
CENTRE FOR ADVANCED STRATEGIC STUDIES



PROFESSOR S.V. KOGEKAR MEMORIAL LECTURE

BY

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CHALLENGES BEFORE THE FIFTEENTH LOK SABHA

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INTRODUCTION TO THE SECOND PROFESSOR S.V. KOGEKAR MEMORIAL LECTURE

SHRI VIJAY KOGEKAR

Dr. Madhav Godbole, Mr. R.D.Pradhan, Air Marshal Kulkarni, Members of the Centre for Advanced Strategic Studies, ladies and gentlemen,

I would like to welcome you all on the occasion of this Second Prof. S. V. Kogekar Memorial lecture today. Let me give a background of this lecture series. The loss of my father two years ago left a void in our family. We thought that one way to create something positive out of this sense of loss would be a Memorial Lecture Series, each year addressing a relevant topic about Indian politics and society. We hope that this Lecture Series succeeds in fostering interest, awareness and constructive debate about the state of our country today.

Prof. S.V. Kogekar, a graduate of Fergusson College, the London School of Economics, and later, the principal of his alma mater, understood and valued the liberating power of education. At the time of his graduation from The London School of Economics in 1937, Wrangler Mahajani, who was also his professor, requested him to join the Deccan education society as a Life Member. Prof. Kogekar thought of this as a great opportunity to do something worthwhile with his life, even though the salary at the time was only Rs 140/- per month. This opportunity led to a long, active and distinguished career in the field of education. Throughout his career, my father applied his strict sense of ethics, discipline and justice to his chosen profession. He firmly believed in the independence of educational institutions. He was convinced that undue political influence and interference in these institutions would lead to a loss of their morality and integrity, and thus destroy the core purpose of education. He spoke up innumerable times for individual freedom and the right to free speech. His principles would not let him keep quiet when these rights were curtailed during the Emergency imposed by then Prime Minister Indira Gandhi. At the risk of being arrested, he gave a speech at the Kale Memorial Lecture in 1976 in which he reminded the Government of its duties and obligations toward Parliament and, ultimately, toward the Indian people.

Prof. Kogekar looked upon giants like Lokmanya Tilak, Agarkar, Ranade, Wrangler Paranjape and Wrangler Mahajani as his role models. He was a liberal thinker, a rational human being, and a warm, considerate person to all those who knew him. He encouraged rational, intellectual debate. Even at home, we would discuss politics, history, culture and current events. In his life and in his lectures, he espoused the causes of liberalism, service and duty towards one's profession and towards society. He was a very convincing and effective orator; I am sure his students will attest to his command over the spoken as well as the written word. He was not intimidated by opposing views; indeed, he welcomed all viewpoints that held merit.

Prof Kogekar co-edited a book on political Survey of the first Indian General Election in 1952 with Richard L Park of University of California Berkeley. This was a unique and comprehensive work which was well received in academic circles and one would find a copy of this book even now in the libraries of most universities around the world. He was always interested in understanding what went on in the wider world. In 1957, as a member of the group of some 30 distinguished Indian academicians, the US state department invited him to visit and interact with his counterparts in the US universities for more than 5 months. There was a great deal of interest about India among the American intellectuals when India was still not aligned to any block. He travelled from coast to coast in the US, visited more than 30 universities and met some of the great minds of this century, including J. Robert Oppenheimer. He was often invited to give lectures at the Universities and places he visited. He gave interviews in local newspapers and was appointed honorary visiting faculty at Harvard University. This free exchange of ideas with other academics in the United States benefited participants from both the countries. While my father had original and fresh ideas which were different from conventional thinking in America, he himself felt that this experience was very helpful for his own personal development as an educator.

Prof. Kogekar was the Vice-President of the International Political Science Association. Every year from 1957 to 1964 he used to attend that conference in Europe. He was also the President of Indian Political Science Association. At the Cuttak session in 1961, he

proposed the idea for a system of national government where all political parties – after fighting an election - participate in governance for common good of the people rather than opposing the ruling party on petty matters for the sake of opposition.

While Prof. Kogekar reduced his workload in the last few years of his life, he remained intellectually active and in good health until his death 2 years ago at the age of 93. Even though his eyesight had started failing, he insisted on keeping up with his reading and writing. Towards the end, he had quite an interesting collection of magnifying glasses, in various shapes and sizes - all gifts from concerned family members, especially his grandchildren! He completed his last book review a few weeks before his death, and it was published posthumously in the magazine Freedom First.

As we elect our next Government, Prof. Kogekar's ideas seem relevant even today. In his speech this evening, our main speaker, Dr. Madhav Godbole, will talk about the challenges before the next Lok Sabha. I thank Dr. Godbole for agreeing to deliver the memorial lecture today, at a very short notice, in place of Mr. Arun Shourie who could not be here today due to unavoidable circumstances. My thanks to Mr. R.D.Pradhan for presiding over the function and to the Centre for Advanced Strategic Studies and its office bearers for having agreed to host the lecture each year on our behalf, and you all for having come to the programme. Thank you.

