*Public Service : The Shifting Paradigm**

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Mr. Bongirwar, Mr. Premkumar, Mr. Banthia, Mrs. Pratima Doshi, Mr. Bharat Doshi, Ladies and Gentlemen. I am deeply honoured to be invited here on this important occasion to deliver the nineteenth Lalit Doshi Memorial Lecture. I must say that I am not very new to Mumbai, I spent almost eight years here, but that was after 1994 and I never had any occasion to know Mr. Lalit Doshi personally or to work with him. Nevertheless, I have met several people who have interacted or worked with him and it has been heartening to know that everybody has glowing memories about Mr. Doshi. His commitment, his hard work, his sincerity, his ability to solve problems are some of the hallmarks about which I have heard again and again. Some of you may be aware that at one stage, Mr. Lalit Doshi was likely to join SEBI. One of my illustrious predecessors Mr. G. V. Ramakrishna was very keen to have him there. But somehow it did not happen and SEBI's loss was the gain of the Government of Maharashtra. He was very kind hearted and several persons have narrated to me aspects of his personality as to how he was ever willing to help people. I would like to offer my greetings to Mrs. Doshi and to the entire family and once again express my thanks and gratitude for inviting me.

One of the privileges of speaking at an event like this is that you have freedom to select the topic. Today I have selected the topic "Public Service: The Shifting Paradigm". To some of you my views may sound contrarian and even unpopular. Nevertheless, I will attempt to talk about some of the new challenges and demands of public service. What are the trends; what are the causes for those trends and which direction are we heading. I may also mention a few disclaimers and the most important one is regarding the illustrations and examples that I will be referring to. Kindly do not think that I regard those as the best or the worst examples of their kind. These examples come to my mind primarily because of the constraint of my own knowledge and experience; what I have seen in my personal life. Nobody should draw any other conclusions from that.

Also, I don't think it is required, but for good order, since I am working in SEBI, which works on disclosures, I also have to make a disclosure. I have

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Views expressed are personal and not to be construed as views of the organisation he is working in.

been a civil servant and even today I am a public servant. Since I am still a public servant, some of the things I might say will be constrained by certain limitations. Since Bharat, in his introduction, mentioned about Urdu poetry, I would like to mention the dilemma about my limitations which come across very well in one of the sher (couplet) of Sahir Ludhianvi.

लब पे पाबंदी[1] नहीं, एहसास पर पहरा तो है;
फिर भी अहले दिल को अह्वाल-ए-बशर[2] कहना तो है !
बुझ रहे हैं एक-एक करके अक़ीदों[3] के दीये;
इस अंधेरे का भी लेकिन सामना करना तो है !

Lab pe paabandi[1] nahin, ahsaas par peharaa to hai;
Phir bhee ahal-e-dil ko ahwal-e-bashar[2] kahna to hai !
Bujh rahe hain ek-ek karke aqeedon[3] ke deeye;
Is andhere ka bhee lekin saamanaa karnaa to hai !

[1] - restriction [2] - condition of man(kind) [3] - fundamental doctrine of faith/ belief

New Normal:

If we start from the earliest times, ever since societies transformed themselves into nation-states, there were various ways through which leaders were selected; including, for example, monarchy or democracy. The leaders so selected had their own teams. The teams were working in the Central Government or at the state headquarters, and also in the villages and towns in that particular state. Those who were dissatisfied with what was happening around them, had a system of having their grievances redressed through a justice system. The more responsive the justice system was, people generally felt happy that their concerns were being addressed. But, inspite of the justice system, it was not uncommon to have agitations, protests, etc. in various parts of the world even in ancient times and it became one of the means to have your points of view put across to those in power. If you look at the modern times, somewhere after the French revolution; protests, mostly peaceful and non-violent, became an important element to bring about change of regime.

If we look back, we will find that unification of Germany, for example, or disintegration of the Soviet Union, happened primarily because of the protests

which happened in various parts in those countries. Our own independence struggle has a glorious history of how through peaceful, non-violent protests we had our ambitions and our aspirations met. Post-independence also, India has seen protests. I would like to put across to you some of the recent trends that I am noticing, especially in the last 5 to 10 years, viz. the spontaneity, the intensity and the speed with which these protests are happening, the impact that they are making and also the type of people who are joining these protests.

