**PGPS S2 02**

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# Indian Administration

## SEMESTER II

# POLITICAL SCIENCE

## BLOCK - 2

KRISHNA KANTA HANDIQUI STATE OPEN UNIVERSITY

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# BLOCK INTRODUCTION

This is the second block of the second course or paper of Krishna Kanta Handiqui State Open University's M. A. Second Semester Programme in Political Science. The second course or paper of the MA Second Semester Programme in Political Science is titled as "Indian Administration". The second block of this course contains seven units- (Units 9 - 15).

The nine unit deals with ideas and concepts of good governance, accountability and commitment. Accordingly, the ideas of e-governance including National e-governance Plan and National e-governance Division are discussed in the unit tenth. In this unit, the scope, importance and implications of e-governance are discussed elaborately. The eleventh unit deals with another burning issues of India i.e. corruption. Here, detailed discussions are made regarding meaning, definition, causes and remedies of corruption. In the twelve unit, the institutions of Ombusdman are explained. In this unit, discussions are made on the institutions of Lok Pal and Lok Ayuktas.

The thirteenth unit highlights the importance of transparency in administration.In this unit, the Right to Information Act, 2005 is also clearly explained. The fourteenth unit focusses the importance and benefits of people's participation in administration. The fifteenth unit deals with various aspects of administrative reforms in India namely Appleby Report on Public Administration in India, Gorwala Report on Public Administration and Administrative Reforms Commission.

While going through the units of the block, you will find that the units are further divided into certain sections and sub-sections, wherever necessary, for your better understanding. Besides, in order to give you additional information on certain relevant topics, you will find a category called "LET US KNOW" after the sections in each unit. Another category that has been included at the end of each section of a particular unit is "CHECK YOUR PROGRESS". The purpose of this category is to help you to asses for yourself as to how thoroughly you have understood a particular section. You may then match your answers with "ANSWERS TO CHECK YOUR PROGRESS" given at the end of each unit. The section "FURTHER READING" in each unit contains the names of a few books which you might want to consult if you are interested in learning more elaborately about the concepts discussed in a particular unit. Furthermore, the category called "POSSIBLE QUESTIONS" is intended to give you a hint of the type of questions you are likely to get in the examination.

# UNIT 9: GOOD GOVERNANCE: ACCOUNTABILITY AND COMMITMENT

## UNIT STRUCTURE


9.1 Learning Objectives
9.2 Introduction
9.3 Good Governance: Meaning and Attributes
9.4 Accountability
9.5 Commitment
9.6 Let Us Sum Up
9.7 Further Reading
9.8 Answers to Check Your Progress
9.9 Possible Questions


## 9.1 LEARNING OBJECTIVES

After going through this unit you will be able to:

- explain the meaning of good governance
- define the term accountability
- discuss the scope of commitment
- analyse the accountability and commitment in Indian administration.

## 9.2 INTRODUCTION

Development assistance to the Third World countries in the post-Cold War era has been subjected to the new politics of 'good governance'. In 1989, the concept of 'governance' was highlighted for the first time in a World Bank document on Sub-Saharan Africa. By good governance it referred to the sound development management. Four key dimensions identified in that context were:

- Public Sector Management
- Accountability
- Legal Framework for Development; and
- Information and Transparency.

The Bank document on Sub-Saharan Africa had this to say: "Improving governance would begin with an assessment of the institutional environment (with emphasis on the key governance elements of accountability, rule of law, openness and transparency) which determines the patrimonial profile of the country: high when all other factors are absent and low when they are present.

The *Webster's Encyclopedic Unabridged Dictionary of the English Language* defines governance as a method or system of government or management. The term governance is a qualitative expression, a normative concept and is different from 'government'.

For a more comprehensive definition of 'governance', one can refer to the Report of the Commission on Global Governance entitled Our Global Neighbourhood. Thus, to quote the Commission, "Governance is the sum of the many ways individuals and institutions, public and private, manage their common affairs. It is a continuing process through which conflicting or diverse interests may be accommodated and co-operative action may be taken. It includes formal institutions and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest."

As the World Bank's document entitled Governance and Development (1992) puts it, "governance is defined as the manner in which power is exercised in the management of a country's economic and social resources for development". From its lending experience in many developing countries, the Bank came to realize that "good governance is central to creating and sustaining an environment which fosters strong and equitable development, and it is an essential complement to sound economic policies". Three distinct aspects are identified in the conceptualization of governance:

(a) the form of political regime (parliamentary or presidential, military or civilian, and authoritarian or democratic).

(b) the process by which authority is exercised in the management of a country's economic and social resources.

(c) the capacity of government to design, formulate and implement policies, and in general, to discharge government functions. The first aspect, it is admitted, falls outside the Bank's mandate.

The focus of "governance" is, therefore, basically on the second and third aspects.

'Governance is a qualitative concept whereas government is a physical entity. The difference between the two can be conveyed more sharply by the observation that India should have less of government but more of governance.' The report of Al Gore's National Performance review (1993) prefers the term 'democratic governance' to 'good governance' and its distinguishing attributes lie in certain 'values' such as equal opportunity, justice, diversity ad democracy.

## 9.3 GOOD GOVERNANCE: MEANING AND ATTRIBUTES

Good governance being an adjective expression, connotes certain value-assumptions, whereas governance as a process denotes a value-free dispensation. Good governance is associated with efficient and effective administration in a democratic framework. It is equivalent to purposive and development oriented administration which is committed to improvement in quality of life of the people. It implies high level of organizational effectiveness. It also relates to the capacity of centre of power of political and administrative system to cope up with the emerging challenges of the society. It refers to adoption of new values of governance to establish greater efficiency, legitimacy and credibility of the system. Good governance, is, thus, a function of installation of positive virtues of administration and elimination of vice of dysfunctionalities. In short, it must have the attributes of an effective, credible and legitimate administrative system- citizen- friendly, value-caring and people-sharing.

The concept of 'good governance' derives its relevance in the context of bad governance which includes non-feasance, over-feasance and malfeasance.

Good governance shares or aims at the ethos of a cohesive and responsible democratic society. Good governance provides moral legitimacy, apart from constitutional validity and creditability to the goals as well as instrumentalities of government. Good governance comprehends within itself all sections of governance and all sections and regions of society. As Paul Streeten points out, there is no entry in the International Encyclopedia

of the Social on 'Governance'. This is clear evidence of the term's new entry in social scientific discussion. As the neo-liberal view started downplaying the state and overvaluing the 'market', and the trend was set to de-centre the state from its monopoly status in social control, the idea of 'governance' gained in prominence connoting a plurality of 'Actors' replacing the state's monopoly to rule. The mutation from 'government' theories to 'governance' theories stands for a more procedural view of politics and the state: the assumption of a hierarchical structure capable of holistically overviewing society, somewhat implicit in a 'government' perspective, is now being abandoned. 'Governance'-like New Public Management –defies simple definition and any attempt to supply a short-hand definition is likely to miss much of its inner meaning and scope. The emergence of the concept in recent times is indicative of the emergence of a more plural political world, and a declining role of the nation-state in a much more competitive social regulation situation amidst exceedingly complex sets of social and global problems.

The main constituents or attributes of good governance, thus, are basically Rule of Law; accountability; decentralization; honesty or probity in public affairs; independence of judiciary; human rights; people's participation; equality of treatment as needed in a pluralist society; absence of discrimination on the basis of colour, race, language, faith, sex, region, etc.; administrative responsiveness; social sensitivity , ethical approach or conduct; effectiveness; willingness to learn and having an urge to improve as well as evolve capability to anticipate the nature and direction of change to cope with the challenges as they arise from time to time.

Governance is often described as Good Government of society. Good governance itself depends on a range of factors including administrative capacity, the country's stage of development, the external conditions that it faces and the state of IT available to it for taking decisions. The agenda items of good governance as follows:

- Enhancing effective and efficient administration;
- Improving quality of life of citizens;
- Establishing legitimacy and credibility of institutions;
- Making administration responsive, citizen-friendly and citizen-caring;

- Ensuring accountability;
- Securing freedom of information and expression;
- Reducing cost of governance
- Making every department result-oriented;
- Improving quality of public services;
- Eradication of corruption to re-establish credibility of government;
- Removal of arbitrariness in exercise of authority; and
- Use of IT base services to de-mystify procedures and improve the citizen-government interface.



**CHECK YOUR PROGRESS**

**Q.1.** The term 'governance' is a qualitative expression. (True/False)

……

**Q 2:** The concept of ……..derives its relevance in the context of misgovernance which includes non-feasance, over-feasance and malfeasance. (Fill in the blank)

……

……

**Q.3.** Good governance, is, thus, a function of installation of positive virtues of administration and elimination of vice of (Fill in the blank)

……

……

## 9.4 ACCOUNTABILITY

The term 'accountable' came into usage in the English language in 1583. The *Oxford Dictionary* defines it as "liable to be called to account, responsible (to, for)". Similarly, the Webster's dictionary defines it as "liable to be called on to render an account." Thus, the concept of accountability connotes the obligation of the administrators to give a satisfactory account of their performance and the manner in which they have exercised powers conferred on them. Its main aim is to check wrong and arbitrary administrative actions and increase efficiency and effectiveness of administrative process.

The principle of responsibility denotes the obligation to carry out various duties. Responsibility means that every person in the organization is responsible and answerable for his actions to his immediate superior. Each person has the responsibility to carry out his assigned tasks and to take responsibility of one's action.

The two terms 'administrative accountability' and 'administrative responsibility' are very often used interchangeably. Thus, L. D. White maintained, "Administrative consists of the responsibility of the sum total of the constitutional, statutory, administrative and judicial rules and precedents and the established practices by means of which public officials may be held accountable for their official actions." Administrative accountability is an organizational imperative because first and foremost, it purports to evaluate performance in terms of goals. Accountability is a concomitant of administrative responsibility, and thus is intrinsic to an organization; concepts like hierarchy, span of control, unity of command, supervision, etc., are all mechanisms promoting and enforcing accountability. Administrative accountability is achievement-oriented but imposes other conditions also.

However, Pfiffner distinguished between accountability and responsibility. According to him, accountability refers to the formal and specific location of responsibility, whereas responsibility has a highly personal and moral quality, and is not necessarily related to formal status or power. He further stated that responsibility refers to the public servant's responsiveness to public will, whereas accountability denotes the specific methods and procedures to enforce the public servant's responsibility. Therefore, responsibility is subjective and works from within, while accountability is objective and works from without.

In a constitutional and democratic system of government, administrative responsibility cannot be allowed to depend solely on the personal responsibility of public servants. It must be provided with a formal legal and procedural basis. This basis of enforcing responsibility is known as accountability.

Accountability has two facets, somewhat separate but interrelated. The first is basically political, and in a parliamentary system of government

like ours the executive is kept under an obligation to give an account of its performance to parliament, and the latter has many devices and instrumentalities to this end. The second facet is primarily administrative and the executive in its turn holds the administrators in departments and other agencies accountable for whom they carry out their responsibilities. These two are complementary and they together constitute the foundation of a responsible government.

**Accountability for what?**

The accountability of a civil servant should exist, formally and in writing for the following:

- Formulating policies in national and public interest and not to subserve the interest of a group or individual;
- Setting targets for completion of projects, programmes, schemes, facilities and services and fulfilling them within the stated time-frame;
- Setting standards of performance and sticking to them;
- Keeping discretion to the minimum and, where it is absolutely necessary, exercise the power in a flair, just and transparent manner; and
- Maintaining an open Government any citizen may have the right to inspect any official papers to see how the decisions have been arrived at.

**Accountability to whom?**

Even today employees are accountable to a number of institutions, which may be categorised thus:

- Accountability to the elected representatives of the people
- Accountability to audit
- Accountability to vigilance
- Accountability to the customers
- Accountability to the judiciary
- Accountability to the media



**CHECK YOUR PROGRESS**

**Q 4:** Pfiffner distinguished between accountability and responsibility. (True/False)

.....

**Q 5:** Responsibility is objective and works from within, while accountability is objective and works from without. (True/False)

.....

.....

**Q 6:** The term 'accountable' came into usage in the English language in the year..... (Fill in the Blank)

.....

## 9.5 COMMITMENT

Commitment means the state or quality of being dedicated to a cause or responsibilities. It basically means moral dedication. Such kind of commitment is very essential in bureaucracy. A bureaucracy has to have commitment to moral values so as to become efficient and successful. In public administration commitment holds two phases of implications related to its scope.

- commitment at individual level or individual commitment
- commitment at organisational level or organisational commitment.

Individual commitment refers to commitment of an individual towards his/her responsibilities, towards his workplace or organization which is needed for the efficient and smooth functioning of any organization.

Organizational commitment refers to an individual's psychological attachment to the organization. Organizational commitment differs from engagement in that it refers to a person's attitude and attachment towards their organization.

One on the most popular concepts of organizational commitment was developed by Meyer & Allen (1991). These authors distinguish three components of organizational commitment: affective commitment (positive emotional attachment to the organization), continuance commitment (gains

verses losses of working in an organization, also considered as intention to quit), and normative commitment (feelings of obligation).

When employees receive needed resources and/or recognition from their organization they feel obliged to repay the organization with greater levels of engagement and commitment. The organization and manager influences job engagement and organisational commitment. If managers show their support to their employees, these tend to increase their organizational commitment levels (Eisenberger,2002). Likewise, it works the other way around: poor managerial support leads to lower levels of organizational commitment (Shanock & Eisenberger, 2006).

Organizational justice refers to employees' perception of fair treatment by an organization and its agents (distributive justice and procedural justice). Fairness of organisational procedures may also have an impact on organisational commitment because procedures define the organisation's capacity to treat employees fairly.

The mechanisms designed to enforce accountability are the products of an era when public administration was small in size and, what is more, engaged in simple tasks. Today, public administration has grown too big and complex and is subject to multiple pressures of varying intensities with the consequence that the conventional tools of accountability enforcement are proving to be distressingly weak and ineffective. Parliament, as presently constituted, is no match for the executive. The classical mechanisms to keep the executive under control are found to be insufficient and inadequate. The fact is that the power of the present-day executive has enormously expanded. This calls for an alert judiciary, vigilant parliament, fearless, watchful press, and powerful organisations. It is vital that these non-executive institutions move forward to restructure themselves, redesign their business practices and reinforce themselves. Accountability and commitment should go hand in hand for the proper functioning of administrative procedures and smooth running or any organization.



**CHECK YOUR PROGRESS**

**Q 7:** Organizational commitment refers to an individual's psychological attachment to the organization. (True/False)

.....

**Q 8:** Organizational commitment differs from engagement in that it refers to a person's attitude and attachment towards their

.....

.....

**Q 9:** Organizational justice refers to employees' perception of fair treatment by an organization and its agents. (True/False)



## 9.6 LET US SUM UP

- In 1989, the concept of 'governance' was for the first time highlighted in a World Bank document on Sub-Saharan Africa.
- The term governance is a qualitative expression, a normative concept and is different from 'government'.
- Governance is often described as good government of society.
- According to L. D. White, "Administrative consists of the responsibility of the sum total of the constitutional, statutory, administrative and judicial rules and precedents and the established practices by means of which public officials may be held accountable for their official actions."
- The principle of responsibility denotes the obligation to carry out various duties.
- Responsibility means that every person in the organization is responsible and answerable for his actions to his immediate superior.

- Accountability refers to the formal and specific location of responsibility, whereas responsibility has a highly personal, moral quality and is not necessarily related to formal status or power.
- Administrative accountability is an organizational imperative because first and foremost, it purports to evaluate performance in terms of goals.
- Accountability is a concomitant of administrative responsibility, and thus is intrinsic to an organization.
- Accountability has two facets, somewhat separate but interrelated.
- The first facet of accountability is basically political, and in a parliamentary system of government like ours the executive is kept under an obligation to give an account of its performance to parliament, and the latter has many devices and instrumentalities to this end.
- The second facet is primarily administrative and the executive in its turn holds the administrators in departments and other agencies accountable for whom they carry out their responsibilities.
- Organizational justice refers to employees' perception of fair treatment by an organization and its agents (distributive justice and procedural justice).
- Commitment means the state or quality of being dedicated to a cause or responsibilities.
- The organization and manager influences job engagement and organisational commitment.
- Organizational commitment refers to an individual's psychological attachment to the organization.



## 9.7 FURTHER READING

1) Lakshmi Kant. M. (2012) *Public Administration*. New Delhi : Tata Mcgraw Hills Education Pvt. Ltd.

2) Bhattacharya, Mohit (2010) *Public Administration*. The World Press Private Ltd. Kolkata.

3) Fadia and Fadia (2008) *Public Administration- Administrative Theories And Concepts*. Sahitya Bhawan publications, Agra.

## 9.8 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No 1:** True

**Ans to Q No 2:** 'Good Governance'

**Ans to Q No 3:** dysfunctionalities

**Ans to Q No 4:** True

**Ans to Q No 5:** False

**Ans to Q No 6:** 1583

**Ans to Q No 7:** True

**Ans to Q No 8:** organization

**Ans to Q No 9:** True



## 9.9 POSSIBLE QUESTIONS

**A) Very Short Questions**

**Q 1:** Define good governance.

**Q 2:** What is meant by accountability?

**Q 3:** What is commitment?

**Q 4:** What is governance?

**B) Short Questions (Answer each question in about 150 words)**

**Q 1:** Give a definition of good governance.

**Q 2:** What is meant by administrative accountability?

**Q 3:** What are the different types of responsibility?

**Q 4:** What is commitment?

**C) Long Questions (Answer each question in about 300-500 words) :**

**Q1:** Broadly discuss good governance in public administration.

**Q2:** Discuss the role of accountability and commitment in administration.

*** ***** ***

# UNIT 10: E-GOVERNANCE

## UNIT STRUCTURE


10.1 Learning Objectives

10.2 Introduction

10.3 Meaning and Nature of e-Governance

10.4 Basic Principles of e-Governance

10.5 Kinds of e-Governance

10.6 Scope of e-Governance

10.7 National e-Governance Plan (NeGP), 2006

10.8 National e-Governance Division (NeGD)

10.9 Implications and Importance of e-Governance

10.10 Let Us Sum Up

10.11 Further Reading

10.12 Answers to Check Your Progress

10.13 Possible Questions


## 10.1 LEARNING OBJECTIVES

After going through this unit, you will be able to :

- explain the meaning and nature of e-Governance
- explain the basic principles of e-Governance
- discuss the National e-Governance Plan, 2006
- describe the National e-Governance Division, and
- analyse the implications and importance of e-Governance Plan.