PROFESSOR S.V. KOGEKAR MEMORIAL LECTURE
DR. MADHAV GODBOLE
CHALLENGES BEFORE THE FIFTEENTH LOK SABHA

It was early morning today that Shri Arun Shourie conveyed his inability to visit Pune to deliver the S.V. Kogekar Memorial Lecture due to unexpected family circumstances. I am sure some of you would be disappointed that you would not be able to hear Shri Shourie's erudite talk but it was not possible to make alternate arrangements at such a short notice. I have therefore decided to take a plunge and venture into the deep waters myself. My endeavour will be to make as much justice to the subject as possible, at such a short notice. The canvass of today's subject is large and I have to necessarily pick and choose some areas of concern.

As you are no doubt aware, late Prof. Kogekar was a person of very high intellectual calibre, integrity and commitment who devoted his life to the cause of education. His was a voice of courage, sanity and maturity which did not hesitate to oppose the government even during the peak of Emergency. He had a firm belief in parliamentary democracy and had stoutly opposed the extension of the term of the Lok Sabha by two years during the Emergency. At the same time, he spoke and wrote strongly, fearlessly and vigorously about the need for electoral reforms and cleansing of public life. The subject of today's memorial lecture would have thus been very close to his heart. I consider it my privilege to pay a tribute to his memory through this memorial lecture.

At the outset, it must be noted that the Fifteenth Lok Sabha is being constituted and the new government is taking over in a very difficult national and international situation. The financial meltdown and serious recessionary trends world over have led to set-backs to the process of liberalisation, free trade, exports and so on. Protectionist forces are reasserting themselves in a number of countries. This has led to slowing the rate of growth of the economy and consequent impact on employment in India. The internal security situation in the country is becoming a matter of concern with Naxalism spreading in more than one-third of the districts in the country. Terrorism

supported by forces inimical to India from its neighbouring countries is a curse which India has to live with. Turbulent neighbourhood--Afghanistan, Pakistan, Bangladesh, Nepal, Sri Lanka and even Myanmar--is a matter of growing concern. Equally worrisome are the strident postures adopted by China in respect of its yet unsettled border with India and Arunachal Pradesh. In respect of the latter, it went to the extent of objecting to the visit of the Indian Prime Minister to that State a few months ago and has also recently objected to Arunachal Pradesh getting a loan from the Asian Development Bank. There are thus apprehensions of China reverting to the rigid and unreasonable postures as in the early 1960s which finally led to a short and humiliating (for India) war with that country. The question is whether India is able and willing to read this writing on the wall.

Elections to the new Lok Sabha have just been concluded. I do not propose to analyse the election results. That can be a subject of another separate lecture. There can be two or even more opinions on the people's verdict but I am sure there will be a large measure of agreement among the right thinking people on the tasks before the new Lok Sabha and what its priorities ought to be. We must start with the basics and first address the question of how to make the Parliament functional.

Ours is a parliamentary democracy with a non-functional parliament--a veritable Indian rope trick! The Parliament does everything except fulfil the tasks which it is meant to perform. More than ten per cent of its time is lost in interruptions, walk-outs and pandemonium. The members take pride in being elected to the well of the House than the House itself. Though 10-12 starred questions are expected to be answered orally and followed up by supplementary questions each day, on an average, not more than 3-4 questions come up for oral reply in the hour which is set apart for the purpose. In the earlier years, question hour was considered to be sacrosanct and was never disturbed, disrupted or dispensed with. In the recent years, this is no longer so. Now, there are frequent demands for dispensing with the question hour for one reason or the other. It is also not unusual to see a member, who has asked a starred question and which is high up in the list of business, remaining absent. Thus one of the most potent instruments of holding the government accountable for its actions and

inactions has been compromised.

Attendance of members in the House is miserably low. And this is not just after the lunch break. For most of the time, the benches are empty all round the House. And there is an unwritten rule that the question of quorum is not to be raised by members so that the business of the House can continue to be transacted, irrespective of how many members are present!

Parliament is meant for debate and discussion of issues. But, except on exceptional occasions when a vote of confidence or vote of no confidence or adjournment motion is under discussion, there is hardly any constructive debate and discussion. There have been more than one occasion when the general budget, supplementary demands and railway budget have been passed without any discussion at all. Thus the most important function of Parliament, namely, to scrutinise and then alone to authorise expenditure has been neglected.

The other primary function of Parliament is to legislate. It is often claimed that the Bills are discussed in the department-related committees and therefore there is not enough discussion on the Bills on the floor of the House. However, the working of Committees has not come up for close scrutiny so far. The attendance at the meetings of the committees is often hardly 30-40 per cent. Several committees, at times, take a long time to finalise and submit the reports on the Bills which are referred to them. The meetings of the committee are not open to the media. The committees are also not given assistance of expert advice and knowledgeable persons in the respective fields. Only senior officers of the concerned ministries appear before the committees. There is no reason why the concerned Minister should not be asked to appear before the committees. Even after the Bills are scrutinised by the committees, the House as a whole must spend enough time on it before converting it into law. Unfortunately, Bills are often rushed through at break-neck speed through the House. In the last session of the Fourteenth Lok Sabha, as many as 12 bills were passed by the Lok Sabha in eighteen minutes. This must be record worth taking a note in the Guinness Book of World Records!