We all know that 'Occupy Wall-Street' did not require any massive preparations. One instance of rise in bus fare in Brazil brought millions of people on the streets. A nation which is known to be football crazy, defaced the official website of the World-Cup and protested against the Confederation Cup. All of this happened spontaneously. There was no preparation. One building project in Istanbul brought together hundreds of thousands of people and in spite of all the pressure being applied by the authorities, they were willing to dig in. Higher coal prices brought hundreds of thousands of people on the streets in Indonesia. The important thing I am finding in all these instances is that there was no prior preparation or planning.

More importantly, who are the people who are joining these protests? They are not unemployed, starving youths. They are not unskilled workers. They are not students from universities alone. Here are people who are educated, employed, middle class men and women who are taking to the streets. It is not only happening globally but also in India. It has happened in Delhi, for example, and people who have never moved out of their houses even to cast their votes, dug in for hours together on a cold Delhi night. There is a discernible shift in the type of people who are joining in the civil protests today.

If you look back in India's recent history, you will find that politicians had to make sustained attempts to bring together their supporters to a venue after lot of preparation and going across far flung areas, mobilising people. Organising a political rally and getting people to a particular cause required weeks and months of preparation and a lot of money and resources. You may perhaps be aware that if a political party had to organize any event in a city then it had to garner people by arranging for their transportation and taking care of their lodging and boarding and even entertainment. But today, we have self-motivated, educated people who are coming out on their own for social, political or economic causes they believe in.

Drivers of Change:

If I look around and try to find out what are the reasons for this development, it is not very easy to understand. A few things which come to my mind are, for example, a major shift in demography. If 35% of people in this country are in the age group of 15–35, we have a group of people, a mass of population which is well informed, well networked and which can be easily motivated. The education level, which has gone up in this country, has further accentuated the process. The prosperity of the last two decades, globally and also in India, has also contributed to this. For example, in the 90s, people in the middle income group, in Asia, were less than one-fourth. Today, more than 50% of the population in Asia is in the middle income range. This is a new type of development we are seeing. And then globalisation has brought about lot of inter-connectedness on commercial and business side. But the social and political consequences of the inter-connectedness of commerce has perhaps not been very well understood. People from vastly different backgrounds living and working together or interacting together continually have to constantly cope with multitude of economic, financial, cultural and social differentials. This leads to comparisons being made instantaneously and probing the causes of differences continuously. This is having an effect on the society faster – the effect on the culture and the society is perhaps more intense than what the societies are themselves prepared for.

A flat world enables people to compare their circumstances very easily and often it sharpens their frustrations. Because the world is flat; people are interacting very easily. They know what is happening in the other parts of the world, in other societies. In our case and in many other countries also, it gets further aggravated if you are fed on a culture of having a glorious history. Even today if I go to my home state and talk to opinion makers and leaders of people, they have perhaps not moved out of *Chanakya* and *Ashoka*. They still talk of that golden period as an escape from the present realities. If a population is fed on this self glory for centuries together and then they interact with a new society which has overtaken them economically or in sophistication, the level of frustration is bound to grow. In a situation like this, if one starts giving them sermons on how past customs and traditions are important, how niceties and decencies have to be followed, the same is going to be rejected with anger.

A senior minister in the Government of India was narrating his experience a few months ago. He had gone out of the country on road shows and he was comparing his experience now with when he was doing the same thing ten or fifteen years ago. The first important thing he found was that the type of crowd he was addressing was at least 15 to 20 years younger than the type of crowd he was addressing earlier. Earlier the analysts and advisors felt obliged that a senior minister had condescended to meet them. Today, they demand information as a stakeholder. Also, they are very well aware; they have their i-pads, tablets and all the gadgets. If you talk about the fiscal deficit or the GDP or the inflation numbers, they are ready to challenge and that too with facts and in an irreverent manner. This was unimaginable a decade ago.

