

TALK DELIVERED ON 2.2.2000 AT MATI, SHILLONG, ON THE OCCASION OF A
WORKSHOP ORGANIZED BY DOPT AND HOME MINISTRY

TRANSPARENCY AND ACCOUNTABILITY: FACTS VS. FICTION

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While there can be no denying that transparency in Government is critical to the elimination of corruption and the promotion of citizens involvement in government, as well as in a multitude of issues related to efficient delivery of services, it is important to understand how the incentives which are prevalent in India *prevent* transparency. We must seriously wonder: when right from our first Prime Minister, everyone was talking about these issues even 50 years ago, there must be some serious problem in our system which leads us to continue to talk about such a basic democratic need as the need for transparency and accountability, at a time when everyone agrees that we are in fact in a worse condition than ever before as measured by yardsticks set by organizations like Transparency International.

That everyone always talks of these things now-a-days is clear. On the 28th of February, the Prime Minister of India said in a public meeting near Lucknow that “the tendency of making underhand money will have to be stopped.” He also stated that while his Government had launched a movement against corruption, the malaise continues to exist (*The Times of India*).

We all know of the recent efforts of Mr. Vittal in attempting to bring transparency to the process of bringing corrupt officials to book. But we also know that law-makers are outside the ambit of the CVC (*The Times of India*, 28.2.2000). Further we also know that politicization of the bureaucracy is the biggest evil facing the country, as stated by Justice J.S. Verma, Chairperson of the Human Rights Commission at the National Academy of Administration (reported in *Sentinel*, 29.2.2000). Consequently, as the CVC has pointed out, “in many instances [of corruption] action is inordinately delayed to protect some people,” and “the big fish, unless they belong to the opposition, rarely get tried.” That is all very true and we all know it.

We also are aware of the N.N. Vohra Committee Report (download copy from <http://www.indiapolicy.org/clearinghouse/anti-corruption.html>), which has confirmed the existence

of close links between some politicians, bureaucrats and criminal syndicates. While this might not be true of Meghalaya, a simple analysis will show that due to the need to spend money to contest elections, an amount which is rather huge, and due to the very meagre compensation given to the representatives of the people, it is virtually impossible for them to *not* make money well beyond their official remuneration. And once the corruption begins, there is no limit to it. (See the economic analysis at http://www.indiapolicy.org/clearinghouse/corruption_political.html).

Indeed, throughout my career in the bureaucracy, I have seen pressures toward corruption emerging mostly from the top, and only rarely from the bottom. Pressures from the bottom can be easily killed. But what do you do with pressures from above? Therefore, when a Prime Minister says that he is unable to stop corruption and inefficiency, and asks a question “why it is so?” (as quoted in *The Times of India* dated 28.2.2000) he must be told: “The buck stops with you, Mr. Prime Minister. If you claim to be ignorant about the causes of corruption, then there is no hope for India. Please look closely at the compulsions of the electoral process, and the remuneration of people’s representatives, and then look at the behaviour of many representatives of the people emerging logically from these compulsions, and you will find the answer.” If the top bosses want honesty in their departments, they will be able to eliminate the corrupt immediately. They will be able to provide transparency immediately. It is virtually impossible for corruption to flourish in a department where the Minister is honest and keen to eradicate corruption as well as to provide services efficiently to the citizen. Most Ministers know the characteristics of each and every major official in their departments and often carefully ensure that the corrupt are rewarded while the honest are punished.

Thus I see very little point in talking about transparency and accountability in isolation. So long as we do not have the political will to pay our representatives a compensation which is comparable to the investment made in contesting elections, we cannot see real transparency and efficiency. We have the best civil service in the world. We need to generate a system where the best possible leaders emerge to utilize this outstanding civil service.

I often see no point in these fruitless activities such as workshops: in which we write -- in fact re-write -- some very obvious stuff, so long as our leaders are always trying to get out of the ambit of laws designed to check political corruption. After 50 years of the Republic, we still do not have a *Lok*

Ayukt or *Lok Pal* at the national level and in most states. Information that is critical to assisting the public learn about how important decisions are taken regarding purchase of materials out of public money, about how files are held up to claim 'baksheesh' from tenderers, about how officials are transferred when they refuse to violate the rules laid down by the people's representatives themselves, is not made available to the people today. Efforts to prevent illegal appointments of ill-qualified persons are met with officials being shunted out. The draconian Officials Secret Act which has long since been withdrawn in England, still continues in India. Officials who are caught red-handed accepting bribes from the poor are able to escape from the clutches of the system because they are able to bribe those who count. In this situation, to my mind, there is no transparency and accountability in the Government today, and perhaps none is possible.

What do we do in this situation?

And yet, having said this, and despite the fact that our system has reached a point from which only a miracle can pull it back, it is necessary for us today to continue to determine how we can assist the people whom we serve -- the public who pay our salaries -- through provision of a truly transparent and accountable administration. At the very least we must be prepared that in case a miracle does happen, and the people's representatives become universally honest, and demand honesty and transparency from the system, we will be able to deliver it to them.

How will we do that? Happily, in this area, not much is left to say which has not already been said hundreds of times elsewhere. I outline some of the important issues as I see them, but I am sure you will do a much more thorough analysis in your groups today and tomorrow. These workshops serve a useful purpose by refreshing the options before us, and by allowing us to improve on earlier solutions.

1. Involve the people at all levels. I am circulating a copy of my paper on Local Boards which tries to show how this can be done. I find that similar concepts are floating around in government, such as the Hospital Management Committee, Women's Vigilance Committees, etc. I urge you to consider involving the people closely in each of your Departments and promoting close access to your offices and programmes.

2. Use Information technology. The CVC has demonstrated the power of the internet. I would urge you to consider utilising the internet to provide the public relevant information about your Departments through the world wide web. Let them have as much access and information as is possible. All your laws, rules, procedures, forms, addresses, notifications, etc.: let these be on the web. We all know how computerization of railway ticket issue has resolved much of the corruption earlier rampant in the railway ticket system. Similar use of IT is easy to think of in most departments.
3. Take care to redress public grievances: One of the best ways to ensure transparency is to ensure that grievances and complaints are monitored carefully and redressed systematically, within a very short time.
4. Design rule based systems: Discretionary decision making without time limits is a root cause of lack of transparency and hence corruption. We need to re-write our rules to ensure that services are provided immediately, without discretion, and systematically. Of course, once the rules are in place, we need to train people, and actually follow them.
5. Change one's attitude. We must always remember that we are employed by the public to serve them. Therefore, unless there is a very critical security interest involved, we should provide to the public to access to information that is of interest to them. They pay for us. They are entitled to know what we do, particularly since 99% of what we do has no national security implications. The press has a vital role to play here as the watchdog on behalf of the people.
6. I also notice an excellent compilation of suggestions which have been provided by MATI. Best practice compilations are also available from DOPT. I urge a very close examination of these suggestions. Let us learn from states which have improved their systems.

In the end, I have to say this. Despite the very serious problem of efforts toward transparency being *blocked*, usually at the highest level, it is our mandate under the Constitution of India to serve the people, and this means providing a good and clean administration. We will perhaps never become truly free as Rabindra Nath Tagore wanted us to be, but let us at least not give up our efforts to provide to our people an India where the head can be held high and the mind is without fear.

Thus, all is not lost yet. Such workshops are good places to brainstorm and take stock. I hope that the deliberations of this workshop would help Meghalaya achieve much higher levels of transparency and thus help us all to become accountable to the people. Thank you.