The Parliament hardly ever discusses the reports of important standing commissions such as the National Human Rights

Commission, the Scheduled Castes Commission, the Scheduled Tribes Commission, the Minorities Commission, the Union Public Service Commission and so on. This is also true of the important deficiencies in the working of the government highlighted by the Comptroller and Auditor General of India. Some paras of these reports are discussed in the Public Accounts Committee but this is not the same thing as the whole House discussing and debating the relevant issues.

Attention must also be invited to the reports of the commissions of inquiry appointed by the government in matters involving important issues of public interest. These are invariably presided over by serving or retired judges of the High Court and Supreme Court. At the time the commission is appointed, the issues agitate the public mind and are considered to be so explosive that the appointment of a commission is considered as a deft way to douse the fires. But, by the time the report is submitted to Parliament, except in exceptional cases, no one has any interest in the matter and it dies a natural death. Even important issues raised by the commissions of inquiry such as preventing and containing communal riots or grievances of the minorities hardly ever receive any attention in the Parliament.

Against this background, what is crucial for the Parliament is to focus on time management. The civil society must insist that it must get adequate return on the huge expenditure incurred on the maintenance and running of the Parliament. According to rough estimates, every minute of Parliament's time costs the country over Rs 30,000/-. The Parliament must be made to submit itself to social audit with emphasis on value for money.

Another area which does not seem to attract much interest or attention of the MPs pertains to the ethics and code of conduct of the members. As compared to the past, the Parliament is more conscious of the sensitivities and adverse public reactions to the issues pertaining to the misbehaviour of MPs, but still a great deal remains to be done. Reference may be made to the recommendations made by the Nolan Committee on Standards in Public Life, which was appointed by the British government in 1994 after the scandal involving acceptance of cash by British MPs for asking questions in Parliament. The committee, in its comprehensive report, laid down seven norms for

judging the conduct of persons in public life. These were: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. The Republican National Committee in the United States put forth in 1994 what is known as Contract With America. In 2008, the Lok Sabha took a commendable step of expulsion of MPs who were involved in the cash for questions scandal. But, this was not followed through by systemic changes to avoid recurrence of such cases in the future.

The question of conflict of interest is still to be addressed by the Parliament. It is imperative that the financial and business interests of each MP are clearly listed in a register maintained by the Lok Sabha Secretariat and kept up-to-date each year so that the work of every MP--his association with matters pertaining to his business interests, his voting record etc.-- can be judged with reference to the said information. A register of assets of MPs is also yet to be maintained and brought up-to-date each year for the entire tenure of the member concerned. These registers must be open to the public under the right to information legislation.

It would be recalled that the majority decision of the Supreme Court in the Jharkhand Mukti Morcha case (1998) had created considerable unease in the country. In this shocking case, Prime Minister P.V. Narasimha Rao had stooped to the lowest levels of bribing MPs to save his government in a vote of no confidence in the Parliament. The court, on the basis of strict and technical interpretation of Articles 105 (2) and 194 (2) of the Constitution, had held that due to the immunity enjoyed by the legislators under these Articles, they cannot be proceeded against and that an authority for sanction of prosecution also needs to be laid down. The court had suggested that early action should be taken by the Parliament to amend the relevant provisions to make it clear, among other things, that the immunity enjoyed by MLAs and MPs does not cover acts of corruption. It is shocking to see that though over ten years have elapsed since the decision of the court, the Parliament has not thought it fit to amend the Constitution.

There are two other areas which call for urgent action. The first relates to the codification of the privileges of legislators. It is high time

the civil society and the media know what precisely are the privileges of the legislators. Since the punishment can extend even to imprisonment of the person charged for the breach of privilege, there is imperative need to codify the privileges. This is a demand since long but has been resisted by MPs on the grounds, among others, that codification would lead to curtailment and contraction of privileges and there would be scope for challenging all decisions of the Privileges Committee in such matters in a court of law. Prima facie, both these arguments are difficult to appreciate and are far from convincing. Public pressure needs to be built up to make Parliament re-examine and reconsider the issues.

The next issue pertains to the composition of the Rajya Sabha and, in a sense, raises the question of the relevance of the second chamber itself. By a recent legislation passed by Parliament, the domiciliary requirement has been done away with for contesting the elections to Rajya Sabha. It would be recalled that for a long time we lived with the hypocrisy of candidates brazenly filing affidavits that they were the residents of the states from which they were contesting election to Rajya Sabha. This included persons such as Manmohan Singh, Narasimha Rao and others who adorned high constitutional offices in the country. When the Election Commission issued notices to all such persons for filing incorrect affidavits and effectively raising questions about the validity of their election, the action of the commission was challenged in the Supreme Court. Shockingly, the NDA government decided to do away with the domiciliary criterion altogether. This move did not meet with any opposition in Parliament since all political parties were using Rajya Sabha to accommodate and bring by back door those who were defeated in the elections to Lok Sabha or whom the political leadership of the party favoured. When this legislation was challenged in the Supreme Court, the court upheld the legislation on grounds which are far from convincing or tenable and undercut the concept of Rajya Sabha as a chamber representing the states. If it is to be just a second chamber, there is no reason why it ought to be a part of the basic structure of the Constitution, as has been held by the Supreme Court. The justification for the second chamber in India is primarily based on the fact that India is a federal country and the interests of the states need to be safeguarded (at least theoretically). It

is necessary that the domiciliary requirement for contesting the elections to Rajya Sabha is brought back by amending the provisions of the Act. But, with vested interests in all political parties, it will not be possible to achieve this unless civil society exerts pressure and builds up a strong public opinion for the purpose.