A major facilitator for this change could be technology. I am reminded of the days when we had to listen to a 7 O'clock or 9 O'clock All India Radio news bulletin to know what was happening. Both in India and outside India it was very common, for example, that if some mishap like a natural disaster or a civil disturbance had happened and people were doubtful about the extent of damage or the number of casualties, they had to turn to foreign radio stations. It was quite likely that the official broadcasting units of the country were playing down the intensity or ignoring it altogether by showing *kathak* dance or the birds of Siberia which come to certain parts of India. People felt frustrated. Now, we have mechanisms through which we can not only instantaneously know what is happening in other parts of the world but also share it and spread that information. The social media reporting has become a very powerful source of information and opinion building. In Istanbul, in Gezi Park, photos and videos of police action went viral and attracted people much faster than the police could chase them away. Live pictures of water cannon bring more people to get drenched in the same water cannon. Everyday technology is getting smarter and smarter. For example, people have now been able to develop face-blurring software, so that once you have participated in an event and the regime is trying to harm you subsequently, your identity can be protected. If the official media is showing a penguin, for example, when something serious is happening, then the penguin can be photo-morphed into a water cannon, which can be used in a particular way. Technology has been able to connect people instantaneously across the globe in a manner which nobody could have imagined even five years ago. All these examples that I am giving to you are less than five year old.

I remember when I was young and in the Districts, about two or three decades ago, I had ordered for a cane-charge, on an unruly, rampaging mob. In case of a communal situation, I even had to order for police firing. But it was all accepted as normal provided no motive was imputed and rules had been followed. If needed an administrative or judicial enquiry could be ordered and their findings were relied upon. But one could take that administrative decision; if the situation so demanded. Today, one has to be mindful more of the reaction live telecast of a cane-charge or water cannon will have on public mind rather than of the requirements of restoring public order. In a Naxal village, one could go and hold a camp court and deliver land to the Dalits, or encourage the villagers not to succumb to unjust pressures from land-holders or from the external elements. But today it is impossible to visit those villages without having to take a huge police force accompanying you.

This is the type of change which we have been seeing. If we are looking at the society, there are new mechanisms, new reactions, new responses which have emerged.

New Guardians:

The anger, the frustration and the diminishing faith in the system has led to the emergence of new guardians. Look at PIL, the Public Interest Litigation. They were primarily designed to help the poor people who did not have the means to approach higher judiciary. These were aimed at helping in matters of starvation, malnutrition, lack of education or of equal opportunity, discrimination, etc. for the deprived and marginalised sections of society. Now what is happening is that if a road has not been repaired or the drainage has not been cleaned or there are too few or too many points of traffic lights, PILs are being filed, allegations are being levied in the Courts, bypassing or avoiding the prescribed channels of grievance redressal. It is very interesting that whatever is the allegation in the PIL, the content of the petition is being discussed in the media one day before it comes up for hearing in the Court. Is it a coincidence? I leave it to you. But, if it is happening again and again, there is a pattern.

Let me also tell you that this is not happening only in India. In one of our neighbouring countries, the Chairman of the Securities and Exchange Commission i.e. my counterpart there, was a well qualified and trained

finance professional. Some elements got unhappy with him. A petition was filed in the court against his appointment. One day before the petition came up for hearing, there were huge reports in the media about his alleged nepotism and other misdemeanours. Can you guess what happened to him? He had to go.

I also would like to say that there is hardly any public authority in this country against whose appointment a PIL has not been filed. The Chief Secretary, in his address, was mentioning about multiple boxes and how he has to juggle his time. These are real issues now. Again, it is common knowledge that the speed of the allegation against a particular public sector employee gets vastly accelerated if he is proposed to get a promotion or he is being considered for an important assignment. There are rules for how to deal with anonymous or pseudonymous petitions. Under public pressure, in order to ensure that no fingers are pointed for being in collusion, those directions are being ignored. Anonymous and pseudonymous petitions are affecting lives of public servants. We are aware that the reports of the government auditors are discussed in the media more and more even before they are presented to the Public Accounts Committee. The talk is that how the scope of that audit should be further expanded.

The Right to Information Act (RTI) was made for people who are suffering from an insensitive bureaucracy which was not taking care of the demands of the people or their petitions. But there are increasing instances of the same being used for settling personal scores or commercial rivalry. SEBI is one of the important institutions having a high degree of RTI queries. I was doing a review recently. One of the petitions, which came more than once, was about how many times some executives of SEBI travelled to a particular city, which was the hotel or guest house where they stayed and what was the payment made. I agree that there has to be transparency in public life. But, I want all of you to think, is this the direction for which the RTI was enacted? Was this the purpose?

