

Open Letter II to Our Leaders

On January 17, 2011, we, a group of like-minded citizens who were deeply concerned with the state of affairs of the nation addressed an Open Letter to our leaders. This letter focused on four issues – (a) Growing Governance Deficit (b) Galloping Corruption (c) The urgent need to distinguish between ‘Dissent’ and ‘Disruption’ and (d) Environmental Challenges. The Open Letter received wide exposure in the public domain and was generally perceived as being timely. As mentioned in the first Open Letter, the aim of the group is to develop specific actions regarding the above-mentioned issues and place these in the public domain from time to time. It is in this context that we put forward our second Open Letter.

August 27, 2011 marked a high point by the historic debate leading to the ‘Sense of the House’ in the Parliament on the Lokpal Bill. The event reinforced the inviolable primacy of the Indian Constitution. It was also an event of relief and reassurance to the vast and silent majority who constitute India’s core civil society.

We support the need for the urgent passage of a well-crafted Lokpal Bill by the Parliament. While the Parliament debates the contours of the Lokpal Bill, the discussion of the details now resides with the Parliamentary Standing Committee on Law and Justice. We, however, believe that the Lokpal Bill is only one small but critical step in the national task of weeding out the plague of corruption in India. This draft Lokpal Bill is intended to address **EPISODIC CORRUPTION**, but is unlikely to have any significant impact on the **DAY-TO-DAY CORRUPTION** which is insidious and demeaning.

We, the people, the common individual, seem to have no recourse in our daily life which is vitiated by corruption in almost every sphere of our normal dealings. Almost every interface of the common man with public officials is impaired by corruption, especially in the most routine transactions, such as the grant of ‘pattas’, issuing of birth/death certificates, utility connections and availing of entitlements amongst several others. Similar cases of continuous daily harassment are widely

faced by small and medium scale enterprises (SMEs) and numerous services and manufacturing entities.

The Group wishes to put forward some issues which call for urgent attention and action to make reforms effective and have a positive and perceptible impact on citizens' day-to-day life.

1. The common man (the poor bear the greatest burden) is a silent sufferer because available constitutional remedies remain inaccessible. Several antiquated laws require urgent overhaul to reflect contemporary realities. **LAND, JUDICIAL, ELECTORAL and POLICE reforms** are most urgently needed. Key recommendations and draft legislation on most of these issues are already in the public domain. It is imperative, however, that legislative reforms be constructively and constitutionally debated in a time-bound and orderly manner and not in uncivil and hostile environments. **DISRUPTION**, both in the Parliament and outside is socially debilitating and erodes public confidence.
2. It is acknowledged that a strong nexus exists between certain corporates, politicians, bureaucrats and power brokers. This is one of the greatest threats for the Indian economy. It may be worth mentioning that the UK, in July 2011, enacted the 'The Bribery Act, 2010'. The Act makes it illegal **TO OFFER, RECEIVE AND FAIL TO PREVENT BRIBERY** and extends culpability to the highest levels in an accused corporation. Only if timely and punitive action is taken against both, **THE GIVER AS WELL AS THE RECEIVER OF THE BRIBE**, will the fight against ground level corruption be won effectively.
3. Even the best crafted legislation will not cleanse the system unless effective **REDRESSAL MECHANISMS** are put in place. This, however, is not possible given the acute backlog of cases pending in the courts, estimated at over 3.1 crore. India has 10 judges per million population compared to 50 in

the UK and 107 in the US. The adage of **justice delayed is justice denied** is the key reason why the common man is unable to fight against corruption. It is imperative to increase the number of judges and other judicial officers, modernise infrastructure and implement judicial reforms such as creating additional fast-track, specialised courts.

4. While we appreciate and support the need for environmental protection, it should be recognised that there is an impasse on **ENVIRONMENTAL CLEARANCES** which continues to delay several investment proposals and hamper economic growth. Among other measures, it is worthwhile considering the introduction of an on-line **AUCTION** process for allocation of natural resources which will provide the much needed **TRANSPARENCY** and prevent discretionary and irregular practices. Owing to several such impediments, fresh investments are not forthcoming at the pace required for a rapidly growing economy such as ours. Policy uncertainties and delays in approvals are forcing many large corporate entities to seek out opportunities in other geographies.

We wholeheartedly endorse Prime Minister, Dr. Manmohan Singh's statement that economic progress must not be hijacked by internal dissensions. Therefore, India's focus must remain steadfast on economic reforms and growth in order to reduce poverty and ensure adequate job creation. These national challenges cannot be solved by urban protests and posturing.

We are working with a group of professionals who have been specially commissioned by us to study issues of governance and public accountability. The results of this study, when completed, will be made available to Parliamentary Committees as may be appropriate when these issues are discussed.

We wish to reiterate that through **URGENT and CONCERTED ACTION** by the elected leaders of our country, positive transformation can begin to be achieved.

Sd/-

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Date: October 3, 2011