We call ourselves the world's largest and most vibrant democracy but fail to realise that it is plagued with a number of serious deficiencies. To name just a few, "hereditary Democracy" is India's contribution to the age old concept of democracy. We abolished the Princely states and privy purses with lot of fanfare in the Seventies but the mindset of subservience to the new Maharajas is amply evident even now. There is no longer "the first family" only at the national level. There are now "first families" in every state, district and constituency! Money and muscle power is increasingly evident in elections. More than 300 MPs of the Fifteenth Lok Sabha are reported to be millionaires. Criminalisation of politics is yet another bane of our democracy. Reportedly, more than 26 per cent of the MPs have criminal cases pending against them. Shockingly, these law breakers have not only become law-makers but several will also be elevated as Ministers. A public interest litigation on this crucial question is already before the Supreme Court. Interestingly, all major political parties had thought it fit to put up candidates with criminal background. It would be remembered that when the Supreme Court gave the decision a few years ago that candidates contesting elections to the state legislatures and Parliament must declare their assets and criminal background for the information of the voters, all political parties ganged up to oppose the move and prevailed upon the NDA government to issue an ordinance to set at naught the judgment of the Supreme Court. Even reservations expressed by the President of India against the issue of the ordinance did not make the government reconsider the matter. Finally, the Supreme Court over-ruled the government and ordered the Election Commission to implement the changes as per the judgment of the Court. This, by no means, can be called a "glorious" chapter in the history of our democracy. But, there is a lot to learn from this experience. We cannot rely on the political parties to bring about any major electoral reforms unless the pressure of public opinion builds up and forces our MPs to take note. And the

unfinished agenda of electoral reforms is long and forbidding: bringing about transparency in the corporate funding of political parties; audit of the accounts of political parties; institutionalised arrangements for ensuring inner party democracy; state funding of elections; giving statutory status to the model code of conduct for political parties; translating secularism, which is a part of the basic structure of the Constitution, into a reality, particularly during the election process; and jettisoning the present first past-the-post system under which the candidate getting the maximum number of votes is declared elected and instead laying down that the winning candidate must get at least 50 per cent plus one vote. Last, but by no means the least important, is the question of reservation of thirty per cent of the seats in the legislatures for women. The introduction of the Bill itself had led to rowdy and shocking scenes in Parliament with some MPs obstructing the minister from introducing the Bill and the Bill being torn to pieces. It is hoped saner and wiser counsels will prevail and a common ground would be found to bridge the differences in the political parties.

Issues pertaining to national security, though important for the very survival and integrity of the country, have unfortunately been relegated to background with the political rhetoric and the theatrics holding sway. The trump card of protecting the interests of minorities is often held up for delaying action on a number of issues. In the process, minorities themselves are becoming targets of vilification by interested parties. One such issue which has been kept pending by successive governments is of adopting a national identity card system under which each person would be given a unique identification number. In a country like India with its acclaimed strength in information technology, it should not be difficult to devise a suitable system for the purpose. Efforts to introduce the system in the North Eastern States and the border districts, to begin with, has also been gathering dust in the Ministry of Home Affairs at least since the beginning of 1992. Second, the question of setting up a Federal Police Investigation Agency to deal with terrorist violence cases which have national and international ramifications has also been under discussion for over a decade. Unfortunately, with the credibility gap which has been created due to the misuse of central police agencies like the Central Bureau of Investigation (CBI) by the government,

irrespective of which political party is in power, has made it difficult to persuade the state governments to agree. No serious effort has been made to allay the fears of the states. For example, an advisory committee of some states (by turn) and the centre could be set up to oversee the performance of the proposed agency but no such proposal has been mooted for serious consideration so far. Third, the question of setting up a clearing house for collection, collation, analysis and dissemination of all information pertaining to terrorist activities is long overdue. At least this question should not have any political overtones. But, in spite of serious terrorist attacks in several parts of the country, such a clearing house has not come into being. Fourth, the question of enacting a central law in place of POTA, which was repealed by the UPA on coming to power in 2004, is still hanging fire. The UPA and its supporting parties have made it a matter of prestige not to have such a law on the statute book. Neither are the states being permitted to enact a law of their own and the Bills referred by some states such as Gujarat, Madhya Pradesh and others for President's assent have been kept pending by the central government for an unduly long period of time, making a mockery of the relevant constitutional provisions. Fifth, Indian police continue to be governed by an Act of 1861 and is one of the most politicised institutions of governance. The question of granting independence and autonomy to the police has been debated for decades together. A number of high level commissions have proposed grant of such independence and autonomy. Even the Supreme Court has issued orders in the matter in 2006. But several major states are yet to implement the decision. Finally, on a contempt petition, the Supreme Court has appointed a high level committee under the chairmanship of a retired judge of the Supreme Court to visit states and to monitor the implementation of its decision. With this state of affairs and rampant politicisation of police and interference in their work, there cannot be any hope of police dealing with terrorism effectively. Sixth, the flood of illegal migrants from Bangladesh continues unabated. The Supreme Court, on a public interest litigation, has chastised the central government for the neglect of this issue and has underlined that defending the borders of the country is the constitutional obligation of the central government. The court has observed that illegal migration has serious implications for the defence of the country. The court has set aside the IMDT

(Illegal Migrants Determination by Tribunals) Act and has directed that the cases of such migrants must be decided under the Foreigners Act. In spite of these clear orders of the apex court, the centre continued the special tribunals and this too was struck down by the highest court. Clearly, the vote bank politics is more important to the central government than even the national security. Unfortunately, there has been no serious discussion on this subject in the Parliament and the government has not been held to account for its inactions and lethargy.

