been modified just because the bureaucrats are not interested to do it as it suits them very well. At the same time it must be mentioned here that the plethora of rules and regulations do not pose any serious problems if the bureaucracy is determined to act in the interest of the public. There are numerous examples to justify this statement.

The incredible expansion of Ministries in certain States is not in good taste. This violates the basic recommendations of the "Administrative Reforms Commission". However, the bureaucracy is not lagging behind. You mark the number of IAS officers. The States have increased the number of districts - in a big way. In most of the cases it is three to four times more than actually required, who is the kind of the district even after 50 years of Independence? He is generally an IAS officer of the so called "steel frame" class. In addition to king, he is the kind-pin and the entire administration is revolving around the kind-pin. More and more States are being created on political considerations. The IAS lot is getting benefited as their numbers will go on increasing in direct proportion of the posts being created.

One of the vital points being highlighted in the said article pertains to cumbersome, wasteful and dilatory functioning of the bureaucrats due to numerous and enormous number of rules of the different Departments. This is not based on the existing and prevailing facts. Numerous rules and regulations are certainly there but the situation is not so alarming as it has been enumerated and envisaged here. If the rules and regulations are the real problems of efficient, effective, practical and logical functioning for good governance, then "how the passport and VISA of Amina Bai, the mother of Dawood Ibrahim - was made in one day in Delhi by the bureaucrats of the country"? This type of crime by the bureaucracy just cannot be taken easily. The bureaucracy is manipulating, manoeuvring and discarding the norms and criteria to remain in chair.

From the facts enumerated and enunciated here - it is vivid that bureaucracy must take the blame for the most of the ills of the country. It is not fully correct to say that this class is being harassed and terrorised by criminal politicians. I.A.S. class of Bureaucracy is sold and politicians can hardly touch them. Criminalisation of politics is a known phenomenon. The criminals are entering into politics for known reasons. The entire atmosphere has been vitiated. In spite of fractious political ambience and obnoxious and preposterous actions of criminal politicians - the IAS class of bureaucracy is dominant in each and every field. The entire juggernaut may be contained and controlled to a great extent if bureaucrats live up to the expectation of the country. The "speed money" and the "grease money" has to be sacrificed. The bureaucracy must have moral courage to rise above self-interest. If they fail to act right now, they would be ruing at a later stage. Then it would become fait accompli - and a matter of history. Let us not forget that India is India today even in the midst of the criminalisation of politics and coalition government only because of three sacred pillars, the Armed forces, the Supreme Court and the Steel frame bureaucracy of IAS lot."

COL. S.S. RAI, FROM PATNA

"I agree to some extent with Mr. Shourie's views in the article. It's true that this value system is greatly affected by the influence of politicians. But it is only half side which has been put into light. The first person to be blamed for all this is we 'The General Public'. One vast difference lies between the past and present politicians, that is, the present politicians put their seal on all unauthorised works. The question arises 'who made them so much empowered'. It is the weakness of our constitution that shakes the whole structure. In our Constitution every one has right to contest elections. Though its sounds good this actually is not the fact. Amongst us many are literate and illiterate both. Think of a person who is illiterate, having no sense to judge between a 'HELICOPTER' and an 'AEROPLANE'. If you ask him for the different his answer would be too simple, 'No difference' both fly in air". So would you except such a person becoming or Industry Minister? Would he ever try to improve the technology? No he will certainly not.

He will be filled with false fantasy of considering himself above all, as his is the final verdict for anything. He is certain to take wrong decisions. He would pass those projects which fill up his pockets more and more.

Anyone of us can be literate or illiterate. I am not against a poor illiterate becoming P.M. of our country. But anyone thought that for running the country decisions must never be taken from our heart rather they should be taken from our mind. If a poor illiterate person becomes P.M. of our country his mental level would be just for Bread and Butter since they hold more importance for him. He will be acquainted with this little gain and would never try to think beyond that. As it is human nature, we think of what we do not possess. And when we reach the point we think of rest. But for a poor illiterate person 'Bread' is such a basic thing that if it gets fulfilled then also he is unable to think ever of going to space. It will take ages to change his thinking.

So far better developments one needs such politicians who are atleast 'Dhoti Wrapped' educated, since they govern all these minds which are considered incomparable to each other. When for becoming a Doctor or an Engineer, I.A.S. or I.P.S. We demand competition then why not we demand competition for these politicians who govern the minds of others.

Another step for the changing shape of Bureaucrats is the life style. Everyone needs money. Has anyone ever taken pains to see how much income tax is paid by the bureaucrats? Go into any Income Tax Department and ask the higher officials about the tax payers. Approximately 70% income tax payee would be

these very bureaucrats. Just think how low is the salary of Government employees in our country against others. On that also he is asked to pay tax. No housing facility is provided, no schooling facility. And at the end of the month he is left with little. On the other hand see a normal business man. Though his income might be Rs. 4 lakh per month which is much more than the annual pay of any high ranking Bureaucrats. Naturally his life style would be high. Why the Government leaves these people. At this situation frustration arises amongst bureaucrats and they start losing interest in their work. Due to loopholes in our existing system Businessman flees out of the hands of income tax department.

Instead of changing names of cities and Universities - changes must be brought in the existing system, change must be brought in the Constitution. When the public has lost its morale in the present phase then from where these bureaucrats come from. They do not come from special class. They come from the same public. How can we expect the Bureaucrats to be morally high. If much is not done then this cycle of blaming each other shall continue for ever. We cannot punish the persons who began the undertable system but we can certainly withdraw ourselves by not being a part of this system."

ANJALI GARG, FROM BAREILLY.

"Public administration has assumed great importance after the advent of Independence and Nationalisation of various Institutions, which were earlier privately managed. Mahatma Gandhi used to say: That Government is the best which governs the least. This cardinal principle of good governance was given a go-by, by those wielding political power; hence the ills afflicting the various Sections of our society, particularly the honest ones.

Consider the case of Banking system. Prior to Nationalisation of some prominent Banks, no cases of frauds, forgeries, or bad debts used to take place. Indian bank Scam is a striking example of this nature. As Shourie says, lack of accountability is the main reason for such unfortunate occurrences. While it is true that both political class and the bureaucracy are blameable for the mess, I want to stress that executive imbued with the spirit of honesty and integrity can function effectively if they take upon themselves the responsibility of convincing their political masters about the justness of their actions. What is happening now is passing of the buck by one to the other. If public good impels the functionaries to act, and to act decisively, a beginning has to be made somewhere. Examples of H.T. Sangaiana and C. Dinkar, Police Officers of Karnataka, come to mind in this context. The root cause of the problem is that both the politicians and the bureaucracy are only interested in feathering their own nests. One wonders why this should be so, considering the fact that politicians enjoy every conceivable type of perks and financial benefits, while bureaucrats get periodic enhanced pay packets. The inescapable conclusion is that 'public service' is one aspect, which is totally absent in the minds of these two classes. To ward off further damage to society and to bring about some sort of orderliness in the various rungs of social strata, following points need to be considered and adopted:

- (i) The present practice is that Ministers pass on oral instructions to the executives for implementing various decisions. Some of these may or may not be in public interest. It is, therefore, desirable on the part of the latter to insist on the former to give written orders, so that there may be some sort of accountability on their part.
- (ii) Vigilance Cells comprising eminent citizens should be constituted and their views elicited before enacting laws and at the time of effecting transfers of executives. Current practice of abrupt transfer of officials should be discarded.
- (iii) Recruitment of personnel at various levels in public administration should be resorted to, not on the basis of recommendations (as is the current practice) but on consideration of candidates' intrinsic worth. For assessing his capability, opinion of a few citizens of repute could be taken into account. This method goes a long way in eradicating corruption taking place at the time of recruitment.
- (iv) Existing plethora of laws both at the Central and State levels should be brought down to the minimum. It is only because of the multiplicity of laws and not want of laws that confusion is created. Land Acquisition Act, Urban Land Ceiling Act and Prevention of Land Fragmentation Act, can be clubbed together. As is pointed out earlier, the less the tools of governance, the more the efficiency.

- (v) Our Universities are not turning out the right type of degree holders. Many of them adopt dubious means to obtain degrees and distinctions. The happenings in Bangalore University and Karnataka University, in the recent past, bear testimony to this alarming situation. If they are manned by right individuals, we can hope to have a decent set of citizens, who can eventually become honourable members of society.

External vigilance is the bedrock of democratic functioning. Hence it is necessary to involve eminent citizens at various levels of public administration in its functioning. One hopes that these measures would prove to be effective in maintaining orderliness in society."

R.S. SHIKARPUR, FROM DHARWAD.

"Having been taking a keen interest in Public Administration for many years, particularly as it affects the common citizens like me, I have read your article in the Times of India with much interest. I must say that what all you have written is absolutely true, and no doubt well within the knowledge of most right thinking persons, even the uneducated. But what baffles such right thinking persons who have no vested interest in the continuation of the present malfunctioning of the present Administrative and Judicial systems is how to undo the damage and malfunctioning and restore the systems to their efficient, non-partisan and almost corrupt-free states as they existed during British rule. It is wholly true that the present ills and malfunctioning of governments at the Centre and in the States is 75 per cent at least due to institutionalised corruption consciously and assiduously built up by the Congress Party after independence, to perpetuate itself in power and for self-enrichment of its leaders at all levels generally, illegally. And now, the position is that every political party, when once it comes to power anywhere, becomes interested in continuing the status-quo, while paying lip service to electoral and administrative reforms. "Yatha Raja, thatha Praja" goes the famous old saying - and the Praja includes the Bureaucracy which is subordinate to our Politicians (Ministers, MPs, MLAs, Corporators etc.) in our Democracy. With the premature introduction of Universal Adult Franchise in our country, our Democracy has verily degenerated into Mobocracy. To believe that the situation will change for the better does not seem to be a realistic hope, for we see things getting worse and worse. Political corruption is the country's No. 1 problem now.

