

UNDERSTANDING THE CURRENT CONTEXT OF GOVERNANCE



Governance as a function of Individuals, Institutions and Processes

How individuals affect governance?



Why did you join the civil service?

- To satisfy wishes of parents
- For power/status in society
- Being in leadership position
- Money and perks
- Challenging career
- Serving the poor, vulnerable
- Any other



You should be able to understand dimensions of relationship between civil servant and politician

A permanent relationship is dependent on a particular purpose (public good)



Session Outline

- Three case studies – 1964, 2013, 2015 on relationship between civil servant and politician
- Analysis of case studies
- Explore options
- Video



Case Study 1 : Period 1964

- In 1964, Collector of a district was asked by Chief Secretary to make preparations for setting up refugee camps. The instruction was just one sentence: make all arrangements and he was free to take such action as deemed fit.
- The Camps were set up in in one week and refugees received and settled. Audit noticed some irregularities.
- Collector met the Chief Secretary who asked him to give summary of action taken by him in one page.
- Chief Secretary wrote on Collector's report: Collector has carried out my orders in taking the above action. CM may approve.
- CM wrote: I agree with the Chief Secretary



Case Study 2: Period 2013

- In 2013, as SDM Gautam Budh Nagar, she formed teams to check illegal sand mining in Yamuna and Hindon river banks. Her teams confiscated 24 trucks and 15 lorries and arrested 15 persons.
- On 28th July, she was suspended for demolishing of wall of under-construction mosque.
- DM Noida submitted a report that the land was Govt. land and there was no mosque on it. Villagers erected a wall which they demolished themselves on being informed that it was Govt. land. On 28th August, DM was transferred and put on wait list
- SDM did not challenge the Suspension order in Court. On 21st September, she met the Chief Minister who revoked the suspension order next day.



Case Study : Period 2002 - 15

- 1992 batch IPS officer posted as SP Bhavnagar on 17th Feb 2002. On 2nd March, 2002, a mob of 10,000 people had surrounded a madrassa housing 380 children and 20 faculty. Police led by SP fired on the mob. Two people died. Inmates of madrassa were shifted to a safer place. On 26th March, he was transferred out as DCP (Control Room) in Ahmedabad.
- As DCP he sought mobile phone 'call data records' (CDR) from the local phone companies. Before he could complete the processing, he was transferred out of his post again, in early July. He said that he handed over the CD's containing the data to Commissioner of Police through a messenger, but they became untraceable afterwards.
- Several years after the event, the Gujarat government claimed that the officer did not submit the CDs and charged him with misconduct. Since the officer had a copy of the data on his home computer, he was able to copy it and submit it to the Nanavati-Shah commission and the Banerjee Committee in 2004, and the Supreme Court-appointed Special Investigation Team later in 2008



Case Study : Period 2002 - 15

- The Crime Branch accused the officer of tampering with evidence. However, he was served with a departmental charge-sheet for loss of original CDRs. CAT quashed the charges in 2017.
- From 2004 to 2009 he went to CBI on deputation. From 2009-2015 he was in the armed department of Gujarat Government.
- He was denied promotion in 2013 when just a day before, the department served him with a charge sheet stating that in his absence, some of the office correspondence was signed by a non-gazetted officer, which was technically against the rules.
- In another show-cause he was accused of using his official vehicle for private purposes and paying for it after a gap of three months.
- In 2015, he took voluntary retirement.
- Nanavati panel indicted him for his negative role in the matter.



What has changed?

- In first 2 decades, state and district level politicians held senior bureaucracy in esteem due to their calibre and honesty and integrity.
- Decision to reward or punish different types of behaviour of officers was in hands of civil service.
- However impact of bureaucracy on improving lives of disadvantaged people was paltry.
- Politicians are determined to achieve their goals and less tolerant of bureaucrats who hinder them.
- Decision to reward or punish different types of behaviour is in the hands of Chief Minister
- Being in the good books of Chief Minister is important for bureaucrat's career



The Reality ?!

- Truthful implementation of law has a cost in a society which does not respect rule of law in letter and spirit
- What is the cost:
 - transfer to insignificant post
 - charge sheet / denial of promotion
 - denial of retirement benefits
 - incarceration
- Approach:
 - to be honest regardless of cost
 - to be practical



Dharma ?!

- Chanakya Niti on honesty: A person should not be too honest. Straight trees are cut first
- Many officers, simply doing their duty, blame system for decisions made by them
- Researchers measured brain activity while participants inflicted pain and found that obeying orders reduced empathy and guilt related brain activity

Or

- Why good have to fight battles alone while rascals join together.
- How can good convert their fight to dharm-yudh. (example Pandavas vs Kauravas)



You don't have to fight battles alone

- Tiruvallar emphasizes that only a cultured, civilized man, who is morally and spiritually ripe, is fit to enter public or political life
- We, babus have to do many things internally and set the house right for staying relevant in the system





YOU MUST BE
THE CHANGE
YOU WANT TO
SEE IN THE
WORLD.