I shall now turn to yet another matter on which there is widespread discontent and even revulsion. It pertains to the lack of good governance in the country. There is total lack of transparency and accountability in the functionaries, both at the administrative and political levels. The peroration by political leaders that "law will take its course" has come to be ridiculed in the country. Several institutions of governance have come into disrepute and have been weakened. It must be understood that the real strength of a democracy lies in its institutions. Looked at from this point of view, Indian democracy is in decay. Let us, by way of an example, look at the way the CBI has functioned in the country. There will be complete unanimity among all knowledgeable persons that CBI's credibility and public image has deteriorated sharply over the years. In spite of the autonomy and independence granted to the CBI by the Supreme Court by its judgment in the Havala case (1993), there has been no change in the performance, culture or ethos of the CBI. It would be recalled that a plea was made to the court by its 'amicus curiae' in this case for issue of directions for the appointment of an authority akin to the special or independent counsel in the United States. It would be remembered that such special counsels were appointed in cases against President Nixon and President Clinton, among others. The Supreme Court had stated: "We are of the view that the time for these drastic steps has not come. It is our hope that it never will, for we entertain the belief that the investigative agencies will function far better now, having regards to all that has happened since these writ petitions were admitted and to the directions which are contained in this judgment. The personnel of enforcement agencies should not now lack the courage and independence to go about their work as they should, even where those

to be investigated are important and powerful persons." These have turned out to be fond hopes. Clearly, tinkering with the problem will not do. A drastic surgery needs to be performed if the patient, namely, body polity is to recover from the terminal illness.

A related issue which has been pending in Parliament for over 40 years is that of enactment of the Lok Pal Act. Various governments of all hues and colours have come and gone but the Act is yet to be passed. In sheer exasperation, the Common Cause, an NGO in Delhi, filed a public interest litigation in the Supreme Court. That case came up for hearing before the apex court for over 30 times and was finally dismissed by the court as being infructuous as the government had failed to make any submissions before the court. Yet another related issue on which action is awaited for years together is to grant constitutional status to the state Lok Ayuktas. Several states have established the institution of Lok Ayuktas but their performance and achievements differ a great deal from state to state. While in Karnataka it has been very effective, in several states, including Maharashtra, it has failed to make any impact. This is largely due to differences in the provisions relating to the powers and functions in the respective state enactments. The All India Conference of Lok Ayuktas had made a recommendation several years ago that there should be a uniform and effective enactment for the purpose. The conference had also prepared a model legislation. It had also recommended that the institution of Lok Ayukta, which is presently a statutory institution, should be made a constitutional authority so as to make it more effective. Both these recommendations need to be implemented without loss of further time.

The recent unsavoury controversy regarding appointment of the Chief Election Commissioner has once again underlined the basic issues pertaining to institutions of governance and their independence and autonomy. If credibility, independence and public image of the constitutional and statutory institutions of governance such as the Central Vigilance Commission, the Election Commission, Governors, CBI, and others are to be restored, the selection of persons to man these positions must be made in a bye-partisan and transparent manner. The selection committees must comprise, apart from the representatives of the government, the Speaker, the deputy

Chairman of the Rajya Sabha, and leaders of opposition in Lok Sabha and Rajya Sabha. This is equally true in respect of the regulatory authorities such as for the telecommunication, electricity and financial sectors, and the Competition Commission. If the persons for holding these institutions are selected on political grounds or at the behest of vested interests in industry, trade and commerce, the very purpose of setting up such institutions is defeated, apart from creating disillusionment in the public. It must also be laid down that the incumbents manning these positions will not be eligible for any employment under the government or to hold any other office after their retirement. It would be best to have a separate law passed on the subject to put the issues beyond any doubt and to lay down a national policy on the subject.

A stage has come to take the bull by the horn and to prevail on the Parliament to declare good governance as a fundamental right. I made such an effort by filing, in 2002, a PIL in the Supreme Court. I was hoping that admission of the PIL, issue of notices to the central and state governments and the hearing of the petition would lead to informed discussion and debate on the subject and help create strong public opinion in its favour. Unfortunately, the Supreme Court declined to admit the PIL.

In a democracy, appointment of a commission of inquiry is considered to be a potent instrument for ensuring public accountability and creating confidence in the public regarding the bonafides of the actions of the government. Often, the governments appoint commissions of inquiry to deflect criticism and to give time for the tempers to cool. The commissions which are invariably presided over by serving and retired judges of the high courts and the supreme court generally are held in high esteem. But, the picture has changed over the last few years. This is partly due to the long time taken by some of the commissions in submitting their reports, blatantly partisan reports submitted by some commissions and the inordinate time taken by the government to implement and act on the recommendations of the commission. This is amply borne out by some commissions such as the Srikrishna Commission and P.B. Sawant Commission (delay in taking action by government), Godhra Commissions and Commissions on riots against Sikhs in Delhi

(partisan reports), and Liberhan Commission (inordinate delay in submission of the report). Stays granted by the High Courts and the Supreme Court and non-vacation of such stays for long period have also hampered the work of some commissions. The Commission of Inquiry Act needs to be revised extensively in the light of the experience so far to ensure that this important instrument of public accountability is not permitted to go into disuse and lose credibility.