## 10.2 INTRODUCTION

Human civilization has been progressing continuously. New development has taken place in every sectors of workforce. The pace of development has even gone to the next level with the introduction of Information and Communication Technology (ICT) in governance which has enabled goods and services to be delivered to the people at a minimum cost and in a time-saving manner. This process which is popularly known

as e-governance has been continuously affected by the developments in technologies. It has made information processing more timely, with better surface area and even cheaper. It is widely believed today that e-governance means getting automated. However, it does not mean getting the several government departments automated so that they act like isolated islands of information and services provided with the help of new technology. e-Governance means providing citizens with a central point of access to government services. It requires net-centric attitude, involving extensive use of internet.

## 10.3 MEANING AND NATURE OF E-GOVERNANCE

Electronic governance or e-governance is the application of information and communication technology (ICT) for delivering government services, exchange of information, communication transactions, integration of various stand-alone systems and services between government-to-customer (G2C), government-to-business (G2B). In short, we can say that e- Governance is nothing but a service that acts as a medium of exchange of information, transactions and services.

e-Governance is the process of reform in the way government work, share information, engage citizens and deliver services to external and internal clients for the benefit of both government and the clients that they serve. The aim to re-define governance in the ICT age is to provide 'Smart Governance'.

According to United Nation, "it is a conceptual framework embedded in the paradigm of human and social development. In that sense, e-Government encompasses the capacity and the willingness of the public sector to deploy ICT for improving knowledge and information in the service of the citizen".

According to World Bank, "the use by government agencies of information technologies (such as Wide Area Networks, the Internet, and mobile computing) that have the ability to transform relations with citizens, businesses, and other arms of government. The technologies of e-

Government can serve a variety of different ends: better delivery of government services to citizens, improved interactions with business and industry, citizen empowerment through access to information, or more efficient government management. The resulting benefits can be less corruption, increased transparency, greater convenience, revenue growth, and/or cost reductions".

The e-governance system has been a milestone in reaching the goals of good governance. In many developing countries, the early introduction of ICTs in public service delivery consisted of the simple digital translation of the existing services. There was minimal change and no real value added. e-governance has a dramatically evolving nature. It encompasses e-democracy, e-government and e-business. It has progressively acquired more complex functionaries and evolving from e-transaction towards supporting the critical high-level functions of public management, improved communication between different parts of government and enabling partnership between different stakeholders, ultimately resulting in a 'networked government'. A government so structured enables joined up working relationships between different parts of government and to receive services. Its function encompasses design, implementation, monitoring and evaluation of public policies and programmes, development of legislation and high-level decision-making on complex social problems. It requires close collaboration among the disparate stakeholders, within and outside government.

It is also important to note here that there is a difference between e-government and e-governance. One should understand the dividing line between the two. e-Government implies the implementation of information and communication technology like internet, to improve government activities and process, with the aim of increasing efficiency, transparency, and citizen involvement. On the other hand, e-Governance means governing or administering a country/state or organization, with the help of information and communication technology.

| Basis for Comparison | e-Government | e-Governance |
|---|---|---|
| Meaning | The application of ICT, with the aim of supporting government operations, aware citizens and deliver services is called as e-Government. | e-Governance refers to the use of ICT in enhancing the range and quality of information and services delivered to the public, in an effective manner. |
| What it it? | System | Functionality |
| Communication Protocol | One way communication protocol | Two way communication protocol |

## LET US KNOW



Dr. APJ Abdul Kalam, former President of India has envisaged e-governance in the Indian framework as "a transparent smart e-governance with seamless access, secure and authentic flow of information crossing the interdepartmental barrier and providing a fair and unbiased service to the citizens".



## CHECK YOUR PROGRESS

**Q 1:** e-Governance is basically the use of ICT in governance. (True/False)

……

……

**Q 2:** E-governance has a dramatically_____nature. (Fill in the blanks)

……

……

**Q 3:** What is the definition of e-Governance as put forward by the UN?

……

……

**Q 4:** Mention the basic differences between e-Governance and e-Government.

……

……

## 10.4 BASIC PRINCIPLES OF E-GOVERNANCE

There is also a need to formulate the core principles essential for the success of e-Governance initiatives. They are mentioned below :

- Clarity of Purpose
- Environment Building
- E-Governance as an integral part of reform in Governance
- Disciplined way of Working
- Monitoring and Evaluation
- Developing secure, fail-safe systems and disaster recovery systems
- Sustainability
- Allowing for horizontal applicability
- Development of local language interfaces
- E-Governance – a continuing process

**1. Clarity of Purpose**

There need to be a clear understanding and appreciation of the purpose and objectives to be achieved through e-Governance. In the past, a large number of projects appear to be based on what technology can achieve rather than what the citizens need. A corollary to this would be a precise definition of the parameters against which any future evaluation would be done. e-Governance should not be taken up merely to demonstrate the capability of an existing technology, but the technology should be adopted to solve an existing problem. Citizen-centricity should be at the heart of all e-Governance initiatives.

**2. Environment Building**

There is need to change the mind-set of all the stakeholders involved, i.e. politicians, government officials and civil society at large. This would require a strong will to change among various stakeholders in the governance system. As the task involves redesigning of governmental processes at various levels, implementing e-Governance would require political support

at all levels. On the other hand, government personnel would have to be incentivized to change old habits and acquire new skills. In the public, awareness needs to be created so that there is a constant demand for reforms in governance through implementation of e-Governance.

**3. E-Governance as an Integral Part of Reform in Governance**

e-Governance cannot be separate from governance as a whole. Further, it cannot be taken as an adjunct of governance. It has to be an integral part of the governance structure and processes. Thus, every government organization or entity, every government programme or policy and every law and regulation would have to integrate e-Governance modules within itself rather than brought-in as an afterthought or introduced as an adjunct. Under e-Governance, the focus is always on 'governance' and the range of technological tools provided by Information and Communications Technology is utilized to bring about changes keeping in mind the needs of the citizens and the organization itself.

**4. Disciplined way of Working**

e-Governance requires a disciplined and systematic way of working in organizations. Most technologies pre-suppose a set of rational behaviour on the part of users. This element needs to be emphasized during the capacity building as well as in the life cycle of the project.

**5. Monitoring and Evaluation**

Close monitoring of e-Governance projects is necessary both in the pilot phase as well as during the actual working of the up-scaled project. This helps in early detection of problems and hence facilitates prompt corrective action. However, apart from periodic monitoring of e-Governance initiatives in the post-implementation stage, there would also be need for evaluation of the impact of such initiatives through independent agencies against parameters which would determine whether the objectives have been achieved or not.

**6. Developing Secure, Fail-Safe Systems and Disaster Recovery Systems**

Given the scale of potential e-Governance applications in the country

and the prospective mammoth flow of data involved, the technological architecture on which such applications are mounted would need to be made not only secure but also fail-safe. Mechanisms would have to be incorporated which would put the systems in the 'safe mode' in times of crisis. Further, depositories and 'mirrors' would need to be created with sound disaster recovery modules with adequate security features to prevent loss of data and collapse of the system.

**7. Sustainability**

The e-governance initiatives also need to be sustainable. Once it has been established that any particular initiative is the better way of providing services or information to the people or conducting the business of government, it should not be allowed to relapse on grounds of expediency. Reforms are always harder to implement and sustain, but once they take root, they deliver the best results. If projects have been able to achieve any of these objectives, their sustainability should not be allowed to be jeopardized on some other grounds.

**8. Allowing for Horizontal Applicability**

A coordinating mechanism is needed to prevent cases of re-inventing the wheel. Different States across India face similar types of challenges. Past experience has shown that a number of States have undertaken e-Governance projects to address similar concerns. To make e-Governance more cost effective and successful, successes need to be adopted across States and organizations thereby minimizing costly repetitions and in many cases, failures.

**9. Development of Local Language Interfaces**

India for instance is a multilingual society, e-Governance initiatives need to provide citizen interfaces in the respective local language. Thus, displays and keys should be based on localized interfaces and multi-media instructions should be commonly used to make the interface accessible in rural areas, where low literacy rates can be an obstacle.

**10. e-Governance – A Continuing Process**

e-Governance represents a paradigm shift in the field of governance reforms. Bringing it about would have to be a continuing process which

would require many adjustments. It has been well said that e-Governance is a journey and not a destination.



**CHECK YOUR PROGRESS**

**Q.5.** "Sustainability" is one of the basic principles of e-Governance. (True/False)

.....

.....

**Q.6.** e-Governance as an integral part of_____in Governance (Fill in the blank)

.....

.....

**Q.7.** What does e-Governance as a continuing process mean?

.....

.....

## 10.5 KINDS OF E-GOVERNANCE

Governance is all about flow of information between the Government and Citizens, Government and Businesses and Government and Government. E-Governance covers the following combination of relationships;

- Government to Citizen (G2C)
- Citizen to Government (C2G)
- Government to Government (G2G)
- Government to Business (G2B)

**A. Government to Citizen**

Government to citizen relationship is the most basic aspect of E-Governance. In modern times, Government deals with many aspects of the life of a citizen. The relation of a citizen with the Government starts with the birth and ends with the death of the citizen. A person transacts with the Government in every corner of his life. It may be birth registration, marriage

registration, divorce or death registration. Therefore E-Governance in G2C relationship will involve facilitation of the services flowing from Government towards citizens with the use of Information and Communications Technology (ICT).

**1. E-Citizenship -** E-Citizenship will include the implementation of ICT for facilitation of Government Services relating to citizenship of an individual. It may involve online transactions relating to issue and renewal of documents like Ration Cards, Passports, Election Cards, Identity Cards, etc. It will require the Government to create a virtual identity of every citizen so as to enable them to access the Government services online. For the same, Government would need to create a Citizen Database which is a huge task.

**2. E-Registration -** E-Registration will cover the online registration of various contracts. An individual enters into several contracts during his life. Many of these contracts and transactions require registration for giving it legality and enforceability. Such registration may also be made ICT enabled. E-registration will help to reduce a significant amount of paperwork.

**3. E-Transportation -** E-Transportation services would include ICT enablement of services of Government relating to Transport by Road, Rail, Water or Air. This may involve online –

- booking and cancellation of tickets,
- status of vehicles, railways, boats and flights,
- issue and renewal of driving licenses,
- registration and renewal of vehicles,
- transfer of vehicles,
- payment of the fees of licenses,
- payment of fees and taxes for vehicle registration,

**4. E-Health -** E-Health services would be ICT enablement of the health services of the Government. Under this, interconnection of all hospitals may take place. A patient database may be created. A local pharmacy database may also be created.

**5. E-Education -** E-Education would cover the implementation of ICT in imparting education and conducting of Courses. Distant as well as

classroom education will be facilitated with the use of ICT. Use of internet can reduce the communication time required in Distance education; Internet may also help in conducting online classes.

**6. E-Help -** E-Help refers to facilitation of disaster and crisis management using ICT. It includes the use of technologies like internet, SMS, etc. for the purpose of reducing the response time of the Government agencies to the disasters. NGOs help Government in providing help in situations of disasters. Online information relating to disasters, warnings and calls for help can help the Government and the NGOs coordinate their work and facilitate and speed up the rescue work.

**7. E-Taxation -** E-Taxation will facilitate the taxing process by implementing ICT in the taxing process. Online tax due alerts and online payment of taxes would help transact faster.

**B. Citizen to Government**

Citizen to Government relationship will include the communication of citizens with the Government arising in the democratic process like voting, campaigning, feedback, etc.

**1. E-Democracy -** The true concept of Democracy includes the participation of the citizens in the democratic and governing process. Today due to the increased population the active participation of the citizens in governing process is not possible. The ICT can help in enabling the true democratic process including voting, public opinion, feedback and Government accountability.

**2. E-Feedback -** E-Feedback includes the use of ICT for the purpose of giving feedback to the Government. Lobbying pursues the Government to take a certain decision. Use of ICT can enable online feedback to the Government, online debates as to the Government services.

**C. Government to Government**

G2G relationship would include the relationships between Central and State Government and also the relationship between two or more Government departments.

**1. E-administration -** E-administration would include the implementation of ICT in the functioning of the Government, internally and externally. Implementation of ICT can reduce the communication time between the Government Departments and Governments. It can substantially reduce paperwork if properly used. E-administration will also bring morality and transparency to the administration of Government Departments.

**2. E-police -** The concept of E-police is little different from Cyber-Police. Cyber Police require technology experts to curb the electronic/cyber crimes. E-police refers to the use of ICT for the purpose of facilitating the work of the Police department in investigation and administration. The concept of E-police includes databases of Police officers, their performances, criminal databases – wanted as well as in custody, the trends in crimes and much more. ICT can help reduce the response time of the Police department and also reduce cost by reducing paperwork.

**3. E-courts -** The concept of E-Court will include the ICT enablement of the judicial process. Technology may help distant hearing, online summons and warrants and online publication of Judgments and Decrees.

**D. Government to Business**

**1. E-Taxation -** Corporate sector pays many taxes, duties and dues to the Government. Payment of these taxes and duties are made easier by E-Taxation. Online taxing and online payment of taxes can help reduce cost and time required for physical submission of taxes. ICT can also help crosscheck the frauds and deficiencies in payment, further bringing accuracy and revenue to the Government.

**2. E-Licensing -** Companies have to acquire various licenses from the Government, similarly the companies have to acquire various registrations. ICT enablement of the licensing and registration can reduce time and cost.

**3. E-Tendering -** E-Tendering will include the facilities of online tendering and procurement. It would provide online alerts as to new opportunities of business with the Government and also online submission of tenders and

online allotment of work. It will reduce time and cost involved in the physical tendering system.



**ACTIVITY 10.1**

Try to list out and relate the principles of e-Governance with the system existing at your state. Are all the provisions available in the respective e-Governance system of your state?

.....

.....

.....

.....



**CHECK YOUR PROGRESS**

**Q.8.** Governance is all about flow of information between the Government and Citizens. (True/ False)

.....

.....

**Q.9.** e-Registration will cover the_____of various contracts. (Fill in the blank)

.....

.....

**Q.10.** Why is the concept of e-Courts effective?

.....

.....

## 10.6 SCOPE OF E-GOVERNANCE

e-Governance can transform the existing paradigm of service delivery. Generally, for the citizens, the government does not operate a single entity. For example, for availing a service X, a citizen has to go to the department A. For availing the service Y, the citizen has to reach out to

department B. Further, the department B would require the citizen to submit the certificates issued by department A or may be, C for completing the service delivery process.

Essentially, the processes within the government, as far as service delivery to the citizens are concerned, have become so complex that though the proof documents which are required by the government are issued by the government, the citizens have to go through the harassment of going from one department to another for availing the services. They have to take leave from work, understand the processes and be dependent on the government officials for availing the services. If implemented successfully, e-governance would enable the government to work as one entity. Instead of the conventional departmentalized approach, the "one government" approach would be followed. The citizen would be required to just raise a request and make the payment to complete the processes.

The scope of e-Governance is not limited to the aforementioned concepts. There are multiple issues that e-Governance can solve. e-Governance has the potential of transforming how we perceive the government. The concept of "paperless governance" would thus prevail.

In a nutshell, e-Governance has been influencing governance in the following ways :

- **Speed –** Technology makes communication speedier. Internet, phones, cell phones have reduced the time taken in normal communication.
- **Cost Reduction –** Most of the Government expenditure is appropriated towards the cost of stationary. Paper-based communication needs lot of stationary, printers, computers, etc. which calls for continuous heavy expenditure. Internet and Phones makes communication cheaper saving valuable money for the Government.

- **Transparency –** Use of ICT makes governing profess transparency. All the information of the Government would be made available on the internet which may be termed as e-transparency. The citizens can see the information whenever they want to see. ICT helps make the information available online eliminating all the possibilities of concealing of information.
- **Accountability –** Once the governing process is made transparent the Government is automatically made accountable. Accountability is answerability of the Government to the people. It is the answerability for the deeds of the Government. An accountable Government is a responsible Government.
- **Convenience:** E-Government brings public services to citizens on their schedule and their venue.
- **Improved Customer Service:** E-Government allows redeploying resources from back-end processing to the front line of customer service.
- **Increased Access to Information:** E-Government improves the accessibility of government information to citizens allowing it become an important resource in the making the decisions that affect daily life and so it helps in empowerment of citizens.

**LET US KNOW**



Further, e-Governance can also support personalized governance. This implies that the processes would be initiated on their own, before the citizens even ask for it. On the basis of your gender, age, sex, family income, caste, domicile, you would be notified about your entitlements.



**CHECK YOUR PROGRESS**

**Q.11.** e-Governance can transform the existing paradigm of _____delivery (Fill in the blank)

.....

.....

**Q.12.** e-Governance has been influencing governance by transparency/ red tapism/ corruption. (Select the correct one)

.....

.....