Our politicians are always hungry for power, to get it by any means, fair or foul. And once getting it, how to keep it for themselves and their posterity and dynasty. To this end, some States are even opposing the existence of the all India Services (IAS, IPS etc.) and opposing creation of an All India Judicial Service, Engineering Service etc., which play an important role as the Steel Frame maintaining efficient and a non-partisan administration even to a limited extent. And it is extremely difficult to cure our politicians of their corruption under the existing frame work of electoral laws and Universal Adult Franchise. The present law makers will not sign their own death warrant. And we have been lacking a President who will be bold and assert himself to uphold the Constitution for the benefit of the country and its people, rather than uphold conventions that work only with politicians. Look at the Congress Party opposing inclusion of the prime Minister in the LOKPAL'S jurisdiction. Or look at the way the ruling BJP has created the onion etc. shortage to collect funds for the party. The real intention of both these major parties are clear enough to the public, without doubt. The Bureaucracy is only a cog in the wheel of Administration. The politicians are the wheel itself, and there can be no improvement unless the politicians are first cured of corruption. All efforts of the public should be directed to this end."

B.V. GANDHI, FROM MUMBAI.

"I have read with interest the article appeared in the TOI. It appears a case in defence of Bureaucracy the IAS & PCS and other Central and State services form the basic fabric of Bureaucracy in the country. Even Municipal bodies, quasi-governmental institutions and public sector enterprises have officers from these services on deputation or otherwise. They have come to set the tone and tenor of public service in offices in the country. Inefficiency is attributed to plethora of Central and State Laws, rules and regulations emanating therefrom. These are observed more in disregard than in compliance. Steel frame has not only rusted, it is crumbling. Speed money short circuits all procedures. I think it may be worthwhile to trace the course of the decline. Politicians are blamed.

Bureaucracy is an important pillar of healthy, sound and vibrant Democracy. Rather it should be. With

the lust for power and pelf of the politicians at all levels and of all parties in general, the onus of good governance fails heavily on the Bureaucracy. The politics which started as a selfless service of the patriot class of people has degenerated into a profession and a profession with no moral ethics, principles or conviction and commitment. The Bureaucrats at the highest levels fail and fell to low to toe their (politicians) line of greed and in the process to line their pockets. No politician can bend the rules and regulations to gain undeserved and undue advantages pecuniary or otherwise without active connivance and help of the Bureaucrat. The nexus between the two is now not only well established but is also well known. The threat of transfer is, of course, their but, with Bureaucracy standing as a solid wall against political misguided onslaughts transfers cannot be executed rampantly if Bureaucracy does not allow itself to be politicised. I think Bureaucracy has to look inside and realise to what extent it has allowed itself to be misused or if I may say so "Raped" by politicians. Sooner it realises its duty and responsibility towards the country, its government and the common man, the better it will be. Or else, the down-hill will gather momentum and its halt will become more difficult as the time passes. I hope that you with your crusading pen will stop and stem the rot."

D.P. GARG, FROM GHAZIABAD.

"One suggestion to avoid delay would be to make the concerned bureaucrat/bureaucrats statutorily accountable by stating which officers and staff are responsible for disposal of each type of work in the Departments within a specified time limit. Without putting the public in disadvantageous position, failure to do so will involve recovery or compensation from the salary of the concerned officers and/or staff, partly or fully. It is also stated that in case responsibility or accountability is not fixed on the concerned officers/staff the matter should be referred to Consumer court for award of compensation. Please pursue the matter for a mandatory fatwa, as you are doing a yeoman service to the public."

T.R. BALASUBRAMANIAN, FROM VALSAD.

"I know that a Class I bureaucrat draws as much as Rs. 50,000 p.m. In democracy, Ministers come and go. Most of the Ministers believe, respect and listen to their Secretaries, out of ignorance. If there is political interference, the upright bureaucrat must bring out the truth or quit. They cannot escape responsibility in the name of political interference. Sardar Patel made IAS officers fearless."

R.T. THAKER, FROM BHUTESHWAR.

"Like any computer programme file ends with a dot ext. (ext.), the Indian Administrative Service (IAS) is always on extension (meaning expansion). IAS as Governors, Ambassadors, Heads of PSUs, ex-officio boss of the country's premier institutions including Sports Control Boards etc. active politicians cum finance ministers, members of IMF, UN Council as representatives from India. They are there on extension or otherwise to fill the most sought after appointments sometimes created to give them extensions by their ex-masters.

It is rather unfortunate 'COMMON CAUSE' taking up a case to defend the 'indefensibles' as these people are being blamed for all ills that are generally attributed to 'municipal clerks'. It is other way round. If the King is corrupt, the ministers tend to become corrupt and it allows great leverage to the municipal clerks, government staff etc. to take benefits otherwise not available.

Plain and simple truth is the 'steel frame' (steel frame as referred in TOI article) has been rusted beyond economical repair. Political masters will keep on changing in a democracy and the fear of 'steel frame' about the politicians in opposition for not being 'steely' in decision making is an excuse of the cowards only.

It is high time the great 'Indian Administrative Service' - the steel frame rusted beyond economic repairs, is discarded, disbanded, as there are plentiful talents available from services, para-military forces, public sector units, Police forces, for effective administration of government machines. For internal, external, foreign, financial, non-financial, planning of resources there are extraordinarily talented professionals, academicians, judges available in our country who will be eager participants in formulating long time policies. The secrecy with or without the Official Secrets Act or the swearing-in-ceremonies will be kept in check by these eminent

persons at least one degree better than expected from the 'presently engaged IAS personnel'.

MAJ. H. MANDAL, FROM JALANDHAR CANTT.

"These facts are largely true and based on the experience of the common man like me who has been a public servant at the Centre for over thirty years. We have, however, to analyse the reasons as to how the 'steel frame' got rusted over the last thirty years. After the Independence governance of the country got much complex with the introduction of planning and welfare agenda of the State. This needed specialists and, therefore, a number of new services were introduced. However, the new version of the steel frame i.e. IAS continues to cover most of the top posts at the Centre and States whether they possess the skill to hold such posts or not. Otherwise how do we explain appointment of only IAS as Comptroller and Auditor General, Chairman of Public Undertakings, Chief Vigilance Commissioner, Chairperson of Public Service Commission etc. The IAS have taken advantage due to nearness to the political boss at district level as DMs and DCs and as Secretaries and Cabinet Secretary at the Centre. This has set in an unhealthy competition amongst various services who waste most of the time canvassing with political boss for top posts. For any ill, one set starts blaming the other and the politician also joins one side when it suits him politically. The common man remains perplexed and public work suffers.

Plethora of laws, rules and regulations to decide even simple matters affecting the common man has allowed a lot of discretion to the public servants both at public dealing level and appellate levels. It is due to this discretionary scope that corruption breeds. The common man is at a loss to understand as to why his application has been rejected and a similar one has been accepted. He thinks it wise to pay bribe to get "justice". The exercise of discretion must be nipped and the common man should have a right to know as to why his first application has been rejected. The public servants should not be allowed to seek additional information to decide a case more than once and to ensure transparency. The Official Secrets Act must be repealed. If a public servant deals with an application received later than those received earlier, he should be severely dealt with.

As far transfers these effect all public servants in varying degrees and compel the public servants to do the bidding of politicians. Also the public servants are prepared to do anything to grab what is called wet postings. Their reservations in public service have created scope for unscrupulous politicians to divide the services on caste lines and have people of this caste at important places and resort to frequent transfers of those resisting his will. The politicians and the departmental heads have to stop such a blatant misuse of their authority. To minimise this the transfer TA of a department should be pegged to 10% of its salary budget and no appropriation from the other budget head should be allowed. Any violation of this should be treated as a corrupt practice and be dealt with accordingly.

In short :

- (i) The Cabinet Secretary to be an expert in public administration, should be appointed from outside the civil service in order that he does justice to all service in the matter of appointment and promotion to top posts in bureaucracy. His tenure should be continuous with party in power like Attorney General.
- (ii) The decision making level and cutting edge of government should not be allowed discretion in deciding a case. Transparency must be ensured and Official Secrets Act scrapped; and
- (iii) The political boss/departmental heads concerned should be held responsible if the transfer travelling allowance budget of his department exceeds 10% of the salary budget in a year."

DR. T.N. BAJPAI FROM NEW DELHI.

"It is a good article, because atleast this article could initiate the thought process about the present state of affairs. The common citizens of this country feel that our entire governmental machinery is going from bad to worse and this has happened in 50 years of Independence. Corruption, apathetic attitude towards the common man's problems and lack of initiative to reform the system are common features of today's bureaucratic set up. Central Government as well as State Governments are largely in the hands of IAS/IPS

officers; almost all the fields are open to this service; and they have started ruining entire administration. Today District and sub division administration is largely managed by IAS services where government system has become ruthless to public issues, corruption in collectorate and rude behaviour of revenue officials like Patwaries, Tehsildars, Block Development Officers. Most of the bureaucrats are busy pleasing the MLAs, MPs, local ministers and some influential personalities and are responsive to them only, and not to the common public. Government has provided all types of facilities with powers but if we observe the style of functioning, one can say these officers are the 'modern princes of India'. Even after 50 years of Independence, life of the people and infrastructure development is at zero level in most parts of the country. This is not because of lack of funds but due to lack of proper implementation of schemes and projects including welfare schemes and poor monitoring and supervision, which means today's bureaucratic structure has become obsolete and outdated.

There are so many organisations and fields which are not managed by the IAS/IPS officers such as public sector, private sector, NGOs, commercial organisations; their performance is far better than those managed by bureaucrats. The officer who studied history, geography and other non-science subjects and qualified for civil services, has become specialist and expert of fields like medicine, agriculture, education, technology, building construction etc. The officer who was planning social welfare programmes till yesterday, starts talking of agricultural planning, medical system and education as soon as he resumes charge of these fields, thus mess is created by these pseudo technocrats. In the specialised field, contribution of bureaucratic officers is just negligible and wholly depends on the subordinate technocrats.