Parliamentary committees are supposed to be another effective instrument of accountability. Unfortunately, in India this too has been blatantly misused for political ends to white-wash the actions of government functionaries. This is amply brought out by the reports of the parliamentary committees on Bofors and bank scam. The ghost of Bofors is still haunting the country. The recent actions of the CBI to permit defreezing of the bank account of Quatrocchi in London, its reluctance to bring him back to India to stand trial, cancellation of the red-corner notice against him etc. are eloquent enough. As for the bank scam, it would be recalled that the then Union Finance Minister, Manmohan Singh, had described the bank scam involving defalcation of nearly Rs 10,000 crore as a mere "systemic failure" for which he did not have to lose his sleep. All political parties must get-together to lay down ground rules for making parliamentary committees effective and to reassert their role as the highest and credible parliamentary instrument for ensuring public accountability.

Another major area which has escaped Parliament's attention all these years pertains to judicial reforms. With pendency of over 3 crore cases, dilatory procedures, ever increasing transaction costs and frustrating delays in court decisions, it has become a nightmare for the litigants to pursue their cases in courts. Any talk of India becoming a super power, or even a regional power in the 21st century would remain just a political rhetoric if judicial reforms continue to be neglected. But this subject is not on the radar of political parties. This was amply evident in the elections to the Fifteenth Lok Sabha. It is significant that the report of the National Commission to Review the Working of the Constitution consisting of retired chief justices of High Courts and the Supreme Court and eminent jurists did not come up for any discussion in the Parliament though over seven years have elapsed since it was submitted to the government. The Parliament

needs to pay particular attention to the following matters for urgent action. First, grossly inadequate number of judges in India as compared to the norms obtaining in a number of countries. It is true that creating more posts of judges, by itself, will not solve the problem of judicial delays but it would certainly help in speedy disposal of cases. A time-bound programme for creation of more posts of judges and filling them up expeditiously is a first step in any reform programme. Second, this needs to be accompanied by creation of requisite infrastructure such as court buildings, libraries for judges and advocates, creation of support staff, provision of computer hardware and software and so on. Third, the Parliament ought to insist on a declaration by the government that over the next ten years, the budget provisions for the judiciary will be stepped up progressively to 3 per cent of gross domestic product, from the current dismal levels. Fourth, the judiciary should be given the same autonomy and freedom in managing its budget as is being enjoyed by the Parliament. There is no reason why these two supreme constitutional entities should be treated any differently. Fifth, the constitution needs to be amended to set up (i) a judicial commission for recommending appointment of High Court and Supreme Court judges and (ii) a judicial council to deal with disciplinary action against high court and the Supreme Court judges. These bodies must comprise primarily of sitting judges of the High Courts and the Supreme Court with the Chief Justice of India as the chairman but should also have a couple of members of unimpeachable integrity and reputation from outside the judicial community. Sixth, with growing trends of encroachment by the judiciary in the domain of the Parliament and the executive, it is necessary that the question of separation of powers between the three wings of the government, namely, the Parliament, the executive and the judiciary is revisited. Separation of powers is implicit in the provisions of the Constitution and has also been declared by the Supreme Court as a part of the basic structure of the Constitution, but it needs to be made explicit. If necessary, a reference could be made to the Supreme Court for an advisory opinion under Article 143 of the Constitution and thereafter the Constitution amended suitably.

Finally, we shall turn briefly to the unfinished agenda of economic reforms and liberalisation which was stalled during the last three

years due to the resistance of the left parties and the internal contradictions within the UPA itself. The economic slow down, the recession and wrong-doings of several leading companies in the financial and other sectors world over, have created doubts and misgivings about the soundness of the basic thrusts of liberalisation. There are some political parties and thinkers in this country who are taking credit for having saved India from meeting the same fate as some other Western countries by opposing economic reforms. It is true that we must guard against blindly following the Western model of economic liberalisation. At the same time India cannot afford to neglect the next phase of economic reforms and liberalisation any longer. With the electoral mandate which the Congress and its allies have received, there should be no ideological hurdles now in pursuing the reforms. These would have to include, among others, reducing the burden of subsidies; disinvestment, particularly from loss-making public sector enterprises; financial sector reforms aimed at strengthening banks and financial institutions; encouraging larger flow of foreign direct investment; opening new sectors for foreign investment; transparency in economic decision-making; and labour reforms. Rigorous adherence to financial and fiscal discipline--revised targets of revenue and fiscal deficits as may be laid down under the Fiscal Responsibility and Budget Management Act--would have to constitute an integral part of such a programme. Steps would have to be taken to bring back the colossal amount of black money reported to be secreted away in banks in Switzerland and other tax heavens. Equally important would be to strengthen statutory regulatory bodies such as the Securities and Exchange Board of India (SEBI) and to give them autonomy and independence. Let us hope the new Lok Sabha will chart a clear course for the purpose.