**Q.13.** What do you understand by "one government" approach?

.....

.....

## 10.7 NATIONAL E-GOVERNANCE PLAN (NEGP), 2006

e-Governance in India has steadily evolved from computerization of Government Departments to initiatives that encapsulate the finer points of Governance, such as citizen centricity, service orientation and transparency. Lessons from previous e-Governance initiatives have played an important role in shaping the progressive e-Governance strategy of the country. Due cognizance has been taken of the notion that to speed up e-Governance implementation across the various arms of Government at National, State, and Local levels, a programme approach needs to be adopted, guided by common vision and strategy. This paved way to the creation of a definite initiative popularly known as the National E-Governance Plan (NeGP), 2006, by Government of India (GOI) to bring effective e-Governance in the country.

The Government approved the National e-Governance Plan (NeGP), comprising 27 Mission Mode Projects and 8 components, on May 18, 2006. The NeGP takes a holistic view of e-Governance initiatives across the country, integrating them into a collective vision, a shared cause. Around this idea, a massive countrywide infrastructure reaching down to the remotest of villages is evolving, and large-scale digitization of records is taking place to enable easy, reliable access over the internet. The ultimate objective is to bring

public services closer home to citizens, as articulated in the Vision Statement of NeGP.

**NeGP has three (3) tier architecture.**

- The Common Service Centres (CSCs) are the front-end delivery points for a range of citizen services. The common man feels empowered when he is able to get a service in a transparent manner, at a convenient location and at an affordable cost. These centers also provide employment to the entrepreneurs running them, besides being useful in rolling out all kinds of governmental schemes such as those for financial inclusion, enumeration of data, insurance and IT education.
- The second tier is of the common and support infrastructure that can allow information to be shared electronically between different agencies of the government and with citizens. Included in it, are the State Wide Area Networks (SWANs), which form the converged backbone network for data, voice and video throughout a state / UT and the State Data Centers (SDCs) which can provide common secure IT infrastructure to host state-level e-government applications and data.
- The third tier comprises the 27 Mission Mode Projects (MMPs) which will transform high priority citizen services from their current manual delivery into e-delivery. Each MMP is owned and spearheaded by the relevant ministry/agency of the national government or by a state government, and is called “mission mode” because it has definite time table, service levels, project implementation team and process reengineering plans.



**LET US KNOW**

The main vision of the NeGP, is “to make all government services accessible to the common man in his locality, through common service delivery outlets, and ensure efficiency, transparency, and reliability of such services at affordable costs to realise the basic needs of the common man".



**CHECK YOUR PROGRESS**

**Q.14.** NeGP stands for _____ (Fill in the blank)

.....

.....

**Q.15.** NeGP was initiated by GOI in the year 2006. (True/False)

.....

.....

**Q.16.** What is the core reason for bringing up the NeGP by GOI?

.....

.....

## 10.8 NATIONAL E-GOVERNANCE DIVISION (NEGD)

As part of NeGP approval, the Union Cabinet assigned some key tasks associated with Programme Management of NeGP to Ministry of Electronics & Information Technology (MeitY) including arrangements for monitoring and coordinating implementation of NeGP, evolving standards and policy guidelines, providing technical and handholding support, undertaking Capacity Building, R&D, etc.

The Capacity Building Scheme under the National e-Governance Plan (NeGP) also envisions establishment of an institutional framework for state-level decision-making including setting-up of State e-Mission Teams (SeMTs) having relevant expertise and experience to provide technical and professional support to States and Union Territories.

Since implementation of NeGP entailed enhanced responsibilities for MeitY, it was proposed that a suitable institutional mechanism be devised to enable MeitY to engage competent resources from the open market as well as within the Government.

National e-Governance Division (NeGD), was accordingly created by MeitY in 2009 as an Independent Business Division (IBD) within Media

Lab Asia (MLAsia) (a Section 8 Company under Ministry of Electronics & Information Technology).

**Immediate tasks for NeGD include the following:**

- Programme Management of NeGP, inter-alia including facilitating and supporting DIT in undertaking the following tasks and responsibilities assigned to MeitY under NeGP.
- Facilitating implementation of NeGP by various Ministries and State Governments.
- Providing technical assistance to Central Ministries and State Line Departments.
- Serving as a secretariat to the Apex Committee.
- Undertaking technical appraisal of all NeGP projects to examine issues such as overall technology architecture, framework, standards, security policy, service delivery mechanism, sharing of common infrastructure etc.
- Human Resource Development, Training and Awareness Building.
- Framing core policies, technical assistance, R&D, awareness and assessment and creation of organization structure.
- Acting as a Central Agency for an effective implementation of Capacity Building Scheme inter-alia involving provisioning of manpower at various SeMTs across States/ UTs.
- Positioning of a Capacity Building Management Cell for effective management of manpower at SeMTs together with management of other Scheme activities including training, setting up HR policies, etc.

**The present status of the (NeGD):**

NeGD is an Independent Business Division (IBD) established by MeitY within MLAsia to undertake Programme Management of NeGP, having

the following features:

- This Division enjoys complete financial and HR autonomy from the rest of MLAsia.
- Government personnel in NeGD are taken on deputation to MLAsia.
- NeGD has its own head as President and CEO.
- The selection process for both Government and private sector personnel is common for ensuring uniform quality and suitability of personnel.
- Government funds for managing specific e-Governance projects/ programmes as identified by MeitY are transferred directly to the Division, subject to extant rules in this regard.



**LET US KNOW**

NeGD acts as one of the key catalysts and integrators for initiatives under Mission Mode Projects and support components under NeGP 2.0 across the country. NeGD is also expected to proactively support central ministries / departments / state governments in propagation of their e-Governance initiatives.



**CHECK YOUR PROGRESS**

**Q.17.** NeGD stands for _____ (Fill in the blank)

.....

.....

**Q.18.** NeGD was initiated by GOI in the year 2009. (True/False)

.....

.....

## 10.9 IMPLICATIONS AND IMPORTANCE OF E-GOVERNANCE

- The primary purpose of governance is the welfare of citizens. While one aspect of governance relates to safeguarding the legal rights of all citizens, an equally important aspect is concerned with ensuring equitable access to public services and the benefits of economic growth to all.
- It is expected that e-governance would enable the government to discharge its functions more effectively. However, this would require the government to change itself- its processes, its outlook, laws, rules and regulations and also its way of interesting with the citizens. It would also require capacity building within the government and creation of general awareness about e-governance among the citizens.
- We have seen how the concept of e-governance has evolved in Indian scenario and how much it is required for transparency and accountability on the part of government and at the same time it is also a toll to increase the participation of people in policy making by empowering them with the right information at the right time.
- The penetration of internet, telecommunication services in India has increased in the last decade and this gives a ray of hope to the citizens of India to fight with the long persisting problems of poverty, corruption, regional disparity and unemployment.
- But at the same time, due to slow pace of project completion, red-tape and resistance from the side of government employees and citizens too has not given the desired result.

The importance of the system of e-governance can be summarized as;

**1. Building Strong and Effective Information Chain Citizen**

Citizens can take benefits of e-governance project for getting effective information effectively and very easily. Information chain can be very much effective using E-governance project. Most of the data like statistics, personal records, general information regarding any city can be

found easily by filing application over the Internet/ website. Government can also keep track of these data so they can provide facilities and give up to date information to the citizens according to their interest. Hence using e-governance project one can take advantage of online process and information can be spread by means of electronic network like e-mail, group mail, conference, etc.

**2. Fast and Convenient Service to Citizens**

E-governance is the way to provide information very fast and effectively to the citizens of the country. So citizen can apply using online application and get information via email or web portal developed by the government. He/she can get documents easily in electronic form or hard copy as per the request without waiting in the queue. In other way we can take advantage of many other online services using website or portal.

**3. Effective Utilization of Resources**

Resource utilization can be higher in e-governance because, we can compute number of computations using computer or can provide different types of data using online query system. This kind of utilization is not possible with manual paper work and hard paper provided by government office.

**4. Integration of Communities**

Using e-governance we can integrate each department with each other and can get advantage of the integration. This kind of integration is implemented in the ERP system, and we all know that ERP system provides many analysis and reports on the basis of which we can take decisions for the future. So Integration can be very much useful for the larger system like E-governance system.

**5. Reduction in Delays, Red Tape and Corruption**

e-Governance offers an opportunity for improvement in public service delivery and most administrative best practices build upon the process redesign and convergence that E-governance facilitates. E-governance leads to a transformation in work processes and service delivery, lowers transaction cost with improvement in transparency and accountability. E-

governance can help reduce corruption and improve accountability by making budgets and progress reports of major public projects available. It enables transformational change rather than merely technical change. So e-governance reduces the delay, makes the procedures fast and reduces the corruption through transparency.



**ACTIVITY 10.2**

Locate some of the contemporary relevance of e-Governance with the emerging times.

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**CHECK YOUR PROGRESS**

**Q.19.** e-Governance promotes effective utilization of resources. (True/False)

.....

.....

**Q.20.** Reduction in Delays, Red Tape and Corruption can be avoided/ cannot be avoided with introduction of e-Governance in a country. (Select the correct one)

.....

.....

**Q.21.** Discuss any two importance of e-Governance.

.....

.....



## 10.10 LET US SUM UP

- e-Governance is the process of reform in the way government work, share information, engage citizens and deliver services to external

and internal clients for the benefit of both government and the clients that they serve. The aim is to re-define governance in the ICT age is to provide 'Smart Governance'.

- The basic principle of e-Governance are Clarity Of Purpose, Environment Building, E-Governance As An Integral Part Of Reform In Governance, Disciplined Way Of Working, Monitoring And Evaluation, Developing Secure, Fail-Safe Systems And Disaster Recovery Systems, Sustainability, Allowing For Horizontal Applicability, Development Of Local Language Interfaces, E-Governance – A Continuing Process
- The Government approved the National e-Governance Plan (NeGP), comprising 27 Mission Mode Projects and 8 components, on May 18, 2006. The NeGP takes a holistic view of e-Governance initiatives across the country, integrating them into a collective vision, a shared cause. Around this idea, a massive countrywide infrastructure reaching down to the remotest of villages is evolving, and large-scale digitization of records is taking place to enable easy, reliable access over the internet.
- Since implementation of NeGP entailed enhanced responsibilities for MeitY, it was proposed that a suitable institutional mechanism be devised to enable Ministry of Electronics & Information Technology to engage competent resources from the open market as well as within the Government. National e-Governance Division (NeGD), was accordingly created by MeitY in 2009 as an Independent Business Division (IBD) within Media Lab Asia (MLAsia) (a Section 8 Company under Ministry of Electronics & Information Technology).



## 10.11 FURTHER READING

1) Taneja, V. (2011). E-Governance. New Delhi: Alfa Publications.
2) Tripathi, V. (2007): E-Governance in India. New Delhi: Anmol Publications

Pvt. Limited.

3) Bose, J. (2006). E-Governance in India: Issues and Cases. Tripura:S. Icfai Books.

4) Satyanarayana, J. (2006). E-Government: the science of the possible. New Delhi: Prentice Hall of India Private Limited.

## 10.12 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q1:** True

**Ans to Q No 2:** evolving

**Ans to Q No 3:**

According to United Nation, "it is a conceptual framework embedded in the paradigm of human and social development. In sense that, e-Government encompasses the capacity and the willingness of the public sector to deploy ICT for improving knowledge and information in the service of the citizen".



**Ans to Q No 4:**

The application of ICT, with the aim of supporting government operations, aware citizens and deliver services is called as e-Government and e-Governance refers to the use of ICT in enhancing the range and quality of information and services delivered to the public, in an effective manner

**Ans to Q No 5:** True

**Ans to Q No 6:** integral

**Ans to Q No 7:**

e-Governance represents a paradigm shift in the field of governance reforms. Bringing it about would have to be a continuing process which would require many adjustments. It has been well said that e-Governance is a journey and not a destination.

**Ans to Q No 8:** True

**Ans to Q No 9:** Online registration

**Ans to Q No 10:**

The concept of E-Court will include the ICT enablement of the judicial process. Technology may help distant hearing, online summons and warrants and online publication of Judgments and Decrees.

**Ans to Q No 11:** Service

**Ans to Q No 12:** Transparency

**Ans to Q No 13:**

This implies that the exchange of information within the departments would happen on its own, without involving the citizens. The citizen would be required to just raise a request and make the payment to complete the processes.

**Ans to Q No 14:** National E-Governance Plan.

**Ans to Q No 15:** True

**Ans to Q No 16:**

National E-Governance Plan (NeGP), 2006, by Government of India (GOI) to bring effective e-Governance in the country. Feudal State

**Ans to Q No 17:** National e-Governance Division

**Ans to Q No 18:** True

**Ans to Q No 19:** True

**Ans to Q No 20:** can be avoided

**Ans to Q No 21:**

Effective Utilization of Resources- Resource utilization can be higher in e-governance because, we can compute number of computations using computer or can provide different types of data using online query system. This kind of utilization is not possible with manual paper work and hard paper provided by government office.

**Integration of Communities-** Using e-governance we can integrate each department with each other and can get advantage of the

integration. This kind of integration is implemented in the ERP system, and we all know that ERP system provides so many analysis and reports on the bases of this reports we can take decisions for the future, so Integration can be very much useful for the larger system like E-governance system.



## 10.13 POSSIBLE QUESTIONS

**A) Very Short Questions**

**Q 1:** The pace of development has even gone to the next level with the introduction of _____ (Fill in the blank)

**Q 2:** Government to citizen relationship is the most basic aspect of E-Governance. (True/False)

**Q 3:** What is the difference between NeGP and NeGD?

**B) Short Questions (Answer each question in about 150 words)**

**Q 1:** Describe in brief any four basic principles of e-Governance.

**Q 2:** Explain the scope of e-Governance.

**Q 3:** Differentiate between e-Governance and e-Government.

**Q 4:** Describe in your own words the contemporary problems of e-Governance in India.

**Q 5:** Define e-Governance. Explain the nature of e-Governance.

**C) Long Questions (Answer each question in about 300-500 words)**

**Q 1:** Explain the e-Governance process which facilitates the relationship between government to government.

**Q 2:** Discuss the NeGD initiative of Government of India. What is the present status of the department?

*** ***** ***

# UNIT 11: CORRUPTION: ISSUES AND CHALLENGES

## UNIT STRUCTURE


11.1 Introduction
11.2 Meaning and Definition of Corruption
11.3 Magnitude of Corruption in India
11.4 Causes of Corruption
11.5 Remedies to Fight Corruption
11.6 Central Vigilance Commission
11.7 Let Us Sum Up
11.8 Further Reading
11.9 Answers To Check Your Progress
11.10 Possible Questions


## 11.1 INTRODUCTION

Now a days corruption is an all pervasive issue. It has existed in the human society in one form or the other. Corruption is increasing world over. As per the reports in the various news agencies corruption in China is nearly as monumental as its Great wall. In Pakistan, Nawaz Sharif had to vacate his office of Prime Minister for the charge of corruption in July 2017, France's ex- President Nicolas Sarkozy was arrested on the charge of corruption, in Russia, the mafia is close to being state-run and even Britain was shaken by parliamentary expenses scandal in 2009. All these cases proved that corruption is all pervasive throughout the world. Corruption in a civilized society is like cancer, which if not detected in time, maligns the polity of a country leading to disastrous consequences. There is no region or country in the world which is immune to corruption

## 11.2 MEANING AND DEFINITION OF CORRUPTION

It is very difficult to define precisely the term corruption. In India the basic law which deals with it is the Prevention of Corruption Act, 1947. It

includes the following acts within the ambit of corruption and therefore punishable:

a) Criminal misconduct by public servant in the discharge of official duty which, among others, may include habitual acceptance of illegal gratifications for himself or for any other person; misappropriation or conversion of property entrusted to him as a public servant or allowing another person to do so; acts of obtaining pecuniary advantage for himself or for any other person.
b) Habitual taking of illegal gratification to influence a public servant.
c) Possession of wealth disproportionate to the known source of income.
d) Attempt to misappropriate property entrusted to him as a public servant or attempt to commit similar act of obtaining pecuniary advantage.

According to David H. Bayley says that "corruption is a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary."

Vocabulary.com dictionary meaning of corruption is, "Corruption is dishonest action that destroys people's trust".

Transparency International defines corruption as, "corruption is the abuse of entrusted power for private gain. It can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs."

On the basis of above definitions we can state the basic postulates of corruption as:

1. It is deliberate or intentional exploitation of one's position, status or resources.
2. It may be done directly or indirectly.
3. It is done for personal aggrandizement - whether it is material gain or enhancement of power or prestige or influence.
4. It is done by violating legitimate or sanctioned or commonly accepted norms of behaviour
5. It is done against the interests of the community or other persons.

## 11.3 MAGNITUDE OF CORRUPTION IN INDIA

Corruption is the greatest single bane of our society today. Corruption in India is an issue that adversely affects the country's economy and the credibility of central, state and local government agencies. Not only has it held the economy back from reaching new heights, but rampant corruption has stunted India's development. A study conducted by Transparency International in 2005 recorded that more than 92% of Indians had at some point or another paid a bribe to get a job done in a public office. In a study conducted in 2008, Transparency International reported that about 50% of Indians had first hand experience of paying bribes or using contacts to get services performed by public offices.

According to 2016 results of the Corruption Perception Index, India ranks 79$^{th}$ out of 176 countries.