Before the entire system collapses, today's structure of bureaucratic patterns needs initial review and overhaul because common public is paying a lot for this inefficient, obsolete and irresponsible bureaucratic system."

KRANTI, FROM NEW DELHI.

In the context of the article in TOI I would like to present my views as a retired Police Officer.

Recent years have witnessed an alienation between masses and civil servants who are criticised as inefficient, selfish and corrupt. Of late in India there has been a lot of talk about the role of bureaucracy. How far the present Indian bureaucracy has been responsive and sensitive to the current processes of development and to the redressal of grievances of the people, is anybody's guess. Frustration and disillusionment with the ministers, Members of Parliament, legislative assemblies, is ever on the increase and bureaucracy must take stock of itself and share it's part of the blame.

Civil service efficiency in independent India has not increased. Civil servants are alienated from people. Political intervention in governance has increased. There is no clear demarcation between the administrative and executive functions. Because of the hierarchical structure of the civil service, the decision making process tends to be lengthy. It also doesn't reduce the burden of the officials at the top. Over-centralisation, tends to be typical of administration in developing countries and is a product of organizational inertia; pushing the final decision taking responsibility up the hierarchy is the reflection of lack of confidence. Efficiency has also declined because of conflicts between the political heads of departments and the administrative heads.

Different government officials respond differently to situations while interpreting and applying the rules. To help an aggrieved, sometimes long delays, stretching to years, are caused when the time-lag is advantageous to the person e.g. when huge recoveries of pending dues are to be made, delay is beneficial to the defaulter. On the other hand, the recoveries may be speeded up in case someone has to be harassed. In certain cases rules are totally ignored, in spite of their existence. In case later on, the malafide is detected, the simple excuse, "omission is regretted" or 'noted for further compliance' serves the purpose and bails out the erring official.

There is another angle to the mischief played by the rules. When the authority/authorities feel that the rules cannot render help, nor can these be easily changed, modified, amended or circumvented, recourse is taken to another alternative ploy called the power of 'relaxation of rules'. In case the rules are relaxed, naturally, the purpose is served. To further safeguard themselves, and debar others from taking advantage under the game of relaxation of rules the authorities may add that 'relaxed rules' will not be quoted as a

precedent. This course of action kills two birds with one stone i.e., the purpose of the particular party is served and at the same time other applications are restrained and debarred. This clearly goes to show that the rules in themselves are not an end but a means and can be manipulated, ignored, contrived, turned down or relaxed depending upon the mood, pressure, whims and fancies of the concerned authority/authorities.

It needs to be underlined that civil service is not a paragon of virtue. It will be wrong to proceed on the assumption that it is only the political system which is to be blamed or found faulty. The civil service is equally remiss in discharging the responsibilities entrusted to it. Today, it is marked by corruption, subservience, venality, misuse of power and position, nepotism and favouritism. Members of the service often take pride in being identified with one political party or a particular political leader or ruling family. It is not uncommon to find officers flaunting political affiliations, caste and religion, to derive maximum benefits from the system. In every sense, the civil service has come a long way from the initial objectives of its formation.

While some of these observations apply with equal force to the Indian Police Service (I.P.S.), there are some concerns which are specific to the service. These include widespread violation of human rights, large-scale abuse of office and authority by a number of unscrupulous officers, close connection among the police, criminals and politicians, undue lenience in criminal and other cases against industrialists, business persons, politicians and others. The unsympathetic attitude to the economically and socially weaker sections of society and the minorities has led to further lowering of the image of police in the society.

It is the case of middle level (Inspectors/Clerical staff) who occupy key positions in public dealing posts in the government semi-government (Municipal Corporation etc.) organisations, at whose hands everybody seems to suffer in a number of ways. The lower bureaucracy by and large is permanent in every public dealing department and perform most of functions which are vital in relation to the public. They handle sensitive matters of processing of cases, licenses, examinations, inspections, release of funds etc; even if they do nothing, but cause only delays in the matters out of ulterior motives, they can cause great injustice to the public and make great deal of easy money and perpetuate their importance. If at all they are shifted owing to any reasons, they hang around here and there and after a brief hiatus when the inimical climate is over, they through their influence and design manage to return to the same or similar posts.

R.M. SHARMA, FROM NEW DELHI.

"Your write-up "Blaming bureaucracy for all ills is wrong" throws a focused and balanced light on the contemporary administrative set up of this ailing country. As the unit of this country, every individual is, more or less, sufferer of this ailment. In every sphere of knowledge and science, analysts suggest that diagnosis is the remedy. Have we really diagnosed the administrative problem; at least, you turned up to make such a comprehensive effort.

Politics-administration dichotomy has been a long debated issue. Scholars have put numerous ideas and theories. Nothing like a conclusion has been reached. Indian Constitution of 1950 was an excellent effort to seek a cordial balance between political decision makers and executives. However, since at the time of independence, the country was full of national feelings, our Constitution makers forgot to comprehend some psychological factors which, by the lapse of time, would make India and its people shed off the primary national feelings. Now, most of the citizens have lost the sense of nation and nationality, lost the feeling of national duties, national responsibilities and lost the vision of national goals. Our politicians and bureaucrats are brought up in the same environment of inadequate thoughts, lack of dutifulness and non-responsibility being integral part of their approach, they lack the desired national commitment. Then starts the various circle : politicians blame bureaucrats, bureaucrats blame politicians and public blames both. But later when, any individual of society becomes part of either the politicians' group or bureaucrats' lobby, he or she automatically starts defending his or her group. Nobody bothers to defend national welfare. Lip-service is the mode of our life.

Hitherto, public administration has been a system of administering the people by framing various regulations which they are always subject to. This parasitic nourishment has led the public to look at Government for fulfilling their every need. Attitude of slavery and dependence has crippled the thoughts of people in all walks.

Panchayati Raj institution has been an attempt to make the radical change where people can more effectively administer their activities. But, Panchayati Raj has the drawback of financial dependence upon various levels of Government. A system, where villages would be self-sufficient, to determine and to administer, needs to be evolved. Raising of financial resources should be a collective endeavour of the community concerned. Then they will better maintain and protect the created amenities. For this, non-political leadership is desired. Some committed and capable organisations should strive for making the Indian mass to realise that they are the masters of their destinies.

People definitely have the potential to contribute, they lack vision, they need direction. People have been administered for long, let them administer now. Country needs administration, not governance. This should be practised in as wide a sphere as possible. In a country whose vast diversities ask for quite different plans, administration (including deciding and working upon) should be an internal affair. For the integrity of national plans, these diverse plans should have an element of unidirection and cohesion. Thus administration should not only be decentralised but centralised too. Welfare organisations should make concerted efforts to generate a sense of livelihood, a sense of nationhood, a sense of humanhood among the youngest generations at the grassroot level. Positively, we'll have desired changes in character and deeds of tomorrow's politicians, administrators and public.

You and "COMMON CAUSE" have gathered a pervasive reputation and mass support among urbanities; we invite you to rural India to lead us for the common cause of common men."

RAJAT PANWAR, FROM SHAMLI, MUZAFFARNAGAR, U.P.

"I read the article in Times of India on "Blaming Bureaucracy for all ills is wrong." I was debating if writing you would do any good. First let me say you are a brilliant man and have rare gift which few lawyers have that is showing a criminal as victim and the victim as criminal. Feroz Khan Noon, one time Chief Minister of undivided Bengal, was said to have a gift to misrepresent successfully his opponents. The article you have written clearly shows your gift. It also appears you are ambitious and young. You were born of an elite family and raised with a silver spoon. If you were in your teens in 1947 and had contact with the village life, you would not have written this article absolving the bureaucrats of the lawlessness which now prevails in India and which these bureaucrats, secure in their job with the mentality of rulers and unaccountable to any one, have created. (I have written to this writer informing him of my age, 87th year, and being of a middle-class family - Director). If they are caught, the punishment is a slap on the wrist or it does not hurt and deter them at all. One Police Inspector is supposed to have told someone "I will still be an inspector if not here, somewhere else." Lawlessness does not mean rampant crime alone which is also there. But it also includes inability to get justice in the courts. Harassment in the courts - come next time - when you have to pay for what rightfully belongs to you even if you follow the rules and go through all the hoops. They keep shifting the goal line. This is what I mean by lawlessness and which you have so skilfully defended in your article. It costs nearly a Rs. 1,000/- to get a ration card. Come tomorrow or come in a week. No specific date. Application form is not available. The clerk who takes the application is not available - excuses go on and on.

The question you fail to ask is who made these myriad of rules and laws in the first place. The Parliament Members and Ministers depend upon the expertise of these bureaucrats to help pass the laws and rules etc.

Anyway look around all the ex colonial countries have very corrupt civil service. Singapore under the iron rule or Lee Kuan Yew has escaped that. In India the line which the British drew has disappeared. The elite has to deal with corruption and it has become a brazen and gone on so long that it can not be ignored. The British had the civil service as their arm. Their attitude was that of ruler. The same attitude is today. They treat the public with the same attitude of ruler contempt. Nobody works, Rulers do not work. The check the British had is gone. "Everybody is a chief, there are no Indians" a slang in the U.S. for such kind of a situation of chaos.

It is a pity that talented people like you do not go after the corrupt civil service which is a cancer eating away the life and blood of India or termites who are destroying the moral integrity and honesty of the whole country. Even honest people have to act dishonest to survive.

I hope people of your talent spend time in the country side or rural India and see what India has become - population, poverty, pollution etc. and devote their energies to fight corrupt civil service instead of defending them. All these problems will become easier to solve if the civil service was reformed."

SHRI KRISHAN, FROM DELHI.

"Reference "Blaming bureaucracy for all ills is wrong". One cannot but agree with the sentiments as expressed in the title. At the same time, we need to understand that suggestions for the basic changes in the system should also come from the bureaucracy. Everyone has to fulfil his dharma, and it is this aspect that should be addressed when we are dealing with such issues. For example, who has created the red tape? When laws are made, are they implemented in a manner in keeping with the spirit of the acts? Or are they used to harass the people?