This list may appear to be forbidding at a first glance. But, India has to make up for the precious time lost with a new resolve. In the final analysis, India's strength will have to be not only in its diversity, democracy and social cohesion but also how well it does economically. This will depend, in no small measure, on the quality of governance and the strength of its institutions. This would largely depend on the Parliament becoming a forum for building consensus on major issues. To do this, the ruling political parties in UPA will have to go extra mile

to take the other political parties along and the opposition parties will have to learn to function as the government in waiting. Let us hope the Fifteenth Lok Sabha will open a new chapter in building consensus, in building bridges for meeting the formidable and often daunting challenges ahead.

CHAIRMAN'S REMARKS

SHRI RD PRADHAN

I am grateful to the CASS and the late Professor Kogekar's family for inviting me to chair this evening's lecture . I was looking forward to hearing Arun Shourie , a well recognized intellectual , with many faceted personality . I am sure all are missing him .

I would like to congratulate Madhav Godbole for delivering the Memorial Lecture instead of Shourie . No one , except Madhav could have substituted Shourie at such short notice and delivered such a brilliant speech .

Dr Kogekar was a educationist in true sense . He was a product of the Deccan Education Society , who devoted his life to his vocation in the way the founders did . I was a student of the Fergusson College between 1944-49 and I have been nurtured in that era . Prof Kogekar was a man of principles and an intellectual in the best tradition of that era . Today's subject has relevance to him . In 1976 , delivering late Kale Memorial Lecture he reminded the rulers that , "the supremacy of the Parliament in a federal and democratic polity is limited, not only by the powers to the States , but also by accepted norms of democracy as enshrined in the Constitution of India ."

Both Madhav and I had opportunity to work as Union Home Secretary . We had to deal with the States and the polity at the center . From that perspective I must state that Madhav has done considerable research and his speech was both educative and informative . I could certainly not have been qualified to speak with his authority and knowledge . I shall therefore speak with reference to my own perception of the results of general election that led to the constitution of the Fifteenth Lok Sabha and what kind of challenges it would be facing . That is subject matter of this evening .

In a way , results of the general elections have surprised most political analysts as well as politicians . On 15 May everyone was talking of hung parliament . I can confide that I was in Delhi on 15 and 16 May and even at high level in the Congress party everyone was talking of possible political alignments and combinations to form a working government . By 16th afternoon these people were surprised

to find that the Congress has received a clear mandate. The most disappointed were the so called Third and the Fourth fronts . People of India had given a decisive mandate to one national level party . Thus , the 15 Lok Sabha is unambiguous verdict of the voters . Poor and deprived they may be , but they had exercised their right , with clear objective . They want a government that can govern and that can deliver . They are not impressed by so called secularists and communal distinctions between the two major national parties . Voters want government that can provide jobs , shelter and food . Ideologies have not impressed them . This is first lesson .

The second is that voters have rejected those who fragmented the polity for gaining power . Thus , RJD , AIDMK , CPI and CPM have been rejected . These parties will have to rethink about their future and role they wish to play .

Thirdly , this Lok Sabha has given highest representation to women and youth . This is reflection of new vibrant India . This group is young, educated , ambitious and motivated . They will now determine the outlook and composition of the Sixteenth Lok Sabha , five years later. All those who are above sixty five year age today will have to retire or get rejected .

While what is stated by me is apparent , a question may be asked : Why has India voted for a PM who is today over 75 years age ? The answer is that , the voters have opted for his experience , his intellectual abilities and above all his honesty . Lets hope that this is a pointer for politicians who aspire for high offices in future .

Thus briefly , we shall now have stability in governance . We have now leadership with clear aims and objectives . We have young , educated politicians to move the country in the way Rajiv Gandhi wanted . Youth inside the government and outside will dictate the agenda and action .

Briefly , the challenges before the 15th Lok Sabha will be faced by polity that represents the New India . I imagine that we shall have more debate and discussion , more intensive examination by the Standing Committees , and better and corruption free governance. NGOs and the RTI Act will play more active and participatory role in governance .

Madhav Godbole has in his presentation mentioned many matters of what is wrong with the functioning of parliament , the judiciary and the political system . I respect his views without necessarily agreeing with him . But we must appreciate that he has put forward in forth right way his analysis and conclusions I wish to thank him on behalf of all who are present here to honour memory of Dr S.V. Kogekar .