In recent times, there has been an overload of cases of corruption. As of December 2009, 120 of India's 524 parliament members were accused of various crimes, under India's First Information Report (FIR) procedure wherein anyone can allege another to have committed a crime. Many of the biggest scandals since 2010 have involved high level government officials, including Cabinet Ministers and Chief Ministers, such as the 2G spectrum scam (1.7 lakh crore), the 2010 Commonwealth Games scam (70,000 crore), the Adarsh Housing Society scam, the Coal Mining Scam (1.86 lakh crore), the Mining Scandal in Karnataka and the Cash for Vote scams.

There are so many cases related to the illegal parking funds/black money in Swiss bank accounts and places like Mauritius and Cayman islands which make the evasion of tax easier, but as most of the time influential people are the prime accused in such cases, they are let off way too easy. To fight with the menace of black money the present Central Government has gone to the extent of notes ban and demonetization policy in November 2016. (Prime Minister announced notes ban on Nov.8, 2016).

In the defence sector too, an inquiry by the Central Vigilance Commission has revealed a number of irregularities in the Border Roads Organization's Project Deepak.

The corrupt practices like favoritism and misuse of office has become an order of the day in our country. Even getting a job or a degree becomes easier if you have the right contact. The value of merit is decreasing rapidly and in some cases is almost namesake.

The Indian media is largely controlled by extremely corrupt politicians and industrialists who play a major role by misleading the public with incorrect information and use the media for mud-slinging at political and business opponents.

## 11.4 CAUSES OF CORRUPTION

The Santhanam Committee appointed by the Government of India in 1962 that presented its report in 1964, studied corruption in detail. It found corruption prevalent in most of the departments, police and even judiciary. It cited a crisis in values as a possible cause. It said, "Alongside of the weakening of the social mores of the simpler society, signs are visible of materialism….. Importance of economic power and deviations from social ethics." It found corruption basically at two levels: 1) where substantive decisions are taken and 2) the points where some of these decisions are implemented.

After independence India adopted socialistic pattern of society as its goal and wanted to place the public sector on the commanding heights of the nation's economy. This resulted in the placing of several types of restrictions on private initiative and enterprises in the name of preventing monopolies. This ushered into an era of big government and license, permit, quota, inspector raj. This opened the floodgates of political and bureaucratic corruption.

The causes of corruption in India include excessive regulations, complicated tax and licensing systems, numerous government departments with opaque bureaucracy and discretionary powers, monopoly of government controlled institutions on certain goods and services delivery, and the lack of transparent laws and processes. The most important factor of corruption in India is the emergence of a typical consumerist culture particularly after

Globalization and Liberalization of Indian economy. People in general, have a great thirst for luxuries and comforts and as a result of which they get themselves involved in all unscrupulous activities that result in monetary or material benefits. Moral and spiritual values are not given utmost importance in educational system, which is highly responsible for the deterioration of the society. The punishments imposed on the criminals are inadequate. The powerful or influential persons including political leaders, bureaucrats are very often get rid of legal punishments even though they are booked in cases of corruption. These peoples have ruined the social values by leading a luxurious life without caring the society through their illegal earnings. There is a corrupt nexus between the Netas, Babus and the Businessmen. They protect each other in their illegal work.

**Some other causes of corruption are:**

1. **Social Environment:** Administrative and political systems are a part of the larger social system. Therefore the societal culture and the societal environment have an impact on the politics and administration of the country. The Indian society is passing through transition where modern mixes with the old. It is still traditional and largely feudal. Here the ties of family, caste, tribe, community, religion, language and religion are still strong. The public servants, therefore, are unable to sacrifice their group loyalty for the sake of their loyalty to the nation. This results in corrupt practices like nepotism, favoritism etc. Alongside, the Indian society is going through a process of modernization which includes industrialization, urbanization etc. in which old societal values are crumbling and materialistic ambitions have become dominant. Acquisition of money, whatever the means, has become the chief motive. The Acquisitive society breeds corruption. Unfortunately, corruption has found an acceptance in our social psyche and behaviour. Evils like bribery, nepotism and favoritism have come to be accepted in society. People often approach someone for favours which they know is not legally due to them. In today's society, people are getting respect for his acquired wealth or high position without being questioned. We feel happy when

our family or group members favour his or her own men, though illegally.

2. **Low salaries of public servants:** One of the explanations offered for the corruption in the public offices in India is the low salaries paid to the public servants. It is said that there is a sharp decline in the actual income of various sections of the society, especially of the salaried classes. Though pay commissions have periodically revised pay scales, the salaried public servant continues to be in a poor plight. Many have argued that the poor economic conditions encourage the public servants to take opportunity to earn extra money through illegal means. But this explanation can be accepted as partially correct. Because most corrupt activities involve fair amount of money rather than just the modest amount needed to supplement incomes.

3. **Administrative Delay:** This is another cause of corruption in India. Our administrative procedures and practices are cumbersome and dilatory. The files in the offices moves very slowly. This is added by negative attitude of the bureaucracy and red tapism. The files move endlessly from one desk to another because everyone wants to avoid the responsibility of taking decisions. This results in delay in administrative action whether it is responding to the request of an ordinary citizen or work of a big project. Projects are rarely completed in time, resulting in cost over-runs. It is therefore to avoid the unnecessary delay the corrupt and dishonest practices have grown up like the system of payment of speed-money. Speed-money is a common type of corrupt practice in the public offices in India.

4. **Clumsy Handling of the Corruption cases:** Another factor contributing to the growth of corruption in India is the clumsy handling of cases relating to corruption. Those in the hierarchy vested with disciplinary powers shirk duty and show unwillingness to use these powers against a corrupt subordinate. This may be due to trade union pressure, political interference or simple attempt to avoid unpleasantness in future. The result is that either the corrupt is not caught, or if caught he is let off subsequently with or without minor

penalties. In most of the cases the guilty is suspended from service when he is found in the act, but is reinstated after some time when the heat is off.

5. **Delayed judicial proceedings:** The Indian judicial system is well known for its slow pace in the proceedings. It takes years and years for the cases to be decided. The result is that the accused often escapes punishment because a long time span has an adverse effect on the evidence in the case. The witness may become unavailable with the passage of time or they may not remember what happened long time back. Even if the corrupt is punished ultimately, that does not achieve the desired objective. Justice delayed is justice denied.

6. **Political Causes:** The biggest cause of corruption in India is the political cause. Today in Indian Politics a new generation of politicians, with a different political class has emerged. These leaders have raised from the grassroot politics in the form of regional politics or movements. They have transformed the nature of politics and administration. Amoral politics, self-aggrandizement, disregard of the democratic norms in the pursuit of power, political survival at any cost are the rules of their game. They interfere with the administration of justice and have bent bureaucracy to do their bidding. They assume that they are above the law because they are "peoples' representatives". That is why corruption has become much more wide spread. Political interference in administration and investigating agencies have demoralized the honest officials. There is a nexus between the bureaucrats and politicians. Such nexus between the bureaucrats and politicians had been clearly proved by scams like the Animal Husbandry scam in Bihar, Coal scam in Tamil Nadu, etc. Loyalty can be amply rewarded with lucrative in-service or post-retirement benefits at home or abroad. Due to this political environment, corruption has become deep rooted in our country. Unfortunately the corrupt political leaders have succeeded in creating the impression that once a person is elected by the people as their representative, it means that people are not convinced of the charges

against him, rather the people have cleared him of all charges and therefore he is innocent. That is why more and more persons who have dubious history are turning towards politics.

7. **Inadequacy of Law to deal with corruption:** At present the corruption cases are dealt with under the Civil Services Conduct Rules, Prevention of Corruption Act,1947 and the Indian Penal Code. Bureaucrats and politicians find very ingenious ways to escape from the clutches of law. There is no law to prevent corrupt and criminal persons from entering into legislatures unless they have been convicted by a court of law. And the Court takes years and years in India to bring the culprits to book. In the end, even that may not be possible. Similarly there is no law to confiscate the Ill-gotten properties of the corrupt persons. Even the punishments provided under the existing laws are mild and not deterrent.

8. **Safeguards for Public Services:** Public services have been amply safeguarded by the conduct and disciplinary rules. It is not easy to take action against them. Substantial proofs are required to take disciplinary action against them. Hence they succeed in concealing their corrupt activities.

9. **Absence of strong public opinion against corruption:** Everyday in the news papers and other media there are reports on corruption cases in the country. Almost every person in the country is suffering for this. Yet there is absence of strong public opinion or protest against it. The persons having corrupt and criminal involvement are getting elected to the highest law making body of the country and thereby taking part in the Government. There are records of political leaders fought election while in jail and get elected. From all these it can be said that the ordinary voters are too individualistic and have not developed the culture of community action.

## 11.5 REMEDIES TO FIGHT CORRUPTION

In India, various committees have been appointed to carry out a study on the issue of corruption and to suggest measures for its remedy. Various

suggestions have been made by these committees in this regard. In 1962, the Parliament of India appointed a committee consisting of 7 members under the Chairmanship of K. Santhanam popularly known as Santhanam Committee. It was assigned the task of reviewing the existing instrument for combating corruption and advising on practical steps to make anti-corruption measures more vigorous. Thus the committee was required to examine the working of the vigilance machinery of the Government of India and recommend improvements in their working. It was asked to suggest improvements in the Government Servants Conduct Rules and see to the speedy disposal of cases of bribery, corruption and criminal misconduct. Some important suggestions of the committee are :

1. Article 311 of the Constitution of India may be amended in order to make the judicial process in corruption cases easy and speedy
2. A Central Vigilance Commission possessing autonomous powers should be appointed
3. The Governmnet Servants Conduct Rules may be amended in order to restrict the re-employment of retired Government employees by private businessmen

Some other suggestions to mitigate the menace of corruption in India as put forward by different expert committees are:

**1) Clear cut policies on posting and transfer of public servants:** Normally this is done for the interest of the efficiency in the administration. Though there are rules yet rules are not followed properly. There are cases of political interference by the influential leaders in the posting and transfer of the civil servants. The favourable officials are being placed in the convenient posts so that they can get the things done easily and on the other hand the strict and honest officials are being subjected to frequent transfer as a punishment for their anti-corruption stand.

**2) Avoid secrecy in administration:** Excessive secrecy act as a cover to the corrupt practices. Moreover in the name of confidentiality people are being deprived from getting justice. Therefore, in order to get the

things done, people offer bribe to the officials since they are not informed about the actual proceedings of the work. But after passing of the Right to Information (RTI) Act, 2005 the situation have changed. Now many mega scams have been unearthed by the use of RTI instrument. Today, transparency in administration has been considered as an important principle to ensure good governance.

3) **Autonomy of investigating agencies:** There is an urgent need to make the investigating agencies autonomous (free from interference) and effective to check corruption. In the present practices, the investigating officers are being influenced by the Executive since they are appointed by them. Moreover, for the further benefits (in-service or post-retirement benefits) the investigating officials maintain a good relationship with the Ministry, even with the ruling party. Due to the partisan role of the investigating agencies they lost the popular faith in their credibility.

4) **Simplification in the Administrative procedures:** Administrative delay is one of the causes of corruption. Office procedures should be simplified and levels of hierarchy should be reduced. In the present practice the files move round several tables and a very long time is taken to come to a decision. This gives the officials a chance to take speed money from the applicants to avoid unnecessary delay.

5) **Separate Court to deal corruption cases:** This is needed to speed up the conviction and to reward punishment to the public functionaries who are involved in corruption. An effective way to curb corruption is that the guilty must be punished quickly to have deterrent effect on others.

6) **Strong Civil Society:** We need a strong civil society that takes the initiative instead of depending helplessly on politicians and officials. A strong civil society is full of groups that band together for social goals. It brings pressure to bear against corrupt.



**CHECK YOUR PROGRESS**

**Q.1.** Mention David H. Bayley's definition of corruption.

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**Q.2.** In which year was the Santhanam Committee appointed by the Government of India?

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**Q.3.** Write a short note on delayed judicial proceedings as a cause of corruption.

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.....

**Q.4.** Briefly explain two measures to combat corruption.

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## 11.6 CENTRAL VIGILANCE COMMISSION

The Central Vigilance Commission (CVC) is an apex Government institution created in 1964 to address the corruption of Government officials. It was constituted by the Government of India in 1964 on the recommendation of the Committee on prevention of Corruption, headed by Sri K. Santhanam. It has the status of an autonomous body, free of control from any executive authority; it can monitor all vigilance activity in the central Government departments advising various authorities in central government organizations in planning, executing, reviewing and reforming their vigilance work.

**Organisation:** The Central Vigilance Commission consist of -

a) A Central Vigilance Commissioner (CVC).

b) Not more than two Vigilance Commissioners (VCs).

The Central Vigilance Commissioner (CVC) is the Chairperson of the Commission. The CVC has its own Secretariat, Chief Technical Examiners Wing and a wing of Commissioners for Departmental Inquiries (CDI).

**Appointment:**

The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President on recommendation of a committee consisting of the Prime minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the Lok Sabha (Member).

**Removal:**

The Central Vigilance Commissioner or any Vigilance Commissioner can be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, and, on inquiry report that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought to be removed. The President may suspend the Central Vigilance Commissioner or any Vigilance Commission from office and if deem necessary, may also prohibit from attending the office during inquiry in respect of whom a reference has been made to the Supreme Court until the President has passed orders on receipt of the report of the Supreme Court on such reference. The President may, by order, remove from office the Central Vigilance Commissioner or any Vigilance Commissioner on the ground as-

a) Is adjudged an insolvent, or

b) Has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude, or

c) Engages during his term of office in any paid employment outside the duties of his office, or

d) Is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body, or

e) Has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.

**Functions:**

The main functions of the CVC is-

a) To undertake an enquiry into any transactions in which a public servant is suspected to have acted in a corrupt manner.

b) To investigate into and complaint against a public servant who has exercised his powers for improper or corrupt purposes.

c) To initiate review of procedures and practices of administration which concern the maintenance of integrity in administration.

d) To ask for reports from agencies so as to enable it to exercise general check and supervision over the vigilance and anti-corruption work in them.

**Limitations of Central Vigilance Commission:**

a) Central Vigilance Commission is only an advisory body. Central Government Departments are free to either accept or reject Central Vigilance Commission's advice in corrupt cases.

b) Central Vigilance Commission does not have adequate resources compared with number of complaints that it receives.

c) Central Vigilance Commission cannot direct CBI to initiate inquiries against any officer of the level of joint Secretary and above on its own. In such case, permission has to be obtained from the concerned department.

d) Central Vigilance Commission does not have powers to register criminal case. It deals only with vigilance or disciplinary cases.

e) Central Vigilance Commission has supervisory powers over CBI. However, Central Vigilance Commission does not have the power to call for any file from CBI or to direct CBI to investigate any case in a particular manner.

f) Appointments of Vigilance Commissioners are indirectly under the control of the Central Government, though the Leader of Opposition in Lok Sabha is a member of the Committee to select Central Vigilance Commissioner and Vigilance Commissioners. The Committee consider the candidates put up before it by the Government.

Thus from the above limitations it can be said that although Central Vigilance Commission is relatively independent in its functioning, it lacks the strength as an effective deterrence against corruption.



**CHECK YOUR PROGRESS**

**Q.5.** In which year was the Central Vigilance Commission constituted?

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.....

**Q.6.** State the appointment procedure of the Central Vigilance Commissioner.

.....

.....

**Q.7.** Mention two limitations of Central Vigilance Commission.

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.....



## 11.7 LET US SUM UP

- Corruption is an all pervasive issue which has existed in the human society in one form or the other around the world.
- It is deliberate or intentional exploitation of one's position, status or resources. Corruption may be done directly or indirectly for personal aggrandizement, violating legitimate or sanctioned or commonly accepted norms of behaviour.
- Corruption is the greatest single bane of our society today. Corruption in India is an issue that adversely affects the country's economy and the credibility of central, state and local government agencies. The corrupt practices like favoritism; misuse of office has become an order of the day in our country.
- The Indian media is largely controlled by extremely corrupt politicians

and industrialists who play a major role by misleading the public with incorrect information.

- The causes of corruption in India include excessive regulations, complicated tax and licensing systems, numerous government departments with opaque bureaucracy and discretionary powers, monopoly of government controlled institutions on certain goods and services delivery, and the lack of transparent laws and processes.
- The most important factor of corruption in India is the emergence of a typical consumerist culture particularly after Globalization and Liberalization of Indian economy. Besides this, there is a corrupt nexus between the Netas, Babus and the Businessmen. They protect each other in their illegal work.
- In India, various committees have been appointed to do study on the issue of corruption and to suggest measures for its remedy.
- The Central Vigilance Commission is an apex Government institution created in 1964 to address the corruption of Government officials. It was constituted by the Government of India in 1964 on the recommendation of the Committee on prevention of corruption, headed by Sri K. Santhanam.
- Although Central Vigilance Commission is relatively independent in its functioning, it lacks the strength as an effective deterrence against corruption.



## 11.8 FURTHER READING

1) 1) Lakshmikant. M. *Public Administration.* Tata Mcgraw Hills Education Pvt. Ltd., New Delhi, 2012.

2) Bhattacharya Mohit. *Public Administration*. The World Press Private Ltd. Kolkata, 2010.

3) Fadia and Fadia. *Public Administration- Administrative Theories And Concepts*. Sahitya Bhawan publications, Agra, 2008.

## 11.9 ANSWERS TO CHECK YOUR PROGRESS

**Ans. to Q. No. 1 :**

According to David H. Bayley, "corruption is a general term covering misuse of authority as a result of considerations of personal gain, which need not be monetary."

**Ans. to Q. No. 2 :** 1962.

**Ans. to Q. No. 3 :**

The Indian judicial system is well known for its slow pace in the proceedings. It takes years and years for the cases to be decided. The result is that the accused often escapes punishment because a long time span has an adverse effect on the evidence in the case. The witness may become unavailable with the passage of time or they may not remember what happened long time back. Even if the corrupt is punished ultimately, that does not achieve the desired objective. Justice delayed is justice denied.