Some eminent IAS/IPS and other officers are sitting here today and many of you would be knowing that there are constitutional and legal provisions safeguarding the civil servant for acts done in good faith. But, today secretaries of government of India are getting arrested. Not only this, even those secretaries who had functioned there four, five or seven years back are

getting arrested. The impact of all this is that, today a civil servant is spending extraordinary time in documenting what process he has followed, he is devoting time in anticipating what questions would be asked to him if he took a particular decision and how to prepare the answers for those questions. He has no time to solve problems like why a particular power project has been stalled, where unfortunately the IPP has invested 50% of project cost running into thousands of crores of rupees or why a completed power project is lying idle for fuel or why 5 km of a 500 km road is lying incomplete. He is just not interested. He does not want to take that call.

What I am saying is not something which is my own individual understanding. Political leaders in this country at all levels, economists, thinkers, analysts - both in India and abroad, are openly admitting that decision making has taken a beating. There seems to be no premium on decision making. Earlier, what a secretary to government of India could do is now being done through a group of secretaries or group of ministers. What a district magistrate could do is now being sent to the state government for a decision. And then there are committees over those committees, because that committee itself does not want to take a final call. So there is another committee over that committee. Obviously, things will get delayed.

Honest Mistakes:

A very important dimension which is being ignored is that some very new and complex areas of public and business life have come into force. Maybe the civil services are not prepared for that or they are not trained for that. How to evaluate a PPP project? How to decide the discounting rate on the investments made? How to do a vehicle survey for a new bridge or a road project? How to auction resources which are virtual and which technology should be encouraged or preferred for harnessing these resources? What happens if the assumptions or expectations go wrong? But today, unfortunately, there is no scope for any honest mistake, even in newer and complex areas. It is no surprise that economic decision making will slow down. When we were young, we always had this support and guarantee that "go on do your work, if there are honest mistakes, don't worry". Today, there is absolutely no room for any mistakes. There are multitudes of guardians ready to believe that it was not an honest mistake. The public servant has to be prepared for it.

I would also like to tell that the anger has now gone into the area of hate. In SEBI, one of the works which we do is in the area of investor grievance redressal. It is very common for me and my people to receive mails, for example, saying that "Was SEBI sleeping?" "Is SEBI hand-in-glove?" These are the type of mails we get. And from whom? We get these mails from people whose grievances have been disposed off, may be not to their liking. For example, if you are a customer and you had signed a power of attorney with a broker and you were trading, you did not protest when the going was good and you were making money. But when the power of attorney leads to making a loss, the belief is the system is bad; there is no justice. I do not mind people holding their view. What I am pointing out is the intensity, the anger which is coming out again and again and the willing suspension of the belief that system will take care of their genuine grievances.

I must say that what I was saying about India is also happening outside the country. Around two weeks ago, a report has come about the US SEC. The Government Accountability Office has done a study of the US SEC. In that report, many current staff and former officials described SEC's culture as risk averse, and some also noted that aversion to risk has grown in recent years. The Report has indicated that the fear of going wrong, the fear of doing something which can be perceived to be a scandal is forcing the US SEC employees not to take a stand. They are refusing to take a stand because they might go wrong. The report also says that they are worried that how SEC will be able to fulfil its mission. This is the situation in which public servants are working.

Talking of worry about making mistakes in our country, there is one more dimension which I would like to mention. In the good-old days when we were young and lot of government sponsored programmes were being planned, there used to be always a project approach with a pilot. There used to be pilot projects. These were tested and tried out in small areas. Mistakes were made and after the learnings from those mistakes, the project was expanded to the whole country. Inspite of realization at the highest levels in the government for cautious expansion of projects, today nobody is willing to wait. The feeling runs that if a scheme has been started by Government of India, why it has not been implemented in my State? Something is wrong, it is a conspiracy against my State. There are strong demands and then the government has to concede.

