**‘Governance niyat ki baat hoti hai. It needs only integrity,ethics,some ordinary intellect’ | The Indian Express**

Summary. Haryana IAS officer Ashok Khemka speaks about bureaucrats' real duty being to public,why there would be no scams if they performed that and why he has respect for politicians. This Idea Exchange was moderated by Editor,Punjab,Vipin Pubby. Related. Haryana IAS officer Ashok Khemka speaks about bureaucrats’ real duty being to public,why there would be no scams if they performed that and why he has respect for politicians. This Idea Exchange was moderated by Editor,Punjab,Vipin Pubby. Ashok Khemka: A lot of people tend to call me a whistleblower,a word which in my context,I would say,I hate. I am not a whistleblower. Whatever I have done was my duty as per the rule of law. There is nothing which I did which I ought not to have done. (Addressing me) as a whistleblower IAS officer keeps me aside and makes me not a part of my community,a servant of the public. (There is) a clear distortion in governance where people tend to be servants of the private and they say thats the norm for a public servant…There is some confusion about what is the government. For me,government is any authority which is the designated authority under the law. At a traffic crossing,the traffic constable is the government. Once he is deployed to do his duty there,he isnt supposed to be a coward just because there is a vehicle of a VVIP coming… Ravish Tiwari: The traffic cop deployed on a street is the government there. But the moment he goes off duty,he isnt the government. So when Mr Khemka has been transferred,how can he be the government for next four days? He remains the government till he relinquishes charge. The (transfer) order is typed,delivered and the next process is relinquishing charge. There is always a time lag between these two. In this,does the public servant function or does he sit idle and draw money from the public exchequer? If I continue on that post,Im supposed to perform my duties. Let me answer you bluntly: on October 11,2012,Thursday,at 10 in the night,I got my transfer order at my residence. Im supposed to relinquish charge the next working day. So I should have relinquished charge on October 12. But mind you,this transfer order,in my opinion,was a violation of the statutory regulations. You can check the DoPT (Department of Personnel & Training) website…There was a minimum security of tenure of two years prescribed on that post…You cannot violate the law. Im sitting on a post,Im guaranteed a tenure of two years and probably this transfer was done out of malicious intent and incidents cited (in my letter)… I was waiting for a response. If I leave charge on October 12,that is infructuous,that response was to be enquired into by the committee. They refused to give their findings on that and that letter,as it is,is still unanswered by the government. October 13 and 14 were holidays. October 15,the second working day,I leave charge. Between October 12 and 15,was I not supposed to do my normal duties? Sunil Jain: Whether it is Robert Vadra or not,eventually there is a process by which someone or a company gets land. Is there a systemic way of fixing the problem? I have given the solution in Chapter 6 of my report. The first thing Ive suggested is that there should be a law like there is in the Companies Act. When you join a company as a director,you give a declaration if you have a counter interest with the companys interest and in case that statement is wrong,you are liable for action under the Companies Act. In public service,you have no such law. So unfortunately,take the Land Acquisition Act,or in this case,the Punjab Scheduled Roads Act of 1963,through which the development plan is prepared. There is a direct conflict of interest with people who make decisions,which really makes you a billionaire. You only have to map-in the circle that this is going to be a commercial zone,because you have a vested interest there. So a declaration that you should have no conflict of interest is a sine qua non. About licences,there can be a very easy way… The question is not if the government lost any fees. Aap sau rupaye ki cheez dus rupaye mein do,to nabbe rupaye to koi kamayega (If you give something worth Rs 100 for Rs 10,someone will earn Rs 90). Everybody will run to give Rs 10,because you are getting 90. Its a game of 90. That is going to the middleman. I erred in my report in one thing by saying it is crony capitalism,it is crony middlemen. There is no ism here. It is not capitalism of any variety I know of. If I were to hold charge of the department,in a three-month period,I can fix the system of auctioning licences. It can be simple that look,this is the development plan,this is the commercial zone. Of this,25 per cent of the area will actually be given a CLU for a commercial zone. Its not automatic. If you are in the DTCP (Department of Town and Country Planning) or you are a builder,you know how you get a licence. If you mark that 25 per cent of this area will be earmarked for it,you have tradable permits like you have carbon permits,you auction them and make that tradable. So the premium will go to the real entrepreneur who takes a studied guess. So the profit or loss is his. But not in this manner,where you know that the market value of the licence is X,you are issuing it at X/10,9X/10 is going to go somewhere. Governance jo hai,sirf niyat ki baat hoti hai (Governance is only about intent). It doesnt require too much of competence as an artist or litterateur or scientist would require. It requires only integrity,ethics,morality and some ordinary intellect. This can be implemented,Im very sure,if given a chance,in three months. For example,take industrial plots in any state. Youll find half of them go to cronies. Now,if Im a crony,land is acquired under the Land Acquisition Act,you are a farmer,you surrender it at a cheap rate. After there is an industry plot developed there,the value multiplies several times. Therefore you find cronies coming,getting allotments…Why do you frame laws which make the rich richer or benefit cronies? Why is transfer permitted? You are given a plot for working on an industry. You cant work on it,you surrender it or maybe take your money back with some penalty. Why do you permit transfer? Why do you permit change of ownership? Why do you permit that a plot can be rented out or leased out to the actual developer? Coomi Kapoor: There is a difference in the reaction to your case and that of Durga Shakti Nagpal. She has the Uttar Pradesh IAS officers associations support. Sonia Gandhi has expressed concern. Your senior officers have not been very supportive. Why do you think this is happening? I dont know. I dont do a thing with an expectation that I would get this support. There are some things where after effects are painful but it is to be borne with a little bit of stoicism,and I think now pain has become a pleasure. Theres a sense of what you do is right and I want to stand up to others and say that look this is the right conduct,take