**Ans. to Q. No. 4 :**

Separate Court to deal corruption cases: This is needed to speed up the conviction and to award punishment to the public functionaries who involved in corruption. An effective way to curb corruption is that the guilty must be punished quickly to have deterrent effect on others.

**Strong Civil Society:** We need a strong civil society that takes the initiative instead of depending helplessly on politicians and officials. A strong civil society is full of groups that band together for social goals. It brings pressure to bear against corrupt.

**Ans. to Q. No. 5 :** 1964

**Ans. to Q. No. 6 :**

The Central Vigilance Commissioner and the Vigilance

Commissioners shall be appointed by the President on recommendation of a committee consisting of the Prime minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the Lok Sabha (Member).

**Ans. to Q. No. 7 :**

a) Central Vigilance Commission is only an advisory body. Central Government Departments are free to either accept or reject Central Vigilance Commission's advice in corrupt cases.

b) Central Vigilance Commission does not have powers to register criminal case. It deals only with vigilance or disciplinary cases.



## 11.10 POSSIBLE QUESTIONS

**Q.1:** What do you mean by corruption? Discuss the causes of Corruption in India?

**Q.2:** When was the Central Vigilance Commission formed?

**Q.3:** Discuss the powers and functions of the Central Vigilance Commission.

**Q.4:** Short questions:

a) Who appoints the Central Vigilance Commissioner?

b) Which committee suggested the formation of Central Vigilance Commission?

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# UNIT 12: OMBUDSMANIC INSTITUTIONS

## UNIT STRUCTURE


12.1 Learning Objectives

12.2 Introduction

12.3 Institution of Ombudsman in India

12.4 Development of the Institutions of Lokpal and Lokayukta

12.4.1 Institution of Lokpal

12.4.2 Institution of Lokayuktas in States

12.5 Let Us Sum Up

12.6 Further Reading

12.7 Answers To Check Your Progress

12.8 Possible Questions


## 12.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- define the institution of ombudsman
- explain the development of the institution of Lokpal in India
- explain the development of the institution of Lokayuktas in the States
- describe the powers and functions of Lokpal and Lokayuktas

## 12.2 INTRODUCTION

Over the years corruption has engulfed every area of public administration. Due to its continuous spread to every new area, the issue of integrity of public servants and efficiency of administration has become the focal point in political and non-political discussions. In the face of increasing trend of corruption, the traditional complaint handling arrangements through higher administrative bodies, administrative and judicial tribunals, parliament and its committees found inadequate. Therefore, it was felt necessary that there should be effective machinery which will inspire confidence among the people on the public administrative system.

Ombudsman is a machinery especially designed to curb corruption in public administration. It was first in Sweden where its constitution of 1809 provided for a unique institution of Ombudsman to protect the citizens against administrative injustice or abuse of power by a public official. In Sweden the Ombudsman is appointed by Parliament to supervise as an independent authority, the functioning of all public officials- civil, military and judicial. Back in India, the demand for the establishment of such an institution was first made in 1960. Thereafter, considering the demands from various sections, the Lok Pal and Lokayukta Bill was first introduced in the Parliament in 1968.

## 12.3 INSTITUTION OF OMBUDSMAN IN INDIA

The ultimate goal of the government in a civilized society, and more particularly in a democratic set-up, is to promote happiness, contentment and welfare of the people. However, the problem is that the average citizen, at the cutting edge of administration is deprived of the services and treatment to which he is actually entitled. Corruption, indifference, incompetence and insensitiveness on the part of the public servants are causing harm and hardship to the citizens.

Moreover, with the change in the nature of state activities, and consequent increase in the government functions today, the administration has assured control over the daily life of the citizens. Thus, there lies the necessity of machinery for redressal of public grievances.

In order to understand properly the development of the institutions of Lokpal and Lokayukta, we will have to be familiarised with the institution of ombudsman. Ombudsman is one of the machineries for redressal of public grievances, originally associated with Scandinavian countries. Ombudsman is a Swedish word meaning "commissioner" or "an officer" appointed by the legislature to handle complaints against maladministration by public authorities. Sweden has had the institution of Ombudsman for over a century and a half. But after its establishment in Denmark in 1954, it suddenly captured the attention of other countries. The first Commonwealth country to adopt it was New Zealand in 1962. An

ombudsman for the United Kingdom was instituted by the Parliamentary Commissioner Act, 1967. In India, the ombudsmanic institutions are Lokpal and Lokayuktas. In Australia also, the ombudsman system has come into existence. As Australia is a federation, there is a two tier ombudsman system. In U.S.A, the congressional investigations and grievance cells established in various departments, like the police review boards, discharge the work of ombudsman.



**CHECK YOUR PROGRESS**

**Q.1.** 'Ombudsman' is an institution for addressing public grievances. (True / False)

.....

.....

**Q.2.** The first Commonwealth country to adopt 'Ombudsman' was .....(Fill in the blank)

.....

.....

**Q.3.** Mention any ombudsmanic institution in India.

.....

.....

**Q.4.** The institution of 'Ombudsman' originated in USA. (True/ False)

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.....

## 12.4 DEVELOPMENT OF THE INSTITUTIONS OF LOKPAL AND LOKAYUKTA

### 12.4.1 Institution of Lokpal

As mentioned above, the demand for the establishment of Ombudsman in India was first raised by K.M. Munshi, an M.P. in 1960. Thereafter, the Administrative Reforms Commission, 1966 felt the urgency of the matter and recommended the creation of two institutions- namely Lokpal and Lokayuktas. The ARC recommended

that the Lokpal will investigate the complaints against ministers and Secretaries to the Government at the Centre as well as in the States and the Lokayukta in each state to deal with the complaints against other officials.

The Lokpal and Lokayukta Bill was first introduced in the Fourth Lok Sabha in 1968. It was passed by Lok Sabha in 1968, while the Bill was pending in the Rajya Sabha. In the mean time, the Lok Sabha was dissolved and consequently the Bill collapsed. Thereafter, the Bill was presented several times in the Parliament (in 1977, 1985, 1989, 1996, 1998 and 2001) but the Bill collapsed each time and failed to come into effect.

In 2011, social activist Anna Hazare started a massive social movement against corruption. People from all quarters of the country have supported Anna Hazare in his campaign against corruption. He began a fast unto death at Jantar Mantar, New Delhi on 5th April 2011 demanding enactment of a comprehensive Lokpal (Ombudsman) Bill to give powers to Ombudsman to check corruption. Hazare requested the then Prime Minister Dr. Manmohan Singh to convene a joint committee to frame the proposed law, which was rejected by the Prime Minister. Some noted personalities who have joined Hazare in his campaign are, noted Lawyer Shanti Bhushan, Prashant Bhushan, Arvind Kejriwal, Kiron Bedi, etc. Prominent opposition parties like BJP and CPI (M) lended support to Hazare. In various states also protests, dharna, etc. were organized supporting the movement led by Hazare. Even outside the country people were gathered to support the movement led by Hazare.

Due to the pressure of massive campaign against corruption the then Central Government led by UPA introduced a modified Lokpal Bill in 22nd December 2011 in Lok Sabha. Simultaneously, Anna Hazare and his group came up with a draft of Jan Lokpal Bill and demanded the Central Government to pass the Bill. Considering all these, the Government formed a joint committee between the parliamentarians and the Civil Society activists with the chairmanship

of Pranab Mukherjee and social activist and lawyer Shanti Bhushan as the co-chairman. However in the later stage there was disagreement between the Government and the social activist group in the drafting of the Lokpal Bill. Finally the Governement introduced the Lokpal Bill in the Parliament and got it passed in December 2013 in both the Houses of Parliament and received the President's assents on 1st January, 2014. It came into effect from 16th January 2014, thus forming The Lokpal and Lokayukta Act, 2013.

**Composition:**

Lokpal is a multi-member body consisting of one Chairperson and maximum of 8 members. There may be atleast 4 judicial members. It is provided that not less than fifty per cent of members of the Lokpal shall be from amongst the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, Minorities and women.

**Who can become the Chairperson?**

The Chairman of the Lokpal is-

- Either the former Chief Justice of India
- Or the former Judge of the Supreme Court
- Or an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public administration, vigilance, finance including insurance and banking, law and management.

**Who can become a Member?**

**Judicial Member:**

The judicial member of the Lokpal should be-

- Either a former Judge of the Supreme Court
- Or a former Chief Justice of a High Court

**Non Judicial Members:**

- an eminent person with impeccable integrity and outstanding ability, having special knowledge and expertise of minimum 25 years in the matters relating to anti-corruption policy, public

administration, vigilance, finance including insurance and banking, law and management.

**The Chairperson or a Member shall not be-**

- a member of the Parliament or a member of the Legislature of any State or Union Territory;
- a person convicted of any offence involving moral turpitude;
- a person not more than 45 years of age, on the date of assuming office as the Chairperson or Member, as the case may be;
- a member of any Panchayat or Municipality;
- a person who has been removed or dismissed from the service of the Union or a State;
- hold any office of trust or profit (other than his office as the Chairperson or a Member);
- be affiliated to any political party;
- carry on any business or practice any profession.

**Appointment:**

The President of India will appoint the members of the Lokpal on the recommendation of a Selection Committee comprising of :

- Prime Minister,
- Speaker of the Lok Sabha,
- Leader of the House of which the Prime Minister is not member,
- Minister of Home Affairs,
- Leaders of opposition in Lok Sabha,
- Chief Justice of India or a sitting judge of Supreme Court nominated by Chief Justice of India,
- Eminent jurist to be nominated by the President of India on the basis of recommendations of the first four members of the selection committee.

**Term of Office of the Chairperson and Members:**

The Chairperson and every Member of the Lokpal shall, on the recommendations of the Selection Committee, be appointed by the President by warrant under his hand and seal and hold office as such for a term of five years from the date on which he enters his

office or until he attains the age of 70 years, whichever is earlier.

**Salary, allowances and other conditions of service of Chairperson and Members:**

The salary, allowances and other conditions of service of-

(i) the Chairperson shall be the same as those of the Chief Justice of India

(ii) other Members shall be the same as those of a Judge of the Supreme Court

The salary, allowances, pension and other conditions of service of the Chairperson or a Member shall not be varied to his disadvantage after his appointment.

**Expenses of Lokpal:**

The administrative expenses of the Lokpal, including all salaries, allowances and pensions payable to or in respect of the Chairperson, Members or Secretary or other officers or staff of the Lokpal, shall be charged upon the Consolidated Fund of India and any fees or money taken by the Lokpal shall form part of that Fund.

**Restriction on employment by Chairperson and Members after ceasing to hold office:**

After retirement the Chairperson and every Member shall be ineligible for-

(a) re-appointment as the Chairperson or a Member of the Lokpal;

(b) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is made by the President by warrant under his hand and seal;

(c) further employment to any other office of profit under the Government of India or the Government of a State;

(d) contesting any election of President or Vice-President or Member of either House of Parliament or Member of either House of a State Legislature or Municipality or Panchayat within a period of five years from the date of retirement.

**Removal of Chairperson and Members:**

The Chairperson or any Member shall be removed from his office by order of the President on grounds of misbehaviour after the Supreme Court, on a reference being made to it by the President on the basis of a petition signed by at least 100 M.P.s, holds an enquiry and reports that the chairperson or such Member, as the case may be, ought to be removed on such ground.

The President may remove from office, the Chairperson or any member if the Chairperson or such Member, as the case may be -

a) is adjudged an insolvent; or

b) engages, during his term of office, in any paid employment outside the duties of his Office; or

c) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body.

If the Chairperson or any Member is, or becomes, in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participate in any way in the profit thereof or in any benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall be deemed to be guilty of misbehaviour.

**Investigation:**

On receiving complaints Lokpal must conduct a preliminary inquiry within 30 days. If there is no prima facie case, the matter is to be closed. Given a prima facie case, Lokpal investigates after providing a suitable forum to the accused. The investigation must be completed within six months with an optional six-month extension after giving reasons in writing. No sanction shall be required by the Lokpal to investigate any complaint against a public servant.

**Inquiry Wing:**

The Lokpal shall constitute an Inquiry Wing headed by the Director of Inquiry for the purpose of conducting preliminary inquiry into any offence alleged to have been committed by a public servant punishable under the Prevention of Corruption Act, 1988 (49 of 1988).

Provided that till such time the Inquiry Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting preliminary inquiries under this Act.

**Prosecution Wing:**

1. The Lokpal shall, by notification, constitute a Prosecution Wing headed by the Director of Prosecution for the purpose of prosecution of public servants in relation to any complaint by the Lokpal. Provided that till such time the Prosecution Wing is constituted by the Lokpal, the Central Government shall make available such number of officers and other staff from its Ministries or Departments, as may be required by the Lokpal, for conducting prosecution under this Act.
2. The Director of Prosecution shall, after having been so directed by the Lokpal, file a case in accordance with the findings of investigation report, before the Special Court (to be constituted by the central government on recommendation of the Lokpal) and take all necessary steps in respect of the prosecution of public servants in relation to any offence punishable under the Prevention of Corruption Act, 1988 (49 of 1988).

**Declaration of assets:**

On and from the date of commencement of the Lokpal and Lokayukta Act 2013, every public servant shall have to make a declaration of his assets and liabilities in such form and manner as may be prescribed.

If any public servant willfully or for reasons which are not justifiable, fails to-

(a) declare his assets; or

(b) give misleading information in respect of such assets and is found to be in possession of assets not disclosed or in respect of which misleading information was furnished,

then, such assets shall be presumed to be assets acquired by corrupt means.

**Jurisdiction of the Lokpal:**

Jurisdiction of Lokpal include Prime Minister, Ministers, members of Parliament, Groups A, B, C and D officers and officials of Central Government.

1. Subject to the other provisions of the Lokpal and Lokayukta Act 2013, the Lokpal shall inquire or cause an inquiry to be conducted into any matter involved in, or arising from, or connected with, any allegation of corruption made in a complaint in respect of the following, namely:-

(a) any person who is or has been a Prime Minister:

Provided that the Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against the Prime Minister.

(i) in so far as it relates to international relations, external and internal security, public order, atomic energy and space;

(ii) unless a full bench of the Lokpal consisting of its Chairperson and all Members considers the initiation of inquiry and at least two-third of its Members approve of such inquiry:

Provided further that any such inquiry shall be held in camera and if the Lokpal comes to the conclusion that the complaint deserves to be dismissed, the records of the inquiry shall not be published or made available to anyone;

(b) any person who is or has been a Minister of the Union;

(c) any person who is or has been a member of either House of Parliament;

(d) any Group 'A' or Group 'B' officer or equivalent or above, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988) when serving or who has served, in connection with the affairs of the Union;

(e) any Group 'C' or Group 'D' official or equivalent, from amongst the public servants defined in sub-clauses (i) and (ii) of clause (c) of section 2 of the Prevention of Corruption Act, 1988 (49 of 1988) when serving or who has served in connection with the affairs of the Union.

(f) any person who is or has been a chairperson or member or officer or employee in any body or Board or corporation or authority or company or society or trust or autonomous body (by whatever name called) established by an Act of Parliament or wholly or partly financed by the Central Government or controlled by it.

(g) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not), by whatever name called, wholly or partly financed by the Government and the annual income of which exceeds such amount as the Central Government may, by notification, specify;

(h) any person who is or has been a director, manager, secretary or other officer of every other society or association of persons or trust (whether registered under any law for the time being in force or not) in receipt of any donation from any foreign source under the Foreign Contribution (Regulation) Act, 2010 (42 of 2010) in excess of ten lakh rupees in a year or such higher amount as the Central Government may, by notification, specify.

(2) The Lokpal shall not inquire into any matter involved in, or arising from, or connected with, any such allegation of corruption against any member of either House of Parliament in respect of anything said or a vote given by him in Parliament or any committee thereof.

(3) The Lokpal may inquire into any act or conduct of any person, if such person is involved in the act of abetting, bribe giving or

bribe taking or conspiracy relating to any allegation of corruption under the Prevention of Corruption Act, 1988..

**Powers of Lokpal:**

The Lokpal has following powers:

- It has supervisory powers and have power to give direction to CBI.
- If it has referred a case to CBI, the investigating officer in such case cannot be transferred without approval of Lokpal.
- Powers to authorize CBI for search and seizure operations connected to such case.
- The Inquiry Wing of the Lokpal has been vested with the powers of a civil court.
- Lokpal has powers of confiscation of assets, proceeds, receipts and benefits arisen or procured by means of corruption in special circumstances.
- Lokpal has powers to recommend transfer or suspension of public servant connected with allegation of corruption.
- Lokpal has power to give directions to prevent destruction of records during preliminary inquiry.

**How Lokpal works?**

Lokpal first of all receives a complaint. On receiving the complaint, it needs to decide if it would proceed further. Once it decides to proceed further, it would order a preliminary inquiry by either its own Inquiry Wing or other agency such as Delhi Special Police Establishment (CBI).

The Preliminary enquiry has to be done within ninety (90) days of receiving complaint. It can be increased to further 90 days for reasons recorded in writing. Thus, preliminary enquiry has to be done in 6 months.

The preliminary inquiry would ascertain if there is prima facie a case to proceed further. If the complaint is related to Group A to Group

D officers, Lokpal would refer the complaint to Central Vigilance Commission. Central Vigilance Commission will inquire and do as follows:

- In case of Group A and B officers, it would make a report and submit it to Lokpal.
- In case of Group C and D Officers, it would itself proceed as per Central Vigilance Commission Act 2003.