CASS PUBLICATIONS

Sl. No.	SEMINAR PROCEEDINGS	Date of Seminar
1.	"Defence and Industry"	17 May 93
2.	"Use of Force in Internal Peace Keeping"	04 Dec.93
3.	"The Emergence of China : Political, Economic and Military Implications for India"	22-23 Nov.94
4.	"The First SLK Memorial Lecture" by Shri PChidambaram, Union Minister for Commerce	05 Jun. 95
5.	"Human Rights : Law and Order in India"	30 Sep. 95
6.	"The Emerging Security Environment in South East Asia with Special Reference to Myanmar : Political, Economic and Military Implication for India"	02-03 Dec.95
7.	"India 2020 : An Agenda for the Nation" by Maj Gen (Retd) KS Pendse.	Feb. 96
8.	"India : The Nuclear Challenge" by Lt Gen (Retd) EA Vas, Maj Gen (Retd) KS Pendse, Dr. Col (Retd) AA Athale.	Mar. 96
9.	"Challenges to India's National Security And India's Defence Preparedness"	20-21Apr. 96
10.	"Second SLK Memorial Lecture" by Dr. PC. Alexander, Governor of Maharashtra "Citizens Rights and Indian Democracy"	20 Jul. 96
11.	"Challenges of Comprehensive Test Ban Treaty Implications for India"	28 Aug. 96
12.	"Preparing to Meet Challenges to National Security In the 21st Century - The Organisational Dimension."	30 Jan. 97
13.	"Regional Security Environment To The North-West of India With Special Reference To Afghanistan."	21-22 Mar. 97
14.	"Third SLK Memorial Lecture", by Justice AM Ahmadi, Former Chief Justice of India "Changing Scenario of The Constitutional Values"	02 Aug. 97
15.	"Information Warfare"	24 Sep. 97
16.	"Laws of War"	09 Jan. 98
17.	"Indian Ocean - The Challenges Ahead"	06-07 Mar. 98
18.	"Fourth SLK Memorial Lecture", by Dr.Abid Hussain, Vice Chairman, Rajiv Gandhi Institute of Contemporary Studies. "The Changing Pattern of India's Relations with America"	03 Jul. 98
19.	"Pokhran II and its Implications"	01 Sep. 98
20.	"Nuclear And The World"	08 Sep. 98
21.	"The Challenge of Terrorism"	29 Oct. 98
22.	"Foreign Policy Imperatives For Nuclear India"	26-27 Feb. 99
23.	"Fifth SLK Memorial Lecture", by Dr. R.A. Mashelkar Director General, Council of Scientific & Industrial Research, "On Building a Globally Competitive Indian Industry : The Role of Research & Technology"	22 Jul. 99
24.	"Challenges of J&K"	04 Feb. 00
25.	"Indo-Pak Relations : Challenges Ahead"	30-31 Mar. 00

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| 26. | "Insurgency In India - Causes & Perspectives" | 28 Dec. 00 |
| 27. | "SLK Memorial Lecture - 2000" by Shri K. Subrahmanyam, Convrner, NSAB
"Self Reliant Defence and Indian Industry" | Jul. 00 |
| 28. | "Governance In India : Challenges Ahead" | 25 Jan. 01 |
| 29. | "India and China by 2020 : Political,
Economic Sociological and Military Perspectives" | 14-15 Mar. 01 |
| 30. | "Global Terrorism And India's Response" | 19-20 Mar.02 |
| 31. | "SLK Memorial Lecture - 2002" by Dr. C. Rangarajan,
Governor, Andhra Pradesh "Globalization And Its Impact" | 24 Apr. 02 |
| 32. | "Shri N.K. Firodia Memorial Seminar : 2002" on "Governance In India" | 03 Oct.02 |
| 33. | "Globalisation And India" | 19 Mar.03 |
| 34. | "N.K. Firodia Memorial Seminar : 2004" on "Elections And Democracy in India" | 17 Feb.04 |
| 35. | "Comprehensive Security : Need of the Hour" | 25-26 Feb.04 |
| 36. | "Ombudsman, Lokayuktas, Lokpals ; Concept and Working,
with Special Reference to State of Maharashtra" | 25 Mar.04 |
| 37. | "Comprehensive Security II : Economic And Internal Security" | 03 Mar.05 |
| 38. | "India And Its Neighbours : A Regional Security Perspective" | 04 Jan.06 |
| 39. | "Yashwantrao Chavan Memorial Seminar : 2906" on
"Probity And Propriety In Public Life" | 03 Feb.06 |
| 40. | "Yashwantrao Chavan Memorial Seminar : 2997" on
"Social Unrest in India : Challenges Ahead" | 13 Mar.07 |
| 41. | "Emerging World Order And Sino Indian Relations" | 21 Mar.07 |
| 42. | "Air Marshal YV Malse Memorial Lecture : 2007"on
"Aerospace Power in a Changing National Security Environment" by
Air Chief Marshal FH Major, PVSM, AVSM, SC, VSM, ADC, Chief of the Air Staff | 28 Jul 07 |
| 43. | "Brigadier NB Grant Memorial Lecture : 2007" on
"Future Environment, Perceived Threat Perceptions And Imperatives in Response"
by Lt Gen N. Thamburaj, SM, G.O.C.in.C., HQ, SC | 02 Dec.07 |
| 44. | "Yashwantrao Chavan Memorial Seminar :
2008" on "Environmental Challenges Ahead" | 29 Dec.07 |
| 45. | "Professor S.V. Kogekar Memorial Lecture" on "Indian Democracy :
Its Strengths & Weaknesses" | 25 May08 |
| 46. | "Air Marshal YV Malse Memorial Lecture" on
"India's Strategic Environment And Its Implications for Military Modernisation"
by Dr. Bharat Karnad | 08 Jul.08 |
| 47. | "Indo-US Relations : The Changing Perspective" | 22 Oct.08 |
| 48. | Professor S.V. Kogekar Memorial Lecture
on "Challenges Before 15th Lok Sabha" | 26 May. 09 |