We have a tendency in our country to blame the British for the laws that are existing in our country. We have to understand that when they were here they were acting as master, and their objective was to control the populace. At the same time, when laws were made in their home country, they followed a different system. The ethos has been best exemplified by Angus Smith, who set out the regime of inspectorate in the mid-nineteenth century. He said, "There are two modes of inspection. One is by a suspicious opponent, desirous of finding evil and ready to make the most of it. The other is a friendly adviser, who treats those whom he visits as gentlemen, desirous of doing right."

As servants in the UK, they followed the second mode, as masters in India, they followed the first mode. Where the bureaucracy is to be blamed is that they did not make the changes when we became independent, and still retained the suspicion mode. The country rightly spends money in providing the necessary training for the bureaucracy. Given the state of affairs, one has to wonder what are the returns that have been obtained."

VINOD PAWAR, FROM MUMBAI.

"The article on the above in the Times of India is very timely. It relates to an important issue on which several articles and speeches have been written (and reported on) over the last year or two, when the nation has been in a retrospective mood, drawing up the balance sheet of the first forty years of our modern independence.

While few, if any, will take exception to the main thrust of the article that the bureaucracy cannot be blamed for all the ills facing the Indian society today. I, however, cannot help but feel that Shourie is being too generous to the bureaucracy in particular, to its senior echelons. I feel that the senior bureaucracy has a lot to answer for. I give my views in the paragraphs that follow.

"Before setting down the major failures of the bureaucracy over the last fifty years, it is necessary to stress that the author of this note, having been one of them, is well aware of the great service many bureaucrats - particularly those who held key senior posts in the Government, both at the Centre and in the States, at the time of our independence and the initial formative years of the Republic - have rendered to the country and the society. He is also acutely conscious of the overwhelming strains of the partition and the post-partition periods faced by these senior officers, which probably left them with very little time to ponder, reflect and plan for the future role of the bureaucracy in an independent, democratic India. Nevertheless, it is necessary that stock is now taken dispassionately of bureaucracy's signal failures so as to provide a basis for constructive discussions, debate and, hopefully, corrective steps.

My focus is on failures of the All-India services, particularly the I.A.S., mainly because these elite services were expected to set the tone for the entire bureaucracy and, at least to some extent, because the author is most familiar with that service. However, from personal knowledge, it can be confidently stated that similar failures have occurred in almost all bureaucratic cadres and services - and I include in them the scientific and technical cadres such as those of the CSIR, AEC and so on. On that basis, I would assert without hesitation, that the continuing skirmishing between I.A.S. and non - I.A.S. services as to who is responsible for the present sorry state of affairs (regarding which there is no disagreement!) is, for the most

part, sterile and pointless.

While identifying these key failures, attempt is to specially point out those, where senior bureaucrats were in the best position to provide the crucial inputs and where their advice and suggestions would likely have received ready support from their political masters - particularly in the early years of the republic.

Let us turn to the specific failures which I have in mind. First and foremost, in my view, has been the failure to recognise the vastly altered part bureaucracy will need to play in a democracy (as opposed to its role under an alien rule). Sardar Patel had the sagacity to support the continuation of themselves as representatives of an imperial power. The comparatively smooth transfer of power in India, however, meant that the same bureaucrats - whether manning the highest echelons in the Central Government or serving in subordinate and junior positions in the State governments - who had served an alien imperial master and in that capacity had a generally adversarial perception of most of those active in pre-Independence politics - were required to serve a free people under a democratic government. It was for the senior bureaucrats at the Central and State level to recognise that a successful transformation would require a very thorough attitudinal change in the persons manning the government services as also an alteration of the hierarchical bureaucratic structures evolved by the erstwhile imperial power.

Ministers and other politicians holding statutory or constitutional positions had of course to be listened to and treated with due defence and courtesy; in the districts and the State Secretariats, the relations between local politicians and the middle and ground level bureaucrats continued to be mainly adversarial. Free exchange of information and views by bureaucrats with the politicians or with the public remained the exception and not the rule.

Impelled by their dreams for a prosperous India and the yearnings of the electorate, the political leadership embarked on a massive expansion of the State's role; the bureaucratic structures evolved for executing these ambitious plans - the design of which was necessarily entrusted to the bureaucrats then available - unfortunately followed the same centralised, pyramidal patterns evolved by an imperial power for holding down this country. Thus, we developed long multi-layered bureaucratic conduits to deliver basic services such as primary education, public health, agricultural and financial inputs in the rural areas and so on which allowed for hardly any local public oversight/control of the activities of the service providers whether they be school teachers, nurses, extension workers or other similar functionaries². Should we then be surprised about the woeful state of primary education or health in most of our States? Or by the deep-seated suspicion and distrust with which Government functionaries are viewed by the intended beneficiaries?

The first failure thus inevitably led to the second important failure of :

- a) not recognising the need to promote and strengthen democratic decentralised organisations for delivery of a variety of essential services needed by the large mass of people and
- b) where some of the services had to be continued to be provided by the state or the central government, of not creating administrative structures and of not developing processes and procedures which will enable the receiver of such services to easily understand the rationale of these processes and thereby be generally satisfied about their fairness.

Another important failure was in respect of proliferation of bureaucracy. The long hierarchical structures created for delivery of services (in absence of effective decentralisation) and for regulating economic activities in the society certainly contributed to this; the growth, however, has far outstripped the increases warranted by the considerable expansion in the role of the Government. Such explosive growth in numbers inevitably meant that the real remuneration of Government functionaries had to shrink drastically. Senior bureaucrats failed signally either to contain this growth or to warn their political masters effectively about the perils of having an army of poorly paid bureaucrats.

Yet another major failure has been the lack of self-discipline amongst the various bureaucratic services and here, the "elite" all-India Services, such as the I.A.S., have hardly set an example. Probably the most shameful instance of this was the non-disciplining of two probationers in early '80s which led to the resignation of the then Director of the Mussourie Academy but this was hardly the exception; numerous examples would be available in almost every I.A.S. Cadre. Other services tend to be even more parochial.

Misguided service loyalty has protected many a bureaucrat against whom the public had made complaints but who cares for the public? All the elaborate machinery of Vigilance Commission, Anti-Corruption Bureaus and so on, would remain of little avail till we develop this culture of self-discipline.

The final failure I would note is the cynical disregard for training. There are, of course, a plethora of training establishments established by various bureaucratic cadres and services but just inquire about the antecedents of the heads of these institutions and probably in 9 out of 10 cases you will find that a person who has been found to be inconvenient for posting elsewhere or inefficient or who is on the verge of retirement is in position! How many Cabinet Secretaries or for that matter Secretaries of the department responsible for personnel matters in the Government of India have ever headed the academy for I.A.S. probationers? The lip service paid and the utter disregard shown in practice to career planning and in-service training in most government and public sector cadres and establishments can be chronicled at great length.

The broad point to make is that these major failures, for which bureaucracy is itself largely to blame, led to the diminishing of bureaucracy's status in societal perception and of its ability to discharge its functions in an effective and credible manner and resulted in its politicization and in corruption making deep inroads in Governmental functioning. It is true, of course, that there were several other major factors in play which have contributed to the perceived social and economic ills prevalent in our nation today; it is also equally true that our heritage has been a feudal one and making a success of democracy has been a novel task for all of us. Nevertheless, the upper echelons of bureaucrats - which included some of the best and brightest in the land - cannot escape lightly from blame for these failures.

W.S. TAMBE (AN EX-I.A.S.), FROM PUNE

"Your article published in the Times of India was good enough. You have raised the real problem against the general public of our country and their thinking about bureaucracy.

I agree with you. Most of the top bureaucrats of our country are honest and function impartially but unfortunately political masters in power criticise them in different ways. Due to this political interference, their working style is affected. It is a major threat to our country."

GOPAL DIXIT, FROM SHAHJAHANPUR.

"Your article on Bureaucracy in the Times of India on 25th November was interesting and informative.

Problem of refusing to shoulder responsibility, I feel starts from political leadership. They in turn face political instability which, in turn, is result of plethora of regional parties and factionalism.

We cannot overcome these social contradictions and aberration unless economic structure is reviewed urgently."

DR. RAJIV JOSHI, FROM TATVABODH.

"I wish to bring the following views to your kind notice in response to your article in the TOI on role of bureaucrats. Your write-up appears to be making light of the responsibility of the bureaucrats for the current bad state of affairs in the country. You also appear to believe that bureaucracy is limited to the top layers alone and the real ills are at the grass-root level where the bureaucracy has no role to play but is being blamed for the ills of others. I am afraid that your contention on both the counts is not realistic one. The all powerful bureaucrat has wide network of brotherhood throughout the country and they have control on the nerves of the mass at the district level and through their direct subordinates the SDM, Tehsildar, Lekhpal, upto the village level. They are manning the top slots of all govt. departments, be it technical, medical or otherwise; they are governing all the govt. undertakings, boards, development authorities, and Municipal Corporations, Municipality and even town areas. All development schemes framed at district level are with their consent, the budgetary provisions of the district plan are channelled through them.

One IAS is posted at the district level as C.D.O. for controlling, formulating schemes, overseeing and coordinating the development activities in the district. Mighty District Kachehary is under their direct control where hundreds and hundreds come every day, get fleeced in different ways with hardly any achievement. So is the case of Tehsils. But one never hears anything about these places and the goings on their under the very nose of the District Magistrate. The DM in fact always keeps the attention of public, media and political leadership, diverted to the Engineering and Medical professionals and finds pleasure in criticising them and in fact doing nothing to improve them either and let the activities of his blessed ones go unhindered, unnoticed. Similarly, the engineering wings like Rural Engineering Service, Minor Irrigation, DRDA, Planning development authorities etc. which are under his direct control are also rarely questioned. They Almighty bureaucrat has thus developed a mechanism to allow things to move from bad to worse and use every opportunity to his own interest and benefit. In the same way at top level the bureaucrat is using the ignorance and incompetence of the political boss to his advantage and keeps the bad light always focused on the politicians. It is not my case to defence the crafty leaders but to emphasise that our steel frame had the potential of checking the evils, keeping the leaders in check but they are in fact making use of the situation to their own betterment. They have cared only for their own cadre, kept its privileges intact, while not bothering about other services and the nation.