The Inquiry Wing or CBI can do the search and seizure operations etc. They would make a report and this report will be taken up by a Lokpal bench of minimum 3 members. This bench will give an opportunity to the allegedly corrupt officer to be heard of. After this, the following three alternatives will be there to proceed for:

- If the officer is guilty, Lokpal will grant sanction to its Prosecution Wing or CBI to file charge sheet against him. It can also direct initiation of departmental proceedings.
- If the officer is found innocent, Lokpal would direct the closure of report before the Special Court against the public servant and now would proceed against the complainant for making false complaints.

**Reports of Lokpal:**

It shall be the duty of the Lokpal to present annually to the President a report on the work done by the Lokpal and on receipt of such report the President shall cause a copy thereof together with a memorandum explaining, in respect of the cases, if any, where the advice of the Lokpal was not accepted, the reason for such non-acceptance, to be laid before each House of Parliament..

**Prosecution:**

a) **Procedure for persons other than MPs and Ministers:** The competent authority to receive the copy of inquiry report on corruption cases is the Minister for officers of the Government bodies and the society head for officers of societies. The Lokpal recommends disciplinary proceedings to the competent authority

and provides a copy of the report to the accused. The competent authority must take action within 30 days and inform the Lokpal within 6 months of initiating disciplinary proceedings.

b) **Procedure for MPs and Ministers:** The competent authority is the Prime Minister for the Ministers and the Speaker/Chairman of Lok Sabha or Rajya Sabha for the MPs. The Speaker/ Chairman tables the report in the Parliament. The House reports to the Lokpal on any action taken within 90 days.

**Penalty:**

A person making false and frivolous or vexatious complaints shall be penalized with 2 to 5 years of jail and fine of Rs. 25,000 to 200,000.

## 12.4.2 Institution of Lokayuktas in States

The Lokpal and Lokayukta Act 2013 made the provision for the institution of Lokayukta for the State level through enactment of a law by the State Legislature within a period of 365 days from the date of commencement of the Act. The Lokayukta will exercise same functions as the Lokpal in the State level to inquire into the allegations of corruption against public functionaries and for related matters.

In many States the Lokayukta Act was enacted much before the Lokpal and Lokayukta Act, 2013. Maharashtra was the first state to introduce the institution of Lokayukta through The Lokayukta and Upa-Lokayukta Act in 1971. This was followed by similar acts that were enacted by the states of Odisha, Rajasthan, Bihar, Uttar Pradesh, Karnataka, Madhya Pradesh, Andhra Pradesh, Gujarat, Kerala, Tamil Nadu and the Union Territory of Delhi. In Assam "The Assam Lokayukta and Upa-Lokayukta Act, 1985" was passed by Assam Legislative Assembly and have received the assent of the President of India on 12$^{th}$ December, 1986.

Lokayukta investigates cases of corruption. He is a great check on corruption, brings about transparency in the system, makes administrative machinery citizen friendly. His functions largely depend upon jurisdiction vested in him and facilities provided for taking cognizance of citizens' grievances promptly, dexterously and expeditiously through simple, informal mechanism devoid of technicalities.

In November 2012, after conclusion of the 11th All India Lokayukta Conference, as many as 16 Lokayuktas sent many recommendations to the Government of India. The recommendations were:

- Make Lokayukta the nodal agency for receiving all corruption complaints.
- Accord Lokayukta jurisdiction over State-level probe agencies.
- Bring bureaucrats under the ambit of the Lokayuktas.
- Accord powers of search and seizure and powers to initiate contempt proceedings.
- Provide Lokayukta administrative and financial autonomy.
- Bring Non-Governmental Organisations (NGO) funded by the government under Lokayukta's jurisdiction.



**LET US KNOW**

- The Lokayukta is appointed by the Governor after consultation with the leader of the Opposition, while the Upa-Lokayukta (Deputy Lokayukta) shall be appointed in consultation with the Lokayukta. The Upa-Lokayukta can inquire into the complaints against officers other than Ministers.
- The functioning of Lokayuktas in several States clearly shows that they can easily be fitted into the constitutional structure of India and can discharge their duties efficiently and

effectively if the co-operation of the Ministers and Public Servants is assured. The selection of the right person for such an important position is the most significant safeguard against administrative abuse and misuse.

- The first All India Conference of Lokayuktas and Upa-Lokayuktas was held at Shimla in May, 1986.



**CHECK YOUR PROGRESS**

**Q 5:** On the basis of the recommendations of ....., the government for the first time prepared the Lokpal and Lokayukta Bill, 1968. (Fill in the blank)

……

……

**Q 6:** The Lokpal Bill, 2003, proposes to include the Prime Minister also within the orbit of the Lokpal. (True/False)

……

……

**Q 7:** Which was the first State to enact the Lokayukta Act in 1971?

……

……

**Q 8:** Write a short note on the institution of Lokpal in India. (Within 50 words)

……

……



## 12.5 LET US SUM UP

- Ombudsman is one of the machineries for redressal of public grievances, originally associated with Scandinavian countries. Ombudsman is a Swedish word meaning "commissioner" or "an officer" appointed by the legislature to handle complaints against

maladministration by public authorities. The first Commonwealth country to adopt it was New Zealand in 1962.

- The basic question of redressal of public grievances has attracted considerable attention in our country since independence. Commendable measures have also been taken in this direction. The Prevention of Corruption Act became law in 1947. A number of Committees/Commissions were set up to inquire into the malaise of corruption and make recommendations to eradicate it.
- The government for the first time prepared the Lokpal and Lokayukta Bill, 1968 and introduced it in Parliament but eventually it was allowed to lapse. Since then many times, the Bill was introduced but unfortunately it could not see the light of the day.
- Finally, on December 27, 2011, the Lok Sabha passed the Lokpal and Lokayuktas Bill, 2011. Under the Bill, the Lokpal would be a nine-member body headed by a Chairman. Orissa became the first State to enact the Lokayukta Act, 1971.
- Making legal provisions for the Lokpal and Lokayukta is not sufficient to check the corruption in the country. It needs sincere commitment on the part of the Government as well as among all the Legislators of the country for its effective implementation.



## 12.6 FURTHER READING

1) Avasthi, Amreswar, & Avasthi, Anand Prakash (1999).I*ndian Administration*. Agra: Lakshmi Narain Agarwal.

2) Bhagwan, Vishnoo, & Bhushan, Vidya.(2007). *Public Administration*. New Delhi: S. Chand & Company Ltd.

3) Maheshwari, S.R. (2003). *Indian Administration*. New Delhi: Orient Longman.

4) Sharma, Dr. M.P., & Sadana, Dr. B.L. (2000). *Public Administration in Theory and Practice*. Allahabad: Kitab Mahal.

## 12.7 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No 1:** True

**Ans to Q No 2:** New Zealand

**Ans to Q No 3:** Loka Ayukta

**Ans to Q No 4:** False

**Ans to Q No 5:** Administrative Reforms Commission

**Ans to Q No 6:** True

**Ans to Q No 7:** Orissa

**Ans to Q No 8:** The basic question of redressal of public grievances has attracted considerable attention in our country since independence. Commendable measures have also been taken in this direction. However, search for a new and more effective solution of the problem was going on. On the basis of the recommendations of the Administrative Reforms Commission, the government for the first time prepared the Lokpal and Lokayukta Bill, 1968 and introduced it in Parliament but eventually it was allowed to lapse. Since then many times, the Bill was introduced but unfortunately it could not see the light of the day. The latest in the series was the Lokpal Bill, 2003, when the National Democratic Allaince government introduced the Bill in the Parliament. The Bill proposed to include the Prime Minister also within the orbit of the Lokpal. But, this time too, the Bill, like earlier, could not materialize, as Parliament was dissolved before the Bill could be passed.



## 12.8 POSSIBLE QUESTIONS

**Q.1:** Where did the institution of Ombudsman originate?

**Q.2:** When did the issue of constitution of the institution of Lokpal and Lokayukta first come up?

**Q.3:** What is meant by Lokpal and Lokayukta?

**Q.4:** Who can appoint the Lokpal?

**Q.5:** When was the Lokpal and Lokayukta Bill introduced in the Parliament?

**Q.6:** How many members are there in the institution of Lokpal?

**Q.7:** Is the Prime Minister of India included within the jurisdiction of Lokpal?

**Essay type questions**

**Q.1:** Discuss the importance of Ombudsman institution in India.

**Q.2:** Discuss the background of the Lokpal and Lokayukta Bill, 2013.

**Q.3:** Explain the appointment procedure of Lokpal in India.

**Q.4:** Discuss the functioning procedure of Lokpal in India. Is there any need of reformations in your opinion?

**Q.5:** What is Lokayukta? Discuss its importance in the administrative systems of the Indian States.

*** ***** ***

# UNIT 13: TRANSPARENCY IN ADMINISTRATION

## UNIT STRUCTURE


13.1 Learning Objectives

13.2 Introduction

13.3 The Right to Information Act, 2005

- 13.3.1 Background of the Right to Information Act, 2005
- 13.3.2 Development of the Right to Information Act, 2005
- 13.3.3 Important Features and Provisions of the Right to Information Act, 2005
- 13.3.4 Critical Evaluation of the RTI Act, 2005

13.4 Let Us Sum Up

13.5 Further Reading

13.6 Answers to Check Your Progress

13.7 Possible Questions


## 13.1 LEARNING OBJECTIVES

After going through this unit, you will be able to :

- define transparency in administration
- explain the meaning of Right to Information
- analyse the development of the Right to Information Act (RTI), 2005
- discuss various provisions of the RTI Act, 2005

## 13.2 INTRODUCTION

This unit introduces you to the various aspects of Right to Information (RTI). We shall discuss the evolution of the concept of RTI, as to how it came into limelight. While discussing the RTI, we will also reflect on its development in different countries, including India, so that you can compare the development in different countries.

Transparency in public administration means that any citizen of the country either has a fundamental right or a statutory right to have access to information about state's affair. In general sense it means knowing the

reasons, facts, logics and basis of the decisions taken by the administration. Denial of such information to the public by the public authorities without appropriate reasons would be an offence under the law. The success of democracy is dependent on the awareness and participation of the citizens about the affairs of the state. To ensure citizen's awareness and participation the information regarding the functioning of the Government must be made available. The free access to the records of the Government makes the public officials more accountable in their service which is essential for the efficiency of the Government.

In India, there has been a long standing demand for transparency in administration due to ever increasing menace of corruption in the realm of public administration. Even the Supreme Court of India, recently gave a constitutional status for the right to know. Yet the bureaucrates of the country are not in a position to allow the public a free access to information in the pretext of official secrecy. This act of official secrecy by the Government functionaries was supported by a Law enacted during the British rule in India, the Official Secrets Act, 1889 which was amended in 1923. Besides, the section 123 of the Indian Evidence Act, 1872 empowers the Executive to withhold its record from production in the court of law. These measures not only encourage corrupt practices but also prevent the corrupt bureaucrats from being exposed to the public.

## 13.3 THE RIGHT TO INFORMATION ACT, 2005

### 13.3.1 Background of the RTI Act, 2005

The functioning of the Government and its agencies over the decades revealed lack of transparency and accountability in its administration which created scope for corruption and political scandalism. The administrative officers could easily hush up their corruption, bribery and self-aggrandizement in the pretext of administrative secrecy. If anybody tried to seek any official information from the government authorities, it was denied on the pretext of

secrecy. In this situation the movement for right to information has emerged in the country.

Before the enactment of the Right to Information Act of 2005, higher courts (High Courts and the Supreme Court) have consistently ruled in a series of cases that right to freedom of speech and expression guaranteed to citizens under Article 19(1) (a) of the Constitution, includes within it, right to receive and impart information. However, the specific right to information movement owes its origin from the State of Rajasthan led by a labour organization named 'Mazdoor Kisan Shakti Sangathan'. As a result of this movement, in April 1995, Rajasthan became the first State in the country, which granted the right to the citizens to have the photocopies of all official documents on payment of nominal fees. Thereafter, similar movement emerged in the State of Maharashtra led by Sri Anna Hazare, resulting in adoption of Right to Information Act, 2003 by the Maharashtra Government. Apart from national movements, at the international levels also, the issue had gained momentum and many countries had adopted right to information law for combating corruption. Due to these campaigns both at the national as well as the international level, the Government of India realized the necessity of an information law in India. Finally the Government enacted a law known as the Freedom of Information Act, 2002. But after implementation of the Act many shortcomings were found. Considering these shortcomings and lacunae another Bill was placed in the Parliament in the form of "Right to Information Bill, 2004" on 22$^{nd}$ December 2004. The Bill was passed by both the Houses of Union Parliament in the month of May 2005 and received the assent of the President of India on June 15, 2005. The Right to Information Act, 2005 came into force from October, 2005.



**LET US KNOW**

TIn U.S.A, the U.S. Congress passed the Freedom of Information Act, 1966, whereby an American citizen can have access to government documents and this right is legally enforceable i.e., he can take the help of the court if this right is denied to him. However, this right is subject to reasonable restrictions. The Judiciary in the U.S.A also accords great deal of importance to the people's 'Right to Know'.

In New York Times Vs. U.S. case, Justice Douglas observed "Secrecy in government is fundamentally anti-democratic, perpetuating bureaucratic errors. Open discussion, based on full information and debate on public issues are vital to our national health".

### 13.3.2 Development of the Right to Information Act, 2005

The Indian Constitution bears many provisions of rights and freedoms under Fundamental Rights and Directive Principles of State Policy, and also provides for an Independent judicial system in the country for protection and enforcement of these rights.

With the advancement of the concept of Human Rights, there was continuous demand for the 'Right to Know'. However, the courts in India have sought to address the problem to a considerable extent by recognizing the 'Right to Know' of Indian citizens. In S.P. Gupta Vs. Union of India case, the Supreme Court held that 'Right to Know' is a basic requirement of an effective participatory democracy, and raised it to the status of a Fundamental Right by saying that this Right is implicit under Act. 19(1)(a).

To remove all kinds of confusions and to strengthen Indian democracy, the Right to Information Act was passed by Parliament on June 15, 2005. It fully came into force on October 12, 2005. This legislation is expected to radically alter the administrative ethos and usher in a new era of openness, transparency and accountability. The Act aims to make the Freedom of Information Act, 2002 more

progressive, participatory and meaningful. Earlier, under the Official Secrets Act, 1923, disclosures of information unless expertly authorized was regarded as a crime.

The main objective of the Right to Information Act, 2005, is to ensure transparency and accountability on the part of the Government and to combat corruption. Corruption which is a social menace can be eradicated and tackled only through an informed citizenry.

Accordingly, the Right to Information Act, 2005, makes it obligatory on the part of the public authorities to provide first hand information to the people about things they wish to know from the government. However, it must also be borne in mind that there is a need for proper balancing between public interest and protected interest. Some elements of government administration must be kept secret for ensuring national security and this has been laid down specifically under Section 8(2) of the Act of 2005.

### 13.3.3 Important Features and Provisions of the Right to Information Act, 2005

- **Objectives of the RTI Act 2005:**

The RTI Act, 2005 was enacted with the following objectives-

1) To set out a practical regime of citizen's right to information;
2) To enable the citizens to secure access to information which is held under the control of the Government or the public authorities;
3) To promote accountability and transparency in administration of Government and public bodies;
4) To make an endeavour to curb corruption at its roots and make the Government agencies accountable to the people;
5) To ensure harmonization of the conflicting interests of the public authorities and private enterprises;
6) To make a proactive duty on public authorities to make as much information available to the public as possible;

- **Right to Information:** The Right to Information Act 2005 define the 'information' as the right to get any material or information

relating to the affairs, administration, decisions or conduct of public authorities and includes any document or record relating to the affairs of public authorities. Thus Right to Information includes access to information from any records by:

a) obtaining certified copy of the records

b) obtaining diskettes, floppies or through any other electronic mode, or print-outs where such information is stored in a computer or any other device;

c) in such a manner as prescribed by law.

- **Only citizens can apply for Information:**

The RTI Act 2005 gives the right to all Indian citizens to access information from the public authorities. In addition, a citizen need not give reasons for seeking particular information from any public authority and the public information officer (PIO), or the public authority cannot question the applicant under the RTI Act as to why he/she needs the particular information. Even if more than one person seeks the same information it should be made available to all the requesters.

- **Public Authority and its Obligations:**

As defined in the section 2 (h) of the RTI Act, 'Public Authority' means any authority or body or institution of self-government established or constituted by or under the constitution, or by any other law made by the Parliament or State Legislature and by notification issued or order made by the appropriate Government. The term also includes any enterprise owned, controlled or substantially financed, and a non-government organization (NGO) substantially financed by the appropriate government.

- **Obligations of the Public Authority:**

A) Every public authority shall maintain all its records in such a manner which facilitates the right to information and should be arranged in such a way that access to such record is facilitated.

B) Every Public Authority shall publish the following records within 4 months from the enactment of the RTI Act 2005. The records are-

i) the particulars of its organization, function and duties;
ii) the powers and duties of its officers and employees;
iii) the procedure followed in the decision making process, including channels of supervision and accountability
iv) the norms set by it for the discharge of its function;
v) the rules, regulations, instructions, manuals and records, held by it or under its control or used by its employees for discharging its functions;
vi) a statement of the categories of documents that are held by it or under its control;
vii) the particulars of any arrangement that exists for consultation with, or representation by, the members of the public in relation to the formulation of its policy or implementation thereof;
viii) a directory of its officers and employees;
ix) the monthly remuneration received by each of its officers, employees, including the system of compensation;
x) the budget allocating each of its agencies;
xi) the manner of execution of subsidy programmes;
xii) the particulars of facility available to citizens for obtaining information,
xiii) the names, designations and other particulars of the Public Information Officers:
xiv) such other informations as may be prescribed; and thereafter update these informations every year.