pride in your work,take pride in your righteousness. I have always felt that there is a feeling that most of them do wrong actions because they think that is manly…There is a feeling the more corrupt you are,or the post which has more scope for corruption,you are more manly. And obedience to rules is not important. I want to change the impression to say that obedience to rules is difficult…Obedience to rules means obedience to the rules of law. Its extremely difficult and thats where the courage lies. And therefore,I hail Durga Shakti…Its not (about) the IAS,forget the IAS aspect,but her action is right. Its a very difficult job. A young officer of 28 years,a lady,going and catching the mining mafia,mind it,you can get killed. Vipin Pubby: Do you think in Haryana you didnt get support because the president of the IAS officers association is the chief secretary himself? I wont like to comment. D K Singh: You have a certain system to address grievances. Now that you are casting aspersions on the political executive,is it permitted under the conduct of rules? Where did I cast aspersions on any public executive? D K Singh: When you are calling your transfer malicious… I said a hypothetical malicious allegation was levelled. I waited for a response. Thats your right…The reference was made to the state government. It was not replied to and an inquiry was constituted to go into this letter. This letter remains unanswered even till date… And if you tell me why Im here,I have not criticised any government action,any government policy,its an idea exchange,as a free citizen,Ashok Khemka who is on leave today (August 15),here on his private visit,out of his own pocket money. D K Singh: Can you please simplify… so where exactly did Robert Vadra commit illegality? You should read the report. Its not fair for me to comment because the duty was given by the chief secretary to comment on the report. It was an official act,it was performed,delivered. The matter ends for me. Vipin Pubby: Do you expect a logical conclusion? I dont expect anything… See,people say,it wont lead to anything,the system would remain the same. The Gita says Arjuna was disoriented,that Im killing my own,what will I achieve? The thought of what will I achieve will be the biggest weakness of the individual. Sunil Jain: Does RTI help the bureaucrat,because now what he writes on files can become public and help him,like it happened in the 2G case. I have a very sincere and a very firm belief: If bureaucrats were really public servants,this 2G and coal mines,there would have been no scams. What happens,out of 100 bureaucrats,10 are always ready to join the queue and its enough if you pick from them. RTI has brought in some degree of transparency but its not a very great kind of revolution…There are ways to obliterate file notings also. Ritu Sarin: They asked for a reply,you sent one. What do you expect will happen now? Elections are also coming near. No,not related to elections. The correct course of action is that the government examine it and give out its observations point by point. D K Singh: Have you given a thought to joining politics? I have said earlier… that till 60 years,Im in service and after 60 years,time will tell what will happen. Shyamlal Yadav: To protect officers like Khemka and Durga Nagpal,what changes can be made in rules? I dont recommend any changes. The most important thing is… its my personal view… minimum laws but very strict implementation. You must know,if you do this,you will get a very predictable environment…There has been a fixation of cadre strength regulations guaranteeing me two years security of tenure. Ensure me even that… Director,Consolidation,has a tenure security of two years and I had an 80-day tenure. D K Singh: Between the bureaucracy and political executive,who is more responsible for corruption? There are good people in both,there are bad people in both,there are inactive people in both. Personally speaking,I have a high regard for politicians. There are at least 20 politicians I can name off the hat,I think they are better in intellect,integrity and sincerity to their jobs than any bureaucrat I know on or across my radar. …Its very difficult for them mind you. At the time of elections,you will see the kind of expectations people have. Sometimes,they are grossly illegitimate. Hum chahte hain Bhagat Singh humare ghar mein paida na ho,uske ghar mein paida ho (We want that Bhagat Singh shouldnt be born in our house but somebody elses house). Absolutely not. I dont give you that hope or image. It is not the economic institutions… as much as changing political institutions and governance. These are the delivery mechanisms…Can money bring in change in the delivery mechanism,of bringing good health and education to a village? For instance,if I give you a Mercedes but with it,a novice driver. Will you get into the car? He may kill you. Now,I have a car that has run 2 lakh km but I know I have an experienced hand on it. It is clear which one you will choose. Here we are debating what car to take,when it really does not matter. Utkarsh Anand: Did the terms of reference of your inquiry require you to give an opportunity to other personalities to be heard before you came out with the report? There is a report of the committee. The government asked me for my comments to it. I had no jurisdiction to summon anybody. If you see annexure C4,there is a letter of the chief secretary signed in his own handwriting stating that whatever records you have submitted,please prepare your reply just looking at the inquiry committees report. D K Singh: So is this debate anti-Vadra or pro-Khemka? That is unfortunate,it is not A vs B. Its a national wealth issue. I do not want the debate to turn into A vs B. Raj Kamal Jha: But then you are here,you are on TV,and we all are listening to you because you have questioned the son-in-law. What kind of pressure does that come with? I was very hurt by this (Congress) allegation (that I was working for the BJP),with another party offering me a ticket. But at times you have to develop a thick skin. I say again that till 60 years I am in service. Twenty years is a long period and I think this will be forgotten by then. After 60 years (of age),what I do being a free citizen… I do not have any resources. I dont do an act because I have a backing. It is my 22 years of service that I have. If you put that allegation,it is very uncharitable. This is why they managed 44 transfers,as I had nobody to speak for me. Anindya Thakuria: During the Durga Shakti controversy,UP minister Shivpal Yadav was reported to have said that they can run UP without IAS officers. Do you think it can be done? Surely,you can run the country without IAS officers. The IAS does not live on his own merit today,the IAS survives because its the ruling class that needs it the most today. The justification for the IAS is only integrity. It is the wall between the ultimate decision maker and the technical people. I am not an expert on archives,then why should there be a Secretary,Archives,from the IAS?