The role and sole aim of the bureaucrat of the day is to keep his own interests safe and secure, look doing a lot while not doing anything, blame others for the ills and laugh in the background. They do not take their jobs very seriously and in fact they appear to be detached from the department they are working with, though they have no single department which can be said to be their own at the top level and as such they pass their whole life working as strangers, never thinking good of the department/institution, with no initiative and pushing on things as they come to them. This is a class which though is made of Indians has the feeling of super-Indians or European-Indians or Western-Indians. How else the present situation in every walk of life which is under their control can be experienced? Why the bureaucrats who have all the powers, all the facilities and privileges cannot make use of the existing rules to the betterment of the Masses? Are they not the ones preparing draft legislations, are they not the ones having every opportunity to make suggestions and get them implemented? The bureaucrat has to rise above the vested interests and brotherhood of service considerations, thinking only in the interest of nation, leave the casual approach, leave the "I do not belong here" approach. We have to seriously ponder whether this clan is to be allowed its present shape and long arms or to restrict it to non-specific jobs alone and leave the specifics to be attended by the experts themselves. The supremacy of the D.M. at district level needs serious review, whether concentration of so much power in one comparative junior individual is desired or let the different organs develop and function freely without his interference. The politicians also make use of the over-concentration of power in one individual to their advantage who in turn finds a good cause to twist the arm of others, the vicious circle goes on, the politician, the bureaucrat both are happy; the country only is not so,"

B.B. SHARMA, FROM MEERUT.

"Having heard so much about your work, I feel honoured to write to you. It is about your article in the Times of India (Nov. 26) titled "It's not fair to blame mandarins for everything that goes wrong." However, it is with regret that I have to disagree with your views.

- a. From my small exposure to civil servants and the bureaucracy, I have found a few excellent people - some are very competent and honest officers, and some even have some courage. But, sadly, they are very few indeed, and they can be named across the country - the Khairnars, Kiran Bedis, Ravindras, Alphonses..a few more.
- b. Most people I met have not been helpful. They have been unhelpful in general, or claim they can't do anything because of the 'system'. Whose job is it, anyway, to improve the system? They seem best at stopping or stalling something, for which it is easy to find an excuse, rather than to make it happen. The many laws and rules to which you refer help them in this role. And, the few that offer to help are hard put when in the job themselves. Example - an IAS officer at Secretary level suggesting a way out of a difficulty, then on transfer to the on to the take the decision saying how difficult his own idea was to implement.
- c. Many must be good at enabling or facilitating corruption by politicians, because I don't see how even politicians can make money without the bureaucrats' nod or formal consent in the paper work needed for

- any decision. For example, how can a contract be awarded without a piece of paper which is handled by a bureaucrat? Have you understood how a politician can make any money without a bureaucrat being in cohorts with him? I can't.
- d. They brag and boast about the 'things they do. I sought help to make a list of NGOs in Bangalore. The director, department for the disabled told me 'of course" they had a booklet listing them for Karnataka (not just Bangalore). The booklet is in Kannada which is perhaps unavoidable, but it is also four years old and hopelessly incomplete.
- e. There are very few officers of real courage, who boldly take transfers and still act according to their principles wherever they go. What is so special about their transfers? I know many in private companies who are moved around often for 'business reasons'. They upset the family and children's schooling, but IAS/Services people get children admitted by walking into the school they want - none of them get stuck for school or house.
- f. They look after their own interest more often than the public interest for which they are employed. Examples - I have seen IFS chaps abroad spending more time on booklets showing items available to diplomats on duty free sale. So many find jobs after retirement in international institutions or as State Governors. I know only one IAS officer, and one General, who lacked a car and site/house in a posh area on retirement - they usually allot themselves prize (not just any) sites for houses. The wives of civil servants do business, get favours from other civil servants. At the very least, we see so many using official transport for personal work - the family go shopping, to school or holidays? I doubt it you have ever seen any civil servant queue for anything, anywhere, anytime? I haven't.
- g. They have a culture which I experienced briefly when working in the public sector which I can at best term, "Yes, Sir" or "Haan ji," which perpetrates the system. The bureaucrats do this to their political bosses, the subordinates do it to their administrative bosses, and the culture expects common citizens to do it to all who work in the government at any level or function. Admittedly, culture is difficult to change, yet only the bureaucrats - or the better among them - can change this.
- h. Please do check statistics of where top rankers in the IAS (and other services) opt to get posted. It used to be the IFS (when going abroad was a reward) but now I believe they all want to go to the BIMARU States and because the corruption and dowries are higher. This was told to me by one Secretary to Govt. of India recently. Is it true that there are perhaps just four truly honest Secretaries to Govt. of India (among the 100 or so)?
- i. They have special rules to protect themselves, like getting clearance to chargesheet or prosecute them. Why not they be treated like the rest of us? Because they make these rules themselves, or the British did for them. I have heard of just one or two civil servants even being taken before courts, let alone being punished for impropriety or dishonesty. Do you believe it is such a small number, or that the rest get away by their own rules. Like stacking the new Vigilance Commission. Public sector organisations not being straightened out to protect these perk-full jobs for themselves. No enquiries acted upon - why? To protect themselves and their political 'masters'.

No, Sir, I regret I find it hard to believe that we are wrong in blaming these mandarins. They are certainly to blame for almost everything that's wrong if not everything. I am perhaps cynical, but I blame the IAS (the other services a bit less) more than the politicians among whom there is no shortage of crooks. With many thanks of an ordinary citizen, for all the excellent work you are doing for our country, and my respectful regards."

G.M. ROW, FROM BANGALORE

The moon shone silver on the waters of the lake, and the waves beating on the shore were hardly equal in intensity to the waves of passion nearby. One ardent couple pulled apart long enough for the young man to whisper, "Darling, am I the first to make love to you?"

Her tone, when she answered, was irritable. "Of course you are," she said. "I don't know why you men always ask the same ridiculous question."

"If blaming bureaucracy for all ills is wrong, then blaming the laws can not be considered as right. Procedures for solution of almost all the ills are already laid down but the laws are not being implemented because of only one thing and that is corruption.

To eliminate corruption, it is only government machinery solely responsible as it has potential powers. Individuals have no means or courage to cage this dinosaur. Public is compelled to unwillingly part with something to get something of entitlement. Corruption cuts short the routine resulting in laziness and "harm - khao" habits coming up in the government machinery. Ordinary man does not nominate a candidate for election. It is E.C. which after strict perusal allow one (of any part or independent) to fight in election and we elect the one irrespective of one being literate or illiterate relying on one's words. Corruption commences at the political level and enters bureaucracy to infect the cancer of corruption. For diagnosis the ultimate Doctor is police which only has the cells of anti-corruption.

Most important person in democracy is a policeman whose duty is to maintain law and order and if he becomes corrupt no one can save us, as the Law becomes infructuous and the order turns to disorder. An ordinary man seems less worried about an unsocial element if a policeman is near. Police can even take a Minister to task and that type of confidence has got to be built up between public and police. This is possible when corruption is eliminated from police first. We are giving them arms and uniforms to be recognised. They are supposed to save us physically as well as from the culprits. Right from Temple to Talkies they have to stand by us. They are the only regularising force. They come to us in almost all difficulties. They have to watch each and every thing so that law and order are not disturbed. They know the Roads and by-lanes of hoarders and parkers. They, perhaps, even know the places where God is non-existent.

If by simplifying or reducing the laws, roles or procedures the whole system could be made corrupt-free then one shall have to go to heaven and learn Ram-Raj from Rama Ram.

Nobody will deny the saying 'Yatha Raja Tatha Praja'. If Government is corrupt, don't blame the public. Suggest, affidavits should be filed by all government servants and the oaths by Ministers to the effect that if anyone is proved corrupt shall be liable for Death Penalty.

Don't take corruption so lightly before it is too late as the economy is at stake and we will have to beg for a one-time meals when nobody will feed us.

P.M. PUNJABI, FROM THANE (WEST).

"Corruption is eating our Indian society. It has reached every level of administration. We are always very quick to point out fingers to the bureaucrats. While pointing out, we forget the other fingers facing us. Who are these administrators? They are not aliens. They are part or let's say product of our society. It is the society which has conditioned the bureaucracy to follow the present way of life. Can a handful of people decide the way of millions? One famous political thinker, J.S. Mill called the common people as 'sheep'. I beg to disagree. We are far from being sheep, we are intelligent enough to put all our blame on the ruling elite.

Let's take look at common, day to day, examples. Say, Traffic Rules! You break them and then try to grease the traffic Police's palm. Who is guilty? Both But the balance tilts more towards you. Sometimes rigid rules do come our way of progress. If you are sure of the inadequacy of such law, why not protest publicly. The give and take between two or three has brought the society to the place, where it is now. Created a lot of problems and complications.

We have committed one more mistake. Paid too much importance to the Government official. Why expect them to do things for us. We expect our area to be cleaned by the Municipalities, roads to be maintained, take care of the environment. Can't we do something for ourselves, as a community. I feel it is possible. These acts will also compel the authorities to act. They would be able to see a threat to their jobs and may change their ways. Yes!, it's possible. We need to act in order to make the authorities work.

See once again the roots are being sprayed deep inside us. We feel, the jobs are not ours. Others should do it. People occupying the seats feel the same. After all, they reside in the same society. The result is delay, red tapism, corruption.

Our political system is great. Dons, Goondas, cheats, illiterates are the bricks of this structures. Who elects them? Again, we. Someone like Gawli is hero for many. A very few of the politicians are clean. Illiteracy is often held responsible for lack of awareness. I don't know to what extent it is true. But, I don't feel one needs to know alphabets to have an understanding of good or bad. Bureaucracy has been used as a scapegoat by the politicians.