- **Administrative Mechanism:**

**Information Commissions:** Section 5 of the Act provides that every public authority shall designate as many Public Information Officer (PIO) in all its administrative departments/ units and officers as may be necessary to provide information on request of the information seekers.

The Act also provides for constitution of Central Information Commission and the State Information Commission. Both the Commissions shall consist of not more than ten members excluding the Central or State Chief Information Commissioner, as the case may be. The term of office of the Chief Information Commissioner and other Commissioners shall be five years subject to retirement at the age of 65 years.

- **Powers and Functions of Central/State Information Commission:**

1. The Central/State Information Commission has a duty to receive complaints from any person:-
   a) who has not been able to submit an information request because Public Information Officer (PIO) has not been appointed
   b) who has been refused information that was requested
   c) who has received no response to his/her information request within the specified time limit,
   d) who thinks that fees charged are unreasonable,
   e) who thinks that information given is false, incomplete or misleading, and
   f) any other matter relating to obtaining information under the law
2. Power to order inquiry if there are reasonable grounds.
3. CIS/SCIS will have powers of Civil Court such as-
   a) summoning and enforcing attendance of persons, compelling them to give oral or written evidence on oath and to produce documents or things,
   b) requiring the discovery and inspection of documents,
   c) receiving evidence on affidavit,
   d) requisitioning public records or copies from any Court or Office,
   e) issuing summons for examination of witnesses or documents,
   f) any other matter which may be prescribed.

4. Power to secure compliance of its decisions from Public Authority includes:
   a) providing access to information in a particular form;
   b) directing the public authority to appoint a PIO/APIO where none exists;
   c) publishing information or categories of information;
   d) making necessary changes to the practices relating to management, maintenance and destruction of records;
   e) enhancing training provisions for officials on RTI;
   f) seeking an annual report from the public authority on compliance with this law;
   g) require it to compensate for any loss or other detriment suffered by the applicant;
   h) impose penalties under this law;
   i) reject the application.

➢ **Reporting Procedure:**

Central Information Commission will send an annual report to the Central Government on the implementation of the provisions of this law at the end of the year. The State Information Commission will send a report to the State Government.

Each Ministry has a duty to compile reports from its Public Authorities and send them to the Central Information Commission or State Information Commission, as the case may be.

➢ **Suo Motu information and Information on Request:**

➢ **Suo Moto Information:** Section 4(2) of the RTI Act, 2005 requires that the Public Authorities shall provide as much information suo motu to the public at regular intervals through all means of communication including press, print and internet media. The information that the public authorities are required to provide suo motu is enumerated under sub-section (1) of Section-4 of the RTI Act 2005. (the list of information to be provided by the Public Authority is mentioned in the above under the obligation of Public Authority)

➢ **Information on request:** Under the RTI Act, a person can seek information in writing through an application to the Public Information

Officer of the respective public organization. The application shall be accompanied with prescribed fee. On receipt of the application for request of information accompanied by prescribed fee, the Public Information Officer (PIO) has to dispose it within 30 days. If the information sought cannot be given for the reasons as specified in the Law, the applicant has got to be informed about the rejection specifying the reason for the same. If the Public Information Officer fails to comply with the prescribed time limit, the information must be provided free of cost.

- **Information exempted from disclosure:**

There are some information which are exempt from being disclosed under Section 8(1) of the RTI Act, 2005. The information which cannot be disclosed are -

a) Information which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State, relation with foreign State or lead to incitement of an offence.

b) Information which has been expressly forbidden to be published by any court of law or tribunal or the disclosure of which may constitute contempt of court.

c) Information, the disclosure of which would cause a breach of privilege of Parliament or the State Legislautre.

d) Information, the disclosure of which would harm the competitive position of a third party, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

e) Information available to a person in his fiduciary relationship, unless the competent authority is satisfied that larger public interest warrants the disclosure of such information.

f) Information received in confidence from foreign Government.

g) Information, the disclosure of which would endanger the life or physical safety of any person.

h) Information which would impede the process of investigation or prosecution of offenders.

i) Cabinet papers including records of deliberations of the Council of Ministers, Secretaries and other officers.

j) Information which relates to personal information, the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual.

k) Notwithstanding any of the exemptions listed above, a public authority may allow access to information, if public interest in disclosure outweighs the harm to the protected interests.

- **Information Fee:** The RTI Act 2005, does not create a clear distinction between the fees chargeable. The implementation of the Act has shown that there are two kinds of fee chargeable under RTI Act. One is Application fee and the other is the Information Fee.

The procedure and fee structure for getting information as per the Central Government rules are as under-

a) A request for obtaining information under the RTI Act shall be made in writing or through electronic means either in person or by post to the Public Information Officer. It must be accompanied by an application fee of Rs 10 by cash or by demand draft or banker's cheque. For providing information, the fees as below should be paid-

i) Rs. 2 for each page created or copied;

ii) Actual charge or cost price of a copy in larger size paper;

iii) Actual cost or price for samples or models; and

iv) For inspection of records, no fee for the first hour; and a fee of Rs.5 for each 15 minutes thereafter.

In addition to that, for providing information in diskette or floppy, Rs.50 per diskette or floppy should be paid. For information provided in printed form, prices shall be fixed as per the norms.

- **Procedure of seeking Information:**

As mentioned above, the RTI Act 2005 have made the provision

that all complying departments have to designate an official as the Public Information Officer (PIO). Any citizen of India may submit a request to the Public Information Officer for information in any format, paper or electronic. The Public Information Officer has the responsibility to ensure that the information is obtained from the appropriate department or section. If the request pertains to another public authority, it is the Public Information Officer's responsibility to transfer/forward the concerned portions of the request to a public information officer within 5 days.

- **Timeframe for providing Information:**

The RTI Act 2005 specify the timeframe for complying with the request-

1. The Public Information Officer will have to respond to a request within 30 days.
2. If the request has been made to an Assistant Public Information Officer, the response is expected within 35 days.
3. If the Public Information Officer transfers the request to some other departments, the time allowed is 35 days.
4. Information about Human Rights violations by the Security agencies have to be provided within 45 days.
5. In any of the above cases, if life or liberty is involved, the Public Information Officer has to respond within 48 days.

- **In cases of rejection of the requests-**

If the request for any information is rejected, the Public Information Officer is required to communicate to the applicant in writing-

a) the reasons for rejecting the request;
b) the period within which the applicant may appeal against the rejection;
c) the particulars of the appellate authority.

While providing information, the Public Information Officer should ensure the following:-

i) The BPL applicants are exempted from paying fees/cost for securing information;
ii) If for some reasons the required information is not provided

within the set deadline (30 days), the requestor has a right to receive such information free of cost.

iii) The Public Information Officer has a duty to inform the applicant in writing the details of calculation of additional fee or the bifurcation of the fee structure.

iv) The applicant may request information that might have to be extracted or compiled from one or more public records or documents. Furthermore the applicant may request that the information be provided in a specific form.

- **Right to Appeal:** The applicant whose request for obtaining information is rejected or who has not received a decision within the prescribed time-limit or is aggrieved by the decision of the Central Public Information Officer (CPIO) or State Public Information Officer (SPIO), as the case may be, may appeal within thirty days from the expiry of such period or from receipt of such decision. The appeal lies to such Officer who is senior in rank to CPIO or SPIO, as the case may be, in each Public Authority. Appellate authority for deciding appeals is generally notified by the States under their RTI laws.
- **Penalties for Refusal, Incorrect Information or Delay in giving Information:** The RTI Act,2005 also have incorporated penalty provisions in order to ensure effective implementation of the law. Section 26 of the RTI Act,2005 provides that every PIO will be liable for fine of Rs. 250/- per day, upto a maximum of Rs. 25000/- for:-

  i) not accepting the application for request of information;

  ii) delaying information release without any reasonable cause;

  iii) malafide denial of information;

  iv) knowingly giving incomplete, incorrect or misleading information;

  v) destroying information that has been requested, and

  vi) obstructing furnishing of information in any manner.

The Information Commission at the Centre and the State levels will have the power to impose this penalty. The Information

Commission can also recommend disciplinary action against the erring PIO who is guilty of violation of the law under the Act.

Section 20(2) of the Act also empowers the Information Commission at the Centre or State level, as the case may be, to recommend disciplinary action against the PIO under the service rules applicable to him where in his opinion, the IPO is not discharging his duty under the Act properly. However, the authority imposing penalty on PIO for non-disclosure or wrong disclosure of information is required to record reasons and merely recording only the conclusion will not be sufficient to justify the imposition of penalty.

- **Inapplicability of the Act in certain Organizations:** Section-24 of the RTI Act,2005 exempted some organizations, mostly intelligence and security organizations from the disclosure of information. The information furnished by these organizations to the Central Government cannot be disclosed for security reasons. However, the provision of this section provides that information pertaining to the allegations of corruption or violation of human rights in these organizations are not exempted from disclosure.
- **Monitoring and Reporting:** According to Section 25 of the RTI Act 2005, it is mandatory that the Central Information Commission or the State Information Commission, as the case may be, prepare a report regarding the implementation of the provisions of this Act and forward a copy to the appropriate Government at the end of each year. The concerned Government shall present the report before each House of Parliament (in case of Central Government) or State Legislature (in case of State Government).
- **Overriding Effect of the Act:** It is provided that in case of any inconsistency between the RTI Act,2005 and the other laws which is in force, including the Official Secrets Act, 1923, the provisions of the RTI Act,2005 shall prevail. This overriding effect of the RTI Act, 2005 would extend to any law, whether it is Central Law or a State law.

### 13.3.4 Critical Evaluation of the RTI Act, 2005

The real strength of any legal system lies in its effective enforcement of laws. Though the RTI Act, 2005 fully conforms to the accepted international norms, it has not been able to fulfill the expectation of the people regarding free flow of information because of multifarious exceptions enumerated in the law. These exceptions provide ample opportunities to the Government officials to ignore the law in the guise of confidentiality and privileges of the state.

Moreover, lack of political will at the Ministerial and Bureaucratic levels to encourage transparency, openness in the administrative functioning seriously hampers the effective implementation of the RTI Act.

Another factor which affects the implementation of the Act is lack of proper public record storage system and proper archives. Though digitalization has been done in the Government offices to keep the record and for swift conduct of the office procedures but lack of adequate training to the concerned staff creates problems in effective processing of requested information and its prompt disclosure.



**LET US KNOW**

The First Report of the Administrative Reforms Commission dated June 2006, was titled "RIGHT TO INFORMATION- MASTER KEY TO GOOD GOVERNANCE." The Report made detailed recommendations with regard to better implementation of the Right to Information Act. The report covered several areas such as Official Secrets Act and other laws, Central Civil Services (Conduct) Rules, etc. It looked into the issue of implementation of the RTI Act and made recommendations for its effective implementation.

(Source: http://arc.gov.in/rtifinalreport.pdf)

Likewise, the 12th Report of the ARC dated Febraury 2009, also recommended that the Union and State Governments should issue directions asking all public authorities to designate public grievance

officers on the lines of the Public Information Officers under the RTI Act. These officers should be of adequate seniority and should be delegated commensurate authority.

(Source: http://arc.gov.in/arc_12th_report/arc_12th_Report.pdf)



**ACTIVITY 13.1**

Do you think there is any issue of public interest in your area wherein you might want to take recourse to the Right to Information Act ?

.....

.....

.....

.....

**CHECK YOUR PROGRESS**



**Q.1.** The Right to Information Act was passed by Parliament on ..... (Fill in the blank)

.....

.....

**Q.2.** Mention any four provisions of the Right to Information Act, 2005.

.....

.....

**Q.3.** Mention any two features of the Right to Information Act, 2005.

.....

.....

**Q.4.** In which case did the Supreme Court hold that 'Right to Know' is implicit in Fundamental Rights under Article 19(1)(a) ?

.....

.....

**Q.5.** Write two limitations of the Right to Information Act, 2005.

.....

.....



## 13.4 LET US SUM UP

- The RTI Act, 2005 is a special legislation imposing obligation on every public authority to provide information to the person seeking information for whatever purpose he wants.
- The essence of this legislation is to infuse transparency, openness and accountability in administration through dissemination of information as far as possible.
- The Right to Information Act, 2005, makes it mandatory on the part of public authorities to furnish such information to citizens to which they are otherwise entitled to. Ordinarily, the information sought has to be furnished within a period of 30 days of the receipt of the request.
- Lack of political will at the Ministerial and Bureaucratic levels to encourage transparency, openness in the administrative functioning seriously hampers the effective implementation of the RTI Act.
- In this digital age, the computerization of office proceedings and digital preservation of official records will immensely help in dissemination of information to the public. For this purpose proper training of all the officials on the latest technology as well as strict orientation on the aims and objectives of the RTI Act are needed for the effective implementation of the Act.



## 13.5 FURTHER READING

1. Dr. M.P. Sharma and Dr. B.L. Sadana (2008) ; *Public Administration in Theory and Practice*, Kitab Mahal, 22-A, Sarojini Naidu Marg, Allahabad
2. Ramesh K. Arora and Rajni Goyal (1995); *Indian Public Administration: Institutions and Issues*, Wishwa Prakashan

3. Sairam Bhat (2012); *Right to Information,* EBH Publishers (India), an imprint of Eastern Book House, Guwahati- 781001 (India)

4. Dr. Vinay N. Paranjape (2013); *Right to Information Law in India*, Central Law Agency, Law Publisher, 30-D/1, Moti Lal Nehru Road, Allahabad-2

5. Website: https://en.wikipedia.org/wiki/The-Lokpal-and-Lokayuktas-Act-2013 viewed on 15th December 2017

## 13.6 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No 1:** June 15, 2005

**Ans to Q No 2:** (i) Section 2 of the Act states that the Act shall extend to the whole of India except the State of Jammu and Kashmir.

(ii) Section 3 of the Act bestows the Right to information to all citizens of the country. This has not been given to non-citizens.

(iii) Section 4 deals with obligations of public authorities.

(iv) Section 6 deals with the request for obtaining information.

**Ans to Q No 3:** (i) The Right to Information is not a Fundamental Right, but it is a statutory right.

(ii) It is available to the citizens only.

**Ans to Q No 4:** S.P. Gupta Vs. Union of India case.

**Ans to Q No. 5:** 1) Lack of political will at the Ministerial and Bureaucratic levels to encourage transparency, openness in the administrative functioning seriously hampers the effective implementation of the RTI Act.

2) Lack of proper public records storage system and proper archives.



## 13.7 POSSIBLE QUESTIONS

**Q.1:** When was the Right to Information act enacted in India?

**Q.2:** What is the meaning of information according to the RTI Act 2005?

**Q.3:** To whom can an applicant seek information in a Government department?

**Q.4:** Within how many days does the Information Officer have to provide Information to the applicant?

**Q.5:** What type of organizations are falling within the purview of RTI Act 2005?

**Q.6:** Discuss the importance of Right to Information Act to check corruption in India.

**Q.7:** Make a critical assessment of the RTI Act 2005.

**Q.8:** Write the areas which are kept outside the RTI regime. Is there any provision of punishment for the denial of Information by an Information Officer?

**Q.9:** Discuss the main procedures of seeking information from a Public Authority under the RTI Act 2005.

*** ***** ***

# UNIT 14: PEOPLE'S PARTICIPATION IN ADMINISTRATION

## UNIT STRUCTURE


14.1 Learning Objectives
14.2 Introduction
14.3 Necessity of people's Participation
14.4 Nature and Types of Participation
14.5 Benefits of Participation
14.6 Critics of Community Participation
14.7 Citizen's Charter– Concept and Origin
14.8 Evaluation of Citizen's Charters
14.9 Public Service Delivery in India
14.10 Let Us Sum Up
14.11 Further Reading
14.12 Answers to Check Your Progress
14.13 Possible Questions


## 14.1 LEARNING OBJECTIVES

After going through this unit, you will be able to -

- explain the meaning and necessity of peoples' participation in administration
- analyse the benefits of peoples' participation in administration
- describe the nature and types of participation
- explain the concept of Citizen's Charter
- examine the basic principles of Citizen's charter
- evaluate citizen's charter
- discuss the concept of Public Service Delivery in India.

## 14.2 INTRODUCTION

In a democratic system of Government, providing necessary service to the people constitutes the main purpose of administration. It is for this

reason, that people are accepted as actors in administration. More particularly in development administration, the role of people as 'participant's in administration have been gaining ground in recent times.

Decades of development efforts have involved a feeling of disenchantment with the conventional growth oriented top-down strategy of development. It has been observed that it is now being gradually appreciated by policy makers and planners, administrative and donor agencies that until people participate in development programmes, such programmes administered by outside agencies remain exogenous to the local community which can adversely affect the results of such programmes. Thus, participation and empowerment have gained wide currency in recent development literature.

## 14.3 NECESSITY OF PEOPLE'S PARTICIPATION

Nationally and internationally, search for appropriate methods for poverty alleviation in the developing world has been going on over the past five decades. In fact, management strategies have been changing from time to time in order to fit the local situation or to introduce new and fresh elements in the policy perspective. Through the period of 1950s to 1970s strategies of community development, integrated rural development and basic needs followed one after another in quick succession and in the process participation as an intervention methodology evolved in the 1970s as a response to the defective mechanism of previous policies.

People's participation has become an important part of present day administration as its scope and objectives have increased day by day in the Modern Welfare state. In fact, involving people and their participation is an important constituent in the formulation and implementation of developmental plans. It is from the year 1960, that the term people's participation has been gaining popularity. It basically represents a revived interest in the philosophy of participatory democracy, which was promoted by French political philosopher Alexis de Tocqueville, who have propounded that each citizen participation is essential to the survival of democracy and democracy is undermined when people are incapable of influencing Government decisions.