Look at the outcome. There is one massive programme of rural employment which was started in 200 districts of the country on a pilot basis. A pilot with 200 districts is big enough in itself. But within three years it was extended to the whole country. Obviously, the monitoring mechanisms are not in place for such a massive roll-out. A senior Member of Parliament, who was once a minister in the Central Government, once told me that under this programme in his district there was a proposal for repair of water ponds. What was intriguing was the number of ponds proposed for repair were more than the total number of water ponds in his district. And this repair work was to take place in a time period of six months. When I asked him what happened, he informed that the scheme was approved in totality. We can all imagine what is going to be the outcome. Today my worry is that if yardsticks are applied seriously or if some of the guardianship mechanisms-which I have mentioned earlier, are applied strictly, then majority of the civil servants in this country will be found to be on the wrong side of the rules for public expenditure. Is this the type of public administration we want to give to ourselves?

Appreciation and Derision:

Now, let us come to the point of appreciation. Is the good work of a public servant being appreciated? On the contrary, people are now resigned to fate; they have stopped protesting. Things are allowed to drift. While the entire country, rightly and very seriously protested about a certain incident in Delhi in December last year, I have not seen any appreciation from any corner of this country that within three days of that incident all the culprits were arrested and the investigation was closed. It happened in three days, but nobody took notice of that. Public debate hardly gets started if a young police officer is killed under the tractor wheels of mafia in a particular state or another one is killed by extremists in another state. It does not arouse our collective consciousness if a young officer is suspended for taking action against a group of people who are alleged criminals stealing natural resources. The same is true when chief medical officers are killed or a road engineer is bumped off by dishonest contractors. What happens to the same collective consciousness that had impelled people to come on roads and do a night vigil in a cold night?

I would like us to answer this question. At least ask this question. It requires soul searching as to what type of civil servants we want? What type of public servants we need in this country? The point I would like to make is, it is time

for all of us to pause and think, have we gone too far to the other direction? Has the pendulum swung a little too much? Nobody is holding brief for an insensitive or incompetent bureaucracy. But some appreciation for some good work done in a difficult and complex environment is today completely out of public consciousness.

In my own life, in public service, I have seen when I joined the service that we were called public servants. Very proudly we used to call ourselves public servants. We became civil servants within 5, 10 years. Then we became bureaucrats by 90's (i.e. in another 10-15 years). People stopped calling us civil servants or public servants. And finally we are Babus. "*Babus* have foreign jaunts"; "*Babus* get a *salary* hike" make very interesting headlines; very, very interesting headlines.

Being a Spectator:

While we need some very well intentioned safety valves, there is need to perhaps re-look and re-visit the direction in which we are going. Or are we merely going to remain as spectators? A spectator in urdu is called a *tamaashaai*. I have a couplet from Ahmed Faraz:

हर तमाशाई[4] फ़क़त साहिल[5] से मंज़र[6] देखता,
कौन दरिया को उलटता, कौन गौहर[7] देखता !

Har tamaashaai[4] faqat saahil[5] se manzar[6] dekhataa,
Kaun dariyaa ko ulatataa, kaaun gauhar[7] dekhataa !

[4] - spectator [5] - shore /bank [6] - scene/view [7] - pearl

Somebody has to go into the sea and turn it around and find the pearls from there. We have to decide whether we want to remain spectators or not. Being a spectator on the shore watching the river flow gives a false comfort that the current is not going to affect us. But when the river is in spate, it can breach the embankment and drown those on the embankment. The same logic and laws which today apply for public servants can inundate those in 'not for profit' or in the private sector. After all, transparency in corporate world is already a global movement now. Let us look at the debate on audit of PPP projects by the government auditor. One can, for example, make a very safe argument that if a

particular product is bought by the government, audit is required for that product. What was the actual cost of that product? We can get into that area, very soon, may be, on the grounds of loss of revenue or cost escalation for government as a buyer. RTI is being used for my employees and my officers visiting a particular place and how many times in a month or how many times in a year they have gone and where they have stayed and how much money has been spent. Today when I was leaving my office for this event, my attention was brought to a new RTI application, which has just arrived. We had appointed a committee – headed by a renowned outside expert. The RTI application was about what was the expenditure on that committee? How many people attended that meeting? Where did they have their lunch and dinner and things like that? If I can get an RTI query like this, what stops tomorrow that a similar RTI is filed against any corporate in the country by using suitable changes in the laws. "Why did you have your corporate strategy session in a particular resort? How much money was spent on that? When you have got video conferencing facility, please explain why you did not use that and took the unusual step of travelling"? We are getting into that area.