Come to taxes. Yes, our government collects lot of taxes from us. It is a pain. So, you prefer not to pay them. This creates lack of funds. How are the people supposed to work without money? When it comes to taking benefits, we are prepared to take maximum of it. Even if we don't qualify, we manage to produce forged certificates and documents. And in this case, no one but we are guilty. We can always justify saying this is nothing compared to Bofors and Hawala. But, we forget that what is wrong is wrong.

The above points may seem that I am trying to justify the bureaucrats. No, I don't deny their role. They also had the option to say no. We made a mistake by offering and they were equally wrong in accepting. It is a two-way traffic. If we can't clap with one hand neither can we shake them. It's time to own up responsibilities and stop laying it on some one else's shoulder.

MR. MOUSHUMI MONDAL, FROM MUMBAI.

Alleged negligence of a doctor

A write-up of Mr. M. Pandit under the heading "Doctors or Butchers?" which had appeared in an issue of the Bombay newspaper "AFTERNOON" was reproduced in our quarterly journal for the period October-December, 1998 (Vol.XVII No.4) on pages 21-22. Subsequently, we were informed by Dr. R.C. Hansoti of Mumbai that the case was referred to the State Police Surgeon, Dr. G.V. Uppe for investigation. He also sent us a clipping from Express News Line dated 3rd November, 1998. As per the news report the Police Surgeon has opined that "The surgeon was not negligent in his duties and that all the doctors did their best to save the life of the patient". Dr. Bhagat is reported to have been absolved of any negligence on his part as alleged in the "write-up".

"I don't know what's wrong with me, doctor", said the curvy call girl. "I feel tired, dragged out. Pooped. No pep. No get up and go. Is it vitamin deficiency, low blood count, or what"

The medico gave her a tip-toe examination and then his verdict: "Young lady, there's really nothing wrong with you. You're run down, that's all. You've been working too hard: I suggest you try staying out of bed for a few days."

...

Census takers have found that one tenth of all married couples aren't.

...

Roger, the handsome real estate agent, couldn't remember when he'd rented an apartment to a more desirable tenant. As she bent over his desk to sign the lease, he became aware that his pulse was beating in his ears with the sound of bongo drums.

"Well", he said, "that's that. I wish you much happiness in your new apartment, and here are the two keys that come with it."

She straightened up, accepted the keys, and favoured him with a dazzling smile.

"And here is a month's rent in advance, honey," she replied. And she handed him back one of the keys.

...

American President Roosevelt used to narrate a humorous incident. When he was the Police Commissioner of New York, an Irish man came to join the police force. During the interview he was asked: "Imagine you are surrounded by a crowd. What will you do to disperse it?"

"I'll take out my hat and start a collection, requesting them to donate generously for a worthy cause".

...

A proud parent called up the local newspaper and reported the birth of twins. The girl at the news desk didn't quite catch the message over the phone. "Will you repeat that?" she asked. "Not if I can help it", was the reply.

...

OUR WRIT PETITION ON NON-BANKING FINANCE COMPANIES

Problems created by large numbers of Non-Banking Finance Companies (NBFCs) for hundreds of thousands of persons all over the country are widely being talked about. We have filed a comprehensive Writ Petition before the Supreme court on this important subject. In it we have made the Government of India, in the Ministry of Finance, and the Reserve Bank of India, Respondents. We have not taken up the issue in relation to or against any particular companies; our plea is on the wider issue of these Finance Companies having defrauded hundreds of thousands of persons of their life's savings and now having either wound up their operations or locked up their premises. The amount collected by these Finance Companies runs into tens of thousands of crores of rupees. The defrauded small investors are feeling extremely perturbed; large number so these investors have taken their grievances to Consumer "courts" for redressal; numerous complaints have been sent by them to the Company Law Board of the Government of India. It is very unfortunate that these investors are not yet sanguine about getting their grievances adequately and expeditiously redressed.

The main problem we have highlighted in the Writ Petition before the Supreme Court is that the GOI and the RBI have now come out with certain regulatory measures a few months ago, providing for the procedures for rating of the finance capacities of individual companies, whereas the depredations by hordes of Finance Companies have been going on for last many years and there is no reason to believe that GOI and RBI were not aware of their misdeeds. We have requested the Supreme Court to ascertain from the GOI and RBI as to why they did not take any action in time, and what they now propose doing to secure compensation for the large numbers of persons who have been defrauded.

Our Writ Petition is a long document. We have considered it appropriate to reproduce below its Synopsis, some paragraphs which are of general interest, and a summary of the prayers embodied in it. References in the reproduced paragraphs to Respondents Nos. 1, 2 and 3 are, respectively, to GOI, RBI, and Company Law Board of GOI.

SYNOPSIS

The present petition is directed against the inaction and indifference of the Respondents in regard to the culpable actions of thousands of Non-Banking Finance Companies (NBFCs) which have been tempting lakhs of gullible investors through grandiose advertisements offering attractive rates of interest but have subsequently defrauded such investors by neither paying the interest instalments nor refunding their deposits after maturity.

By a conservative estimate, the number of NBFCs involved in this mega-scam is over 30,000 spread throughout the country and the number of investors duped runs into hundreds of thousands, with the money involved totalling to tens of thousands of crores of rupees.

In the mistaken belief that it is difficult to reach the potential rural and retail investors without the help of NBFCs, the proliferation of NBFCs has apparently been encouraged and endorsed by Respondents Nos. 1 and 2. NBFCs were considered the simplest way of netting the surplus funds available with the retail investors at the grassroots level. It was hoped that huge deposits thus mopped-up by NBFCs would in-turn flow into the general economy of the country, adding to the financial wherewithal of the government for carrying out various developmental projects. The ultimate objective therefore was social upliftment of the masses and expected increase in the GDP.

While the concept was indeed lofty, the Respondents have failed to monitor the functioning of NBFCs and even to implement the bare provisions of law as they exist to retain adequate measure of control over such companies. As a result the NBFCs started playing truant with investors monies and encouraged by the apathy of the Respondents in this regard, the NBFCs were increasingly flouting repayment schedules with impunity. There were hardly any controls from regulatory agencies, including Respondents Nos. 2 and 3.

This had left the field absolutely open and unguarded for NBFCs to conduct their operations in an unworthy and in fact criminal manner, enabling them to hoodwink poor and unsuspecting small investors into losing their hard earned money. Even today when this mega-scam has got exposed, preventive and protective action by the Respondents has been so inadequate that the deprived investors are running from pillar-to-post with no succour available from any quarter.

The Reserve Bank of India (Amendment) Act, 1997, enacted with the primary object of exercising stricter supervision over the operations of NBFCs, deals with matters such as (i) prescription of minimum level of Net-Owned Fund (ii) requirements of compulsory registration with RBI, (iii) maintenance of liquid assets in the form of unencumbered securities, (iv) creation of Reserve fund and transfer thereto of not less than 20% of net profit, (v) determination of policy and issuance of directions by RBI on prudential norms, (vi) prohibition of unregistered NBFCs from accepting deposits and (vii) filing of winding-up petitions for violation of directions.

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The Reserve Bank of India (Amendment) Act, 1997, enacted with the primacy object of exercising stricter supervision over the operations of NBFCs, deals with matters such as (i) prescription of minimum level of Net-Owned Fund (ii) requirement of compulsory registration with RBI, (iii) maintenance of liquid assets in the form of unencumbered securities, (iv) creation of Reserve Fund and transfer thereto of not less than 20% of net profit, (v) determination of policy and issuance of directions by RBI on prudential norms, (vi) prohibition of unregistered NBFCs from accepting deposits and (vii) filing of winding-up petitions for violation of directions.

As these measures are aimed at regulating the future operations of NBFCs, the acute hardship being faced by existing depositors whose money has been gobbled-up by unscrupulous NBFCs has not been addressed.

It is the contention of the Petitioner that Respondents Nos. 1 and 2 have failed to fully and effectively implement the existing law to bring defaulting NBFCs to book and to seriously ensure that the deposits made by persons with such NBFCs are refunded to the maximum extent possible. Respondents Nos. 1 and 2 have also failed to lay-down stringent laws to ensure the prompt payment of all sums due from NBFCs to their depositors, alongwith a responsive mechanism to see that laws, rules and regulations thus prescribed are strictly and scrupulously implemented. Respondent No. 3 has also failed to exercise the powers vested in it for settling the complaints received from

investors and, in particular, to enforce the penal provisions of the Companies Act, 1956 for ensuring compliance with their orders by the defaulting NBFCs.

The omissions complained of have resulted in violation inter alia of Articles 14 and 21 of the Constitution of India.

PRAYERS MADE IN WRIT PETITION

PRAYERS

- (i) to direct Respondents Nos. 1 and 2 to fully and effectively implement the existing law to bring defaulting NBFCs to book and to seriously ensure that the deposits made by persons with such NBFCs are refunded to the maximum extent possible;
- (ii) to direct Respondents Nos. 1 and 2 to urgently set up a special tribunal or forum and lay down special mechanisms to effectively handle the several hundreds of thousands of complaints against NBFCs throughout the country and to invite, by public notice, aggrieved investors having such complaints for their effacious and time-bound disposal;
- (iii) to direct Respondents Nos. 1 and 2 to lay-down stringent laws to ensure the prompt payment of all sums due from NBFCs to their depositors, alongwith a responsive mechanism too see that laws, rules and regulations thus prescribed are strictly and scrupulously implemented;
- (iv) to direct Respondent No. 3 to exercise the powers vested in it for settling the complaints received from investors, and, in particular, to enforce the penal provisions of the Companies Act, 1956 for ensuring compliance with their orders by the defaulting NBFCs;
- (v) to direct Respondents Nos. 1 and 2 to provide for an insurance cover scheme for retail investors in NBFCs on the same lines as obtaining in the banking industry and as suggested by the Hon'ble Supreme Court in 1996.

Lady Aster, a fresher in the Parliament, often crossed swords with Churchill. Once incensed to the extreme, she spat out: "If you were my husband, I would poison your coffee."

"If you were my wife, gladly would I drink it," shot back Churchill.

...

A Scotsman had an argument with a bus conductor regarding the payment of fare. He wanted to pay less than the actual fare. After a heated argument, the conductor took the Scotsman's suitcase and tossed it out just as the bus was crossing a river.

The Scotsman screamed: "Isn't it enough that you try to overcharge me! Do you have to drown my little boy!"

...

Latest comment from the pundits regarding the population explosion: if the birth rate keeps increasing there will soon be standing room only on the earth, at which time the birth rate should stop increasing pretty quickly.

...

The Kindergarten children were having a wonderful time playing with a stray cat. After a while one little lad asked the teacher if it was a boy cat or a girl cat.

Not wishing to get on to that particular subject, she said that she didn't believe she could tell.

"I know how we can find out," said the boy.

"All right," said the teacher, resigning herself to the inevitable. "How can we find out?"

"We can vote," said the child.

...

A guy goes to visit his grandmother and brings his friend along. While he is talking to his grandmother, the friend starts eating the peanuts on the table and finishes them off. As they are leaving, the friend apologised for finishing off the peanuts.

"That's all right," says the grandmother, "since I lost my dentures, I only suck the chocolate off them."

...

To

All Members of Common Cause

NOTICE OF ANNUAL GENERAL MEETING

The Annual General Meeting of COMMON CAUSE Society will be held in the Constitution Club, Rafi Marg, New Delhi, on Sunday the 7th February, 99 at 10.30 A.M.

Agenda will be as follows :

- i) Consideration of Annual Report and adoption of the Annual Accounts alongwith the Auditors Report for the year 1997-98.
- ii) Appointment of Auditors for the year 1998-99.
- iii) Activities and Programmes.
- iv) Elections.

It may kindly be noted that in accordance with Rule 15 or the Rules & Regulations of the Society if within half an hour of the beginning the quorum is not present, the meeting shall stand adjourned for the same day and will be held after another half an hour, and members present in the adjourned meeting shall form the quorum of the meeting.

H.D. SHOURIE
DIRECTOR, COMMON CAUSE

RAO & RAVINDRANATH CHARTERED ACCOUNTANTS

AUDITORS REPORT

We have audited the attached Balance Sheet of COMMON CAUSE as at 31st March, 1998 and the annexed Income and Expenditure Account of the Society for the year ended on that date which are in agreement with the books of account maintained by the Society.

In our opinion and to the best of our information and according to the explanations given to us, the said accounts give a true and fair view:

- i) in the case of the Balance Sheet of the state of affairs of the Society as at 31st March, 1998 and
- ii) in the case of the Income and Expenditure Account of the excess of income over expenditure for the year ended on that date.

for RAO & RAVINDRANATH
CHARTERED ACCOUNTANTS

Sd/- A.V. RAVINDRANATH
PARTNER

Place : New Delhi
Date : 28.10.1998.

ANNUAL REPORT FOR 1997-98

During the year of Report COMMON CAUSE has carried on its normal activities and programmes, dealing with various public causes which are bringing about harassments and exasperations to the people. Some important public interest matters have been taken to Delhi High Court and the Supreme Court, and certain pending cases have continued to be pursued.

The organisation has, as usual, continued to receive a large number of letters in which the people, from the various parts of the country, conveyed their personal and individual problems; some of these which were found to be of outstanding importance were communicated to the concerned authorities of the Government of India / State Governments, and in certain cases the grievances were thus got redressed. In general we have continued to follow the normal policy that the organisation would give importance to the common and collective problems of the people, and that it was not possible to deal with problems of individuals.

Membership of the organisation has continued to steadily grow. Mostly the persons seeking membership have preferred to take life membership. The organisation has also continued to maintain close contact with institutions and organisations which in their own sphere are concerned with problems of the people.

COMMON CAUSE has now completed over 18 years of its existence. It has taken up a large number and variety of common problems of the people and has largely been successful in securing satisfying verdicts from the Supreme Court, Delhi High Court and the National Commission established under the Consumer Protection Act. The organisation has been able to maintain its reputation of serving the causes of the people. It has now reached a new stage when it is in a position to start operating from the new building COMMON CAUSE HOUSE which has been completed in the important area of Vasant Kunj of Delhi. The building has come about as a munificent gift of GOODEARTH FOUNDATION, through its Chairman Mr. Vikram Lal, who is also Vice Chairman of COMMON CAUSE. The Foundation has spent over Rs. 72.00 lakhs on the construction of the building and Rs. 11.00 lakhs for the land. A Trust under the Chairmanship of Mr. Vikram Lal has been created as part of the organisation; this Trust will be responsible for all matters connected with the immoveable property which has been created under the auspices of COMMON CAUSE. Consequential alterations which got necessitated in the Constitution, as approved by the Governing Council and the General Body, have been communicated to the Registrar of Societies. We are also grateful to Sir Dorabji Tata Trust for the splendid help they have given to the organisation by way of donation of Rs.20 lakhs towards its corpus.

In the matter of Public Interest Litigation there has in general been considerable enlargement of interest evinced by certain members of the Bar of Delhi High Court and the Supreme Court. They have taken the initiative of filing Writ Petitions in these courts on certain matters of public importance. There is a feeling that such activities on the part of the Bar members will continue to further grow. This is a healthy and welcome development from the viewpoint of initiatives of solving the problems of the people where they are disregarded by the governmental authorities. To this extent it is obviously recognisable that there will be increasingly less scope for the initiatives in this field being taken by an organisation like COMMON CAUSE. We are increasingly, therefore, examining alterations for conveying the voice of the people to the concerned authorities, and in this context there will be need of increasing emphasis on our part for taking up specific issues, for the purposes of lobbying and for raising the voice, further strengthened by associating with it the voice of other Non-Governmental Organisations (NGOs) which may be interested in particular issues.

Methodology for these initiatives will increasingly develop while, of course, in the meanwhile the organisation will continue to take up specific important issues for redress through the medium of PIL on the lines we have so far been doing.

We furnish below information about our various PILs which are presently being pursued, and the new ones which have been filed during the year of Report.

PENSION OF MEMBERS OF PARLIAMENT

A Writ Petition on this important subject was submitted to the Supreme Court many years ago, highlighting the fact that in the Constitution.

There is no provision for giving pension to MPs. The matter had come up before a Double Bench. It was felt by them the matter involved interpretation of the Constitution, and, therefore, it was referred for hearing by the Constitution Bench. It has not so far been possible for this important matter to come up before the Constitution Bench. We have made references on the subject to the Hon'ble Chief Justice of India.

CRIMINAL CASES PENDING IN THE COURTS OF INDIA

Our Writ petition on this subject was decided by the Supreme Court couple of years ago. Out of about three crore cases pending in the courts of India, nearly one crore are criminal cases, which is obviously very unfortunate. The Supreme Court took cognizance of the various suggestions made in our Writ Petition and gave further directions which have brought about a very distinctive change. Quite a few hundreds of thousands of criminal cases have got closed down as a result of these directions. It is reported that more than six lakhs criminal cases have been closed down in the State of Maharashtra alone.

LAWYERS' STRIKES

The matter relating to Lawyers' Strikes has already been decided by the Supreme Court on our Writ Petition. In the order passed by the Supreme Court it was directed that the matter would be further considered if strikes by lawyers continue to be reported in any parts of the country. As a result of this direction the matter has continued to come up before the Supreme Court on a number of occasions during the year of Report.

LOKPAL INSTITUTIONS

On this matter of great importance COMMON CAUSE had filed a Writ Petition in the Supreme Court highlighting the cases of corruption at various levels. Arising from this case the Hon'ble Court had issued cancellation order of Petrol Pumps wrongly allotted by the previous Petroleum Minister besides imposing a heavy sentence of fine of Rs. 50.00 lacs on him. This matter has continued to come before the Supreme Court, for pursuing the subject of appointment of Lokayuktas in the States.

NON-PERFORMANCE ASSETS OF BANKS

From the platform of COMMON CAUSE we have recently filed a Writ Petition on the subject of Non-Performance Assets of banks (NPAs). There have been reports that the Banks have failed to recover huge loans given to various parties and that, in course of time, these have continued to be put in the category of NPAs. According to reports the NPAs now aggregate to the figure of over Rs. 43,000 crores. In the Writ Petition we have made the GOI and RBI Respondents. Notices have been issued to them and they are now expected to submit their detailed Affidavits.

NON BANKING FINANCE COMPANIES

It is very unfortunate indeed that over the last many years a large number of Finance Companies have been adopting various measures for attracting investments from small investors. Quite a few of these Finance Companies have now been found to have been of dubious character, with the result that they have not been able to refund the amounts collected by them from the investors. Reports are to the effect that almost 30,000 finance Companies have defrauded hundreds of thousands of small investors in the country, depriving them tens of thousands of crores of rupees. On this important matter we have filed a Writ Petition in the Supreme Court. Further action on is presently awaited.

UNAUTHORISED COLONIES

Our Write Petition on Unauthorised Colonies of Delhi has been pending in Delhi High Court for the last five years. It has been heard on many occasions. It is unfortunate that almost about thirty lakhs of people are presently living in these colonies which have been constructed without any authorisation and beyond the scope of Delhi Master Plan. The governmental authorities are now faced with the situation that almost about 1500 colonies have thus got established, with about five to six lakhs pucca houses constructed in them, and not one single house has been constructed with municipal sanction. The matter continues to be further pursued in the court.

THEFT OF ELECTRICITY

Arising from the recurrent load-shedding of electricity supply, largely due to extensive theft of electricity by many unscrupulous domestic and industrial users, we have filed a Writ Petition in Delhi High Court. The matter has continued to be pursued during the last couple of years. High Court has taken strong action towards minimising the theft of electricity. It has also directed the establishment of Special Courts for expeditious decisions on cases of reported theft of electricity.

RENT CONTROL

The problems relating to Rent Control Law of Delhi have continued to proliferate over the years. We had taken this matter to the Delhi High Court in the shape of Writ Petition couple of years ago. It has had a number of hearings. Our contention has been that the Delhi Rent Act having become law, after it was passed by the Parliament three years ago and also assented to by the President of India, there has been failure on the part of the Delhi Government to notify it for implementation. Arising from detailed arguments which were submitted in the case, the court has "reserved" the orders. People continue to express serious concern relating to this matter and the final decision of the High Court on this Write Petition is presently awaited.

BUILDING BYE-LAWS OF DELHI

Delhi Government has recently taken a decision to alter the Building Bye-laws, allowing construction of an additional floor on top of existing residential buildings and also making provision for the creation and utilisation of basements. We considered that these Bye-Laws would inevitably increase the population of Delhi by About 30% which, in the absence and inadequacy of infrastructure, would create serious difficulties for this capital city. We have filed a Writ Petition on the subject in Delhi High Court. It continues to be pursued.

OTHER CASES

There are certain other cases which are presently being pursued by COMMON CAUSE in Delhi High Court and also before National Commission established under the Consumer Protection Act. In Delhi High Court the case relating to the transfer of ownership rights to about 1000 shopkeepers of ten important markets of Delhi is still being pursued. Likewise, the misuse of Farm Houses, which have been created on outskirts of Delhi, has been raised before the Delhi High Court in the shape of Writ Petition. Before the National Consumer Disputes Redressal Commission we have preferred to withdraw a couple of cases, including one relating to depredations caused on the roads of Delhi by 'RED BUSES', because these cases had become out-dated.

Balance Sheet as certified by our Auditors, relating to the year of Report is attached herewith.

COMMON CAUSE
(REGISTERED UNDER THE SOCIETIES REGISTRATION ACT 1860)

INCOME & EXPENDITURE ACCOUNT FOR THE YEAR ENDED 31st MARCH 1998*

EXPENDITURE	AMOUNT Rs.	INCOME	AMOUNT Rs.
Printing & Stationery	166,659	Donations	375,434
Staff Salary & Bonus	125,750	Annual Membership	16,345
Conveyance Expenses	30,791	Associate Membership	5,500
Legal Expenses	34,100	Interest Received	
Postage & Telegrams	19,739	- Saving Bank	39,338
Telephone Expenses	9,419	- Fixed deposit with SAIL	38,353
Water & Electricity Expense	24,632	Interest Accrued	
Repairs & Maintenance	11,550	- Fixed Deposit with SAIL	108,901
Miscellaneous Expenses	2,752	Amount transferred from	
Membership Charges	1,100	Foreign Contribution Account	187,183
Accounting Charges	3,500		
Professional Charges	3,825		
Meetings & Seminar	1,650		
Bank charges	4,227		
Depreciation	3,414		
Excess of Income over Expenditure	327,946		
	<u>771,054</u>		<u>771,054</u>

AS PER OUR REPORT OF EVEN DATE

for RAO & RAVINDRANATH
CHARTERED ACCOUNTANTS

GOVIND NARAIN
PRESIDENT

H.D. SHOURIE
DIRECTOR

A.V. RAVINDRANATH
PARTNER

MAJ. GEN. U.C. DUBEY
TREASURER

Place : New Delhi
Date : 28.10.98

COMMON CAUSE
(REGISTERED UNDER THE SOCIETIES REGISTRATION ACT 1860)

BALANCE SHEET AS AT 31st MARCH 1998

LIABILITIES	Rs.	ASSETS	Rs.
CAPITAL & CORPUS FUND ACCOUNT		Balance with Scheduled bank	
		- S.B. A/c. No. 8564	698,737
		- S.B. A/c. No. 18382	36,796
Life Membership subscription			735,533
Opening Balance	609,494	K.L. Dubey Imprest	9,923
Add: Subscriptions received during the year	40,540	Stamps in Hand	385
	650,034	Land deposit with DDA	
Corpus Fund		Opening Balance	1,355,584
Opening Balance	2,686,689	Add: Deposited during the year	29,385
Less: Transfer to Building Fund	(1,100,000)		1,384,969
Add: Donation received during the year	4,317,000	Capital work-in-progress	6,174,658
Less: Transf. to Building Fund	(3,000,000)	Fixed Deposits	
	2,903,639	With SAIL	2,726,000
Building Fund Account		Interest Accrued	
(Donations from Goodearth Foundation)		On Fixed Deposits with SAIL	334,647
Opening Balance	3,500,000	Fixed Assets (As Per Annexure A)	29,429
Add: Transfer from cORPUS FUND	4,100,000	Security Deposits	15,724
	7,600,000	Deficit Account	
Foreign Contribution Fund		Opening Balance	194,280
Opening Balance	52,310	Less: Surplus as per Income & Expenditure Account	327,946
Add: Donation Received	171,000		(133,666)
Interest on Foreign Capital Account	669	As per contra	133,666
	223,979		
Less: Transf. to Income & Expenditure Account	187,183		
	36,796		
Expenses Payable	37,083		
Security Deposit (Refundable)	50,000		
Excess of Income over Expenditure (As per Contra)	133,666		
	11,411,268		11,411,268

AS PER OUR REPORT OF EVEN DATE

for RAO & RAVINDRANATH
CHARTERED ACCOUNTANTS

GOVIND NARAIN
PRESIDENT

H.D. SHOURIE
DIRECTOR

A.V. RAVINDRANATH
PARTNER

MAJ. GEN. U.C. DUBEY
TREASURER

Place : New Delhi
Date : 28.10.98

OUR ACTIVITIES AND PROGRAMMES

COMMON CAUSE as a public interest organisation has to its credit a large number of public causes which have been taken up by it for redressal of problems of the people.

Its activities have given benefits to innumerable persons, spread all over the country. Almost four million pensioners benefited from three important decisions which the organisation secured from the Supreme Court some years ago, in relation to extension of liberalisation of pension, restoration of commutation of pension, and extension of the scheme of family pension. The important case relating to Delhi Municipal Corporation Property Tax, decided at its instance by the Supreme Court, helped to straighten out the problems of the levy and assessment of this tax. Various manifestations of this matter have since continued to be pursued by the organisation of securing proper restructuring and rationalisation of the tax. Various issues relating to Rent Control Law and their distortions have continued to be taken up for being sorted out. We have maintained close relationship with various Associations of houseowners, tenants, ratepayers, welfare organisation etc.

Writ petitions on various important issues have been filed by COMMON CAUSE in the Supreme Court and Delhi High Court.

OUR GRATEFUL THANKS

We have the privilege of receiving assistance also from the well known Friedrich-Naumann-Stiftung of the Federal Republic of Germany, the Foundation which is supporting various projects and activities connected inter alia with consumer awareness, entrepreneurship development, economic and civic education, environment protection, legal services, income generation and rural development. The Foundation is named after the known socio-liberal statesman Friedrich Naumann and works towards his ideals and the vision of Liberal society. In India the Foundation operates from USO House, 6, Special Institutional Area, New Delhi-110067

We are also grateful to Kumari L.A. Meera Memorial Trust, Kerala, for providing us financial assistance for our activities.

Quite a few matters have also been taken up for redressal through the National Commission established under the Consumer Protection Act. The Writ Petitions filed in the Supreme Court include, for instance, disruption of the work of courts by lawyers' strikes, problems of accumulated backlog of cases in courts all over the country, malfunctioning of blood banks and the requirement of appropriate collection and testing of blood for transfusion purposes, challenging the pension being given to Members of Parliament, inadequacies in the implementation of Consumer Protection Act, problems arising from the accumulation of Non-Performing Assets (NPAs) of Banks, the factum of hundreds of thousands of small investors having been defrauded by Finance Companies, and failure of the government machinery in fulfilling the constitutional requirements of spreading free and compulsory education for the children in the country. The cases taken to Delhi High Court include the problems of conversion of leasehold properties to freehold, non-implementation of Apartments Ownership Act, problems connected with building bye-laws and unauthorised constructions which have widely proliferated, large scale development of Unauthorised Colonies in Delhi, extensive resort to load-shedding by Electricity Supply Undertaking of Delhi and large scale theft of electricity. A Writ

Supply Undertaking of Delhi and large scale theft of electricity. A Writ petition filed against Delhi Electricity Supply Undertaking resulted in a beneficial verdict relating to bills based on defective meters. From time to time various matters have been taken up for straightening out problems related to income tax, wealth tax, gift tax, capital gains tax, for avoidance of aberrations, harassments and discriminations.

The organisation has also been taking up various problems of the consumers, with a view to give them the feel that they can fight their battles in relation to any defective products and deficient services for which they make payments. A major achievement of the organisation has been to secure amendment by the Government of the relevant rules prescribing the mode of price printing on packages with the result that now the price, inclusive of all local taxes, is being printed on packages, all over the country. The matters relating to various areas of inefficiency of the public sector functioning, as of electricity supply, telephone services, airline, etc., have been taken up for redressal of grievances of consumers. Cases were filed by the organisation for setting right the inadequacies of quality control for manufacture of sensitive items such as intravenous fluids, and removal of distortions in strict observance of the orders for supply and sale of iodized salt.

Other noteworthy activities of the organisation include securing of orders of the Supreme Court leading to establishment of Consumer "Courts" in all districts of the country, issue of notices to Government of India and Election Commission by Supreme Court on Writ Petition regarding non-maintenance and non-audit of accounts of political parties and non-establishment of Lokpal institution as well as strengthening of anti-corruption machinery at the centre and in the States.

Membership of the organisation is open to all. Membership fees are Rs 100 for annual membership for individuals, Rs 500 for life membership and Rs 200 for annual membership of organisations and associations. Quarterly Periodical COMMON CAUSE goes free to all members; it has no separate subscription. Donations to COMMON CAUSE are eligible for exemption available under Section 80G of Income Tax Act. Everybody can take membership of the organization. No form is required. Send your name & address, written in capital letters, along with cheque/DD, drawn in favour of COMMON CAUSE.

H.D. SHOURIE, Director