This is referred as 'bottom up rule'. The development processes in developing countries can acquire better meaning if the citizens not only associate themselves in planning development but also participate fully in development administration.

For the benefit of the common men, it is necessary to ensure that at every stage of planning and implementation there is full participation of the citizens. In fact, the performance of a social welfare programme should be measured only against the criteria of social transformation and improvement in the standard of living.

Participation cannot be imposed on the people from above, it should be voluntary and based on will to participate. By participation we mean direct involvement of people and not through their representatives. People's participation on the developmental process can be better understood on four grounds–

(i) Participation in decision– making.

(ii) Participation of policy formulation and implementation of development programmes and projects.

(iii) Participation of people in monitoring and evaluation of developmental programmes and projects.

(iv) Participation in sharing the benefits of development.

Thus, participation of people in national development process is become increasingly prevalent both through voluntary agencies and non-governmental orgainisation. It is mainly because of three reasons that the growth of participation has arisen– first, in the expansion of state activities; second, is the explosion of knowledge and communication and the inability at times of the bureaucracy to meet the growing demands of people at the local level.

## 14.4 NATURE AND TYPES OF PARTICIPATION

Regarding the nature of participation two concepts have been used in this field which are not synonymous. They are:

(i) Popular participation

(ii) Community participation.

Popular participation is basically related to appropriate mechanisms, which includes mainly election, Panchayati Raj, etc., through which people are involved in political, economic and social life of a nation.

Community participation denotes direct involvement of the people, specially the poorer and more disadvantaged section of the population in local development affairs.

Different kinds of participation have been conceptualized on the basis of different criteria. Authentic participation is different from pseudo participation. Authentic participation involves community as a whole in the process of local development decisions in an autonomous fashion. In fact, this participation requires widespread social structural change and a massive redistribution of power. Pseudo participation on the other hand, limits community involvement to mere implementation or notification of decisions already taken by external agencies.

Again, participation can be divided into 'coercive' and 'induced' participation, from the view of motive force of participation. Coercive participation takes place when people are forced to participate in spite of opposition or lack of willingness. Induced participation will be with the help of certain allurements and inducements like- money or payment in kind.

Spontaneous participation is mainly characterized by people's voluntary and autonomous action unaided by government or any other external agencies.

There are mainly two modes of Participation– participation as a means and participation as an end. The participation as a means is of temporary and work specific in nature. Participation as an end looks at people as permanent resource and participation in this sense is viewed as a process that unfolds over time and strengthens and develops the capabilities of local people to deal with the development process mainly on a permanent basis.

## 14.5 BENEFITS OF PARTICIPATION

The reorientation of development thought towards the people centric, participatory mode has led to the acknowledgment of the value of

'Participation' as a facilitative development 'Process' The major benefits from participation have been identified as follows :

(a) In the stages of planning and programming and throughout the implementation of development projects, the participatory process provides important information, ensuring there by a congruence between objectives of development and community values and preferences.

(b) By rationalization of manpower through resource utilization, the process is likely to reduce project cost.

(c) If the local people are involved in setting the stage for change, then any change brought about through development will be acceptable to the community. In fact, mistakes are more tolerable if these are made by those who have to live with them.

(d) Field experience shows us that, when people have a direct stake in the provision of their services, they fix things or call attention to them when there is any malfunctioning.

(e) Participation is a two way process because in it both the administrator and the people become co-learners and community basically learns from its own involvement.

(f) To rebuild community cohesion and to install a sense of dignity into the community, active community participation is very important. In fact, people are able to gain confidence and steadily emerge as real actors in the development process. Moreover, development is something which is not possible to done to or for a person, but must be done with them.

Panchayati Raj system in India has recommended in 1957 on the ground that sustainability and meaningful local development can be made only by the creation of a system coupled with decentralization and participative local Government. Thus, participation is an encounter between local people and the external authorities, between grassroots movements and the formal establishments.



**CHECK YOUR PROGRESS**

**Q.1.** In which year participation aroused as a intervention Methodology?

.....

.....

**Q.2.** Mention any two types of participation.

.....

.....

**Q.3.** State the meaning of popular participation.

.....

.....

**Q.4.** Define community participation.

.....

.....

## 14.6 CRITICS OF COMMUNITY PARTICIPATION

The Idealists have profound faith in community cohesion and collective grassroot wisdom. The pragmatic social workers strongly believe that community participation is both efficient and effective in terms of the delivery of local social services.

On the other hand, critics are of the opinion that in this kind of formulation, moral sentiments tend to overtake conceptual vigour and therefore, participation have aroused to popularity without clarity and is often subject to growing faddishness and a lot of lip service.

There are also critics who doubt the efficacy of community participation in bringing about change in the life of the poor and the underprivileged though autonomous local action only. In fact, the community mobilization cannot on its own correct the basic social imbalances that have their roots in deeper socio-economic layers of the society.

## 14.7 CITIZEN'S CHARTER: CONCEPT AND ORIGIN

The idea of citizen's charter provides the trust between the service provider and its users. The concept was for the first time implemented in

United Kingdom by the conservative Government of John Major in 1991 as a National programme. The programme has its sole purpose to improve the quality of public services for the people of the country so that these services respond to the needs and wishes of the users.

The basic objective of citizen's charter is to enrich trust between service providers and its users. It is basically a response to the quest for solving the problems which a citizen encounters, day in and day-out and while the people deals with the organizations that provide public services.

There are basically six principles of citizen's charter:

(i) The first and foremost principle is to improve the quality of services.

(ii) The second is to make choice, wherever possible.

(iii) The third principle is regarding standards. That means to specify what to expect and how to act if standards are not met.

(iv) The fourth principle is related to valve basically for the tax payer's money.

(v) The fifth principle is the sense of accountability in the individuals and organizations.

(vi) The last principle is the sense of transparency upon the rules and procedures dealing with citizen's charter.

Over the years, in India, much development has taken place in the field of economic progress. In fact, it was the Department of Administrative Reforms and Public Grievances in Government of India (DARPG) that have taken the responsibility for coordinating, formulating and operationalising citizen's charters.

The Indian citizen's Charter is expected to incorporate the following six elements :

(i) The first is the vision and Mission statement.

(ii) The second is the details of business transacted by the organization.

(iii) Details of clients.

(iv) Details of service provided to the client.

(v) It also include the details of grievance redress mechanism and the way of accessing it.

(vi) Lastly, it includes the expectations from the clients.



**CHECK YOUR PROGRESS**

**Q.5.** Are there any criticism against community participation in Administration? (Yes/No.)

.....

.....

**Q.6.** What is the full form of DARPG?

.....

.....

## 14.8 EVALUATION OF CITIZEN'S CHARTER

The evaluation of the citizen's charters of various Government agencies was carried out by DARPG and Consumer coordination Council, New Delhi, which is a NGO, in October 1998. During 2002-03, DARPG engaged a professional agency to develop a standardized model for internal and external evaluation of citizen's charter in a more effective and objective manner.

As per the report of evaluation, carried out by DARPG, the major findings were:

(i) It has been observed that in majority of cases charters were not formulated through a consultative process.

(ii) Moreover, the service providers are not familiar with the philosophy, goals and main features of the charter.

(iii) Proper and adequate publicity to the charters had not been given in any of the Departments evaluated.

(iv) No sufficient funds have been specifically earmarked for awareness generation of citizen's charter or for orientation of staff on various components of the charter.

Some of the recommendations given by DARPG, for effective functioning of citizen's charter are :

(i) It recommended the need for citizens and staff to be consulted at every stage of formulation of the charter.

(ii) It emphasized the need for the creation of database in consumer grievances and redress.

(iii) It also have clearly stated the need for wider publicity of the charter through print media, posters, banners, local newspapers etc.

(iv) It also emphasized on earmarking of specific budgets for awareness generation and orientation of staff.

## 14.9 PUBLIC SERVICE DELIVERY IN INDIA

After a period of rapid economic growth in India, the serious challenge faced by the policy makers at both central and state levels is to attain 'inclusive' growth so that the benefits from the increased National income are shared by all sections of the society. It is imperative that a high quality of health service and education can be provided to all citizens, and these are not only ends in themselves but also plays a crucial role in enhancing individual capabilities in order to participate fully in the growth of the economy.

Central and state governments have in fact recognized this as a priority area but they have shown a lack of imagination in addressing the problem of service quality by focusing mainly on increasing spending and not on the question of how effectively the resources allocated are spent.

In India there are large number of glaring inefficiencies in service delivery. In a study, which was conducted in the year 2003, with representative samples of over 3,000 government-run schools and 1500 primary health centres across India, it was found that on a working day, 25% of teachers in government schools and 40% of Medical workers in government health clinics were absent from work. Salaries account for over 90% of the non-plan budget in education and nearly half of the resources that is allocated to education are potentially being wasted.



**CHECK YOUR PROGRESS**

**Q.7.** Name one recommendation given by DARPG for effective functioning of citizen's charter.

.....

.....

**Q.8.** Is there any inefficiency in Public Service delivery in India?

.....

.....



## 14.10 LET US SUM UP

- The role of people as 'participant's in administration have been gaining ground in recent times. Participation and empowerment have gained wide currency in recent development literature.
- Nationally and Internationally search for appropriate methods for poverty alleviation in the developing world has been going on over the past five decades.
- Peoples' participation has become an important part of present day administration as its scope and objectives have increased day by day in the modern welfare state.
- It is from the year 1960, that the term people's participation has been gaining popularity. It basically represents a revived interest in the philosophy of participatory democracy, which was promoted by French political philosopher Alexis de Tocqueville.
- Peoples' participation on the administration process can be understood though participation in decision-making process and participation in policy formulation.
- There are different types of participation like popular participation, community participation, authentic participation, pseudo participation etc.

- Participation is basically a two-way process, as in it both the administrator and the people become co-learners and the community basically learns from its own involvement.
- The idea of citizen's charter provides the trust between the service provider and its users. The concept was for the first time implemented in United Kingdom by the conservative Government of John Major in 1991 as a National programme.
- There are basically six principles of citizen's charter.
- With regard to the Public Service delivery in India there are certain drawbacks that has failed to give appropriate results.



## 14.11 FURTHER READING

1) Bhattacharya, Mohit 2007. *Public Administration*. Kolkata : The World Press Private.
2) Oakley, Piter, (1991) *Projects and people : The Practice of Participation in Rural Development.* Geneva : ILO.
3) Chambers Robert, (1983). *Rural Development : Putting the Last first*. London : Longman.

## 14.12 ANSWERS TO CHECK YOUR PROGRESS

**Ans. to Q. No. 1.**

Participation aroused as a intervention Methodology in 1970s.

**Ans. to Q. No. 2.**

The two types of participation are popular participation and community Participation.

**Ans. to Q. No. 3:**

Popular participation is basically related to appropriate mechanisms, which includes mainly election, Panchayati Raj etc., through which people are involved in political, economic and social life of a nation.

**Ans. to Q. No. 4:**

Community participation denotes direct involvement of the people, specially the poorer and more disadvantaged section of the population in local development affairs.

**Ans. to Q. No. 5.**

Yes, there are criticisms against community participation in Administrations.

**Ans. to Q. No. 6.**

The full form of DARPG is Department of Administrative Reforms and Public Grievances in Government of India.

**Ans. to Q. No. 7.**

DARPG recommended the creation of database on consumer grievances and redress.

**Ans. to Q. No. 8.**

Yes, in India there exist inefficiency in Public service delivery.



## 14.13 POSSIBLE QUESTIONS

**Short Answer Types**

**Q.1:** What is the full form of DARGP? Mention two recommendations forwarded by DARGP for effective functioning of citizen's charter.

**Q.2:** Write a short note on community participation.

**Q.3:** What are the major differences between authentic and pseudo participation?

**Long Answer Questions:**

**Q.1:** Explain the importance of peoples' participation in developmental process.

**Q.2:** Describe the different types of participation.

**Q.3:** Elaborate the benefits of people's participation in administrative set-up.

**Q.4:** What is Citizen's Charter? Explain its basic principles.

**Q.5:** Write a note on Public Service Delivery in India.

*** ***** ***

# UNIT 15: ADMINISTRATIVE REFORMS IN INDIA

## UNIT STRUCTURE


15.1 Learning Objectives

15.2 Introduction

15.3 Reforms in Pre-Independent India

15.4 Post-Independence Reforms

15.5 Meaning and Nature of Administrative Reforms in India, its various aspects

15.6 Paul Appleby Report on Public Administration in India

15.7 Major Concerns for Driving Administrative Reforms; Problems of Administrative Reform

15.8 Gorwala Report on Public Administration

15.9 Administrative Reforms Commission

15.10 Let Us Sum Up

15.11 Further Reading

15.12 Answers to Check Your Progress

15.13 Possible Questions


## 15.1 LEARNING OBJECTIVES

After going through this unit, you will be able to:

- explain the reforms in pre-Independent and post-Independent India
- describe the meaning and nature of Administrative reforms in India.
- evaluate the Paul Appleby Report on Public Administration in India
- describe the various aspects of administrative reforms
- explain the major concerns for driving administrative reforms in India
- evaluate the Gorwala Report on Public Administration
- describe about the various provisions of Administrative Reforms Commission in India.

## 15.2 INTRODUCTION

It is regarded that the civil service system is the backbone of the

administrative machinery of the country. The civil servants, both at the centre and in the states play an important role in maintaining the administrative fabric of our country.

The word 'reform' generally means to make something better, to improve something or to remove the defects of something, mainly by the way of changing its behaviour or structure. Reform is an important feature of public administration because of the constant growth of its functions for catering to the ever increasing demands of the society and to remain relevant in the changing circumstances. The wagon of reform can be dated to the second half of the 19th century.

A single definition of administrative reform is yet to come up. However, there are mainly two ways or approaches for understanding it:

(i) Reform of Administration as a complex rebuilding of it.

(ii) Reform to be a particular change within administration or just a modernising or improvising of Administrative procedures.

## 15.3 REFORMS IN PRE-INDEPENDENT INDIA

The historical foundations of the bureaucracy of the Modern state are expectedly quite old one. It is noted that agrarian bureaucracy was an important component of governance in Indian history. It is observed that the ancient Mauryan state is supposed to be a centralized Bureaucratic Monarchy, the Medieval Mughal state, a feudal Monarchy and the Modern British colonial state, a colonial bureaucratic Monarchy, which had mainly pioneered in introducing a merit-based centralized bureaucratic apparatus.

The civilian bureaucracy prevalent in British India, mainly during the phase of the East India company, was mainly a patronage and venal bureaucracy. Under the Charter Act of 1833, a limited competitive examination was introduced among the candidates nominated by the court of Directors. It was in the year 1892, that in a major civil service reform, the covenanted civil service was renamed as the Indian Civil Service (ICS), and the uncovenanted civil service was made the Provincial Civil service and the statutory civil service was abolished.

After the end of First World War, under the Government of India Act 1919, remarkable civil service reforms, which also includes Indianization of services, ensured as the principle of limited responsible Government, came to be introduced at the state level. The Government of India Act, 1935, which introduced diarchy at the centre, provided for the appointment to the All India Services by the Governor General and to the Provincial Civil services by the respective Governors.

## 15.4 POST-INDEPENDENCE REFORM OR REFORM SINCE INDEPENDENCE

With the attainment of Independence, a new and bigger challenge appeared before the country, as it was under the obligation to bring about social and economic improvement which will in turn bring about development upon the lives of people in all its spheres. The Government is committed to the Directive Principles of State Policy (DPSP) enumerated in the Indian constitution, which obliged to work for the economic and social well-being of the people. The DPSP are included from Articles 36-51 of the constitution and its sole purpose was the attainment of a welfare state with its singular focus upon the mixed economic model, where both the public and private sector would function side by side.

It is also to be noted that apart from reforming the administrative machinery, there is a need to reform the attitudes of the civil services from a colonial hang over of domination and non-transparency to becoming sub-servient to the people of India as envisaged in the Preamble of Indian Constitution.

The most remarkable reform in public administration since Independence began with the introduction of the parliamentary form of Government based upon Universal Adult Suffrage. It transformed the civil services to an instrument in the hands of the popularly abetted Government for implementation of its policies and basically a service provider to the public.

Another step which was a major administrative reform was the establishment of the All India Services, Central Services and State Services

Machinery. Decentralisation reform was another major significant reforms introduced after Independence. However, the constitutional status was conferred upon local self-Governments in rural and urban areas, which greatly enhanced the functions of public administration.

However, it should be noted that the founding fathers of our constitution did not give much importance to the thought, relating to the type of administrative machinery required for an independent India. They were of the opinion that the inherited machinery was doing its job well and also argued that the political and constitutional changes were of major consequences that would automatically make public administration undergo the requisite transformation under the impact of such changes. But, with the emergence of planning commission and its development plans, the weak and inadequate administrative system was discovered. Thus, the five years plan called for reforms again. In 1953, the Staff reorganisation unit was setup mainly to review the staffing in Government agencies with a view to achieve economy in staff consistent with administrative efficiency. In 1954, the O & M agency in the Government located in the cabinet Secretariat was established, to begin and sustain administrative efficiency in all branches of public administration which brought in some hope for real administrative reforms.

## 15.5 MEANING AND NATURE OF ADMINISTRATIVE REFORMS IN INDIA, ITS VARIOUS ASPECTS

Administrative reform is generally regarded as a conscious process, related with well-considered change which is mainly carried out in a public sector organization or system for the purpose of improving its structure, operation or the quality of its workhorse. Glared Codeine defined administrative reform as “the artificial inducement of Administrative transformation against resistance.”

