

March 27, 2014
New Delhi.

Speech of **Director CBI** at the **National Conference and Annual Session, 2014** of CII
on **“Delivering Better Governance: Perspectives”**

It is indeed an honour and privilege for me to be amidst all of you to deliberate on the very relevant and contextual topic of Delivering Better Governance.

2. I would like to recall that while inaugurating CBI's Golden Jubilee Celebrations, Hon'ble President of India Shri Pranab Mukherjee delivered the 14th DP Kohli Annual Memorial Lecture on “Good Governance: Empowering Institutions, Society and Public”. Several eminent speakers have covered various aspects of Good Governance in the past two days.

3. Ladies and Gentlemen from Plato to Chanakya, every Political Thinker has delved deep into this topic of Governance. Aristotle was perhaps the first political theorist to deal with the term ‘Governance’ while classifying the political organizations by indicating the manner in which they were ruled by a kind of numerical count of rule by one (**dictatorship**), a few (**autocracy**), or many (**democracy**).

4. The idea of Good Governance was very much prevalent in ancient India. The *Shanti Parva* of Mahabharata dealt with Good Governance in great detail. The qualities of an able and ideal King and imperatives of Good Governance were succinctly described by Kautilya in his *magnum opus* ‘*Arthashastra*’.

5. Our founding fathers had clear ideas regarding what Good Governance means? Mahatma Gandhi defined Good Governance in his own inimitable simple way. He said, “do the policies help the poorest and weakest man? If yes, that is Good Governance.” Endorsing the same idea, Pt. Jawaharlal Nehru said, “Mahatma by his stress on the underprivileged and poverty stricken forced all of us to think in terms of social justice”. In his epoch making ‘tryst with destiny’ speech, Pandit Nehru set the agenda for the nascent nation as ‘the ending of poverty and ignorance and disease and inequality of opportunities’. The Constituent Assembly deliberated and debated the concept of Good Governance at great length and depth.

6. Good Governance means a democratic polity, rule of law, equality of opportunity, independent judiciary, human rights, equitable justice, transparency, absence of graft and accountability. All these values and lofty ideals have been enshrined in our constitution which is hailed as ‘a social document’. Our founding fathers were concerned about the possibility of the conflict of interests that competitive politics might bring in and were also aware of the corruption of the country's representative institutions. To address such contingencies and to allay such fears, the Constitution set up a series

of autonomous bodies, which would be free from the pulls and pressures of competitive politics.

7. In a parliamentary democracy, the greatest challenge to good governance is to bridge the gap between the expectations of the people and the effectiveness of the delivery mechanisms. Effective governance requires effective institutions; and the effectiveness of the institutions – be it the Legislature, the Executive, or the Judiciary – depends on its delivery mechanisms and the framework of supportive rules, regulations and procedures, which need to continuously evolve in response to the changing times and emerging situations.

8. In spite of several hiccups and aberrations, India continues to be a vibrant democracy. Just remaining a democracy is not an end in itself. Democracy has to move beyond periodic elections and ensure constructive participation of its citizens to ensure good governance. The Panchayati Raj Institutions are still taking shape to ensure democracy at the grassroots and rise above caste and communal affiliations. Slowly yet significantly, the civil society is asserting its right to participate in the making and implementation of the Policy. This churning, I am sure, will lead us to participative governance which ensures inclusive growth and effective service delivery. If only we constantly renew and defend the democratic values that define our nationhood, we will be able to face the great challenges that lie before us.

9. The rule of law is at the core of democracy. The citizens' right to life, liberty and dignity can be secure in a democracy only through rule of law. Hence, the Indian Constitution emphasizes equality before law and created an independent judiciary, to ensure the supremacy of rule of law. These checks and balances incorporated by the constitution will guard the citizen against the arbitrariness in the actions of the executive. The independence of the Judiciary is one of the cornerstones of our democracy. Everything necessary needs to be done to preserve and protect the independence of our judiciary. But this needs to be done while maintaining the delicate balance of power between the organs of the State as enshrined in the Constitution. It is important that each organ of government operate within its own sphere and none takes over functions assigned to the other.

10. In these rapidly changing times of globalization and liberalization, no government can afford to stick to rigid structures and reactive modes of governance. There has been considerable rethinking in the way the governments conduct their business. Right to Information Act, is able to bring much needed transparency in the way elected governments are functioning. The laws relating to Public Service delivery and accountability which are yet to get the legislative stamp of approval would bring paradigm shift in the way public services are delivered by the Governments especially at local and State level.

11. The deterioration of values is a cause of concern. Corruption is eating into vitals. It is an imperative necessity to reemphasize the need for probity in

public life. It is easier said than done. The watchdog organization CVC and the investigating agencies like CBI have a key role to play here. The fear of the law and its deterrence power need not be reiterated. The nation awaits the *Lokpal* with a lot of expectations and hopes. There is no gainsaying that these institutions need to maintain their image of probity and impartiality at all times, at all costs.

12. The first and foremost reform, in my view, is to address the **Trust Deficit**. The colonial administrative systems and procedures reek of lack of trust in the officers who implement the schemes. The powers, administrative and financial, are centralized and the decision making processes are labyrinthine and time consuming. Mahatma Gandhi said "I believe in trusting. Trust begets trust. Suspicion is foetid and only stinks. He who trusts has never yet lost in the world. The employees are to be trusted first to channelize their energy and creativity to further goals of the organization. The Delegation of Financial Powers need to be revisited with the twin objectives of empowerment of various formations and reposing trust in them.

13. The second important reform in my view is **fixing accountability**. Tomes are written about holding the public servants accountable but what happens practically is that one more layer of supervision is added ostensibly to prevent wrong doings. In the process, there is diffusion of accountability and even if someone is held accountable for any misconduct, the unending maze of procedures to conduct proceedings ensure that more often than not, the delinquent official is not punished during his active service. Thus, practically there is no deterrence to bad conduct. On the other hand, the system does not adequately reward the good officers. In this scenario, it is very difficult to achieve the goal of Good Governance. The problem is compounded when the structural rigidities and lack of role clarity constrain the much needed freedom to act innovatively to meet the needs of the people in an era when aspirations among people are very high. I am of the opinion that these things apply to agencies like CBI also.

14. In conclusion, I would like to reiterate that to deliver better governance, the structures and processes need to be overhauled to infuse element of trust and to precisely define accountability system checks which are citizen centre and performance oriented. Such measures, I am sure, will breathe new life into the failing health of India's Institutions.

15. I would like to thank the organisers for giving me this opportunity to share my thoughts. I thank each one of the eminent panel and distinguished audience for patient hearing.

Jai Hind.