Consumer Protection Courts and Competition Commission can ask questions, which, any corporate will find very difficult to answer. There is already a proposal for reporting of CSR (corporate social responsibility) expenditure. The natural extension of it could be that instead of reporting, it could be made mandatory. After making mandatory, it could even be argued that, we don't trust you for spending this money. This is public money, so park this money somewhere else, and here are the agencies where the money should be parked. All these things are within the range of possibilities, given the direction in which we are going. Also, the accountability of the corporates is now getting into the area of individual accountability - not only in India, but even outside India. I was looking at numbers and globally, in the last two or three years, over one hundred and fifty chief executives, CFOs and others, have been individually penalised. I am not talking of the corporates. Now the public discourse is that "Oh, if you penalise a company then it is cost of doing business. This is not good enough. So penalise the key management person." That is happening. In fifty cases in US SEC, fifty-five cases in UK and eighty cases in Hong Kong, individuals have been penalised. There could be several other examples in other parts of the world.

While regimes are being changed through mass protests and all, I am sure all of you are also noticing that how corporate CEOs are now being subjected to very stern and serious share holder activism. You might be aware of a Fortune 500 company - Occidental Petro. Even before his time was over, 76% of the votes went against the Chairman and he had to be removed. This happened in May this year. The same happened in Hewlett Packard, and also in AVIVA in UK.

Evolution and Discontinuity?:

The thread I am trying to weave is that what we are noticing in public life is not going to remain confined only to the public life. People are looking for quick-fix solutions. The boundaries are being pushed. How far? We do not know. If you look at the scenario you will perhaps feel that this is a natural progression, natural extension of what has been happening in society over a period of decades. However, I feel that for any continuum of movement of public thought or processes, this is not a continuum. This is a major discontinuity. What has happened or what has been happening in the last five years is a major discontinuity according to my understanding. It is not that things have just started happening in some areas in the last five years so we can ignore it. "This will also pass" is not the correct appreciation of the development.

The anger, the frustration, the dissatisfaction, the readiness to take things into their own hands and also the use of technology; enabling you with the capability to propagate your ideas much faster, almost at the speed of light with no cost - these are changes which are not a natural continuum; it is a major discontinuity in the evolution. These developments have the potential for making a profound impact on the way we run our public life, the way we conduct business, commerce and social interactions. If it is a major discontinuity then the important thing I would like to highlight here is that there is always a time gap between the emergence of a discontinuity, the signals of a discontinuity and its actual arrival. That time frame is the time frame for the leaders of the society to come together and take measures to provide for boundaries, for checks and balances. That time is now. This is the point I would like to make - that time is now.

Guiding Principles:

Our future will be guided by whether we will be having a fair play, equal opportunity, tolerance, co-operative planning and vision. We have to be very conscious that one has to improve all sections of the society and alienate none. Accountability has to be defined, but accountability has also to be internalised. Yes, accountability is something which has to be there. But the type of accountability we are moving towards is accountability to none, because there are so many parameters and no performance monitoring. Fortunately, our Constitution makers have given a very clear mandate to us on this. Perhaps it is time to pause, to rewind and re-look at the manner and direction in which we want our society to progress.

I will end with a couplet from Ghalib:

काव-ए-काव[8] -ए-सख्त-ए-जानीहा[9] -ए-तन्हाई न पूछ,
सुब्ह करना शाम का, लाना है जू-ए-शीर[10] का !

Kav-e-kav-e-[8] sakht-e-jaaneehaa[9]-e-tanhaai naa poochh,
Subha karnaa shaam kaa, laanaa hai joo-e-sheer[10] kaa !

[8] - hard work [9] - die hard [10] - brook of milk (here it means to perform an impossible task)

Why I am referring to this I will explain just now. If a person is a leader, who has to take responsibility for the society; he is in *tanhaaee,* he is lonely, he has solitude. He also has the impossible task of bringing the brook of milk. Some of you might be knowing that the reference in this couplet is about - *Farhad,* who was asked that only when he could dig a canal of milk out of the mountain then he would get what he wanted, that is his beloved, *Shirin.*

Today we have to all agree to try and bring that stream of milk for the citizens of this country. I do not have immediate answers as to how to do it. But if all of us agree that the questions I have raised are relevant and we have to jointly find an answer to these questions, then I will feel that my purpose has been served.

Thank you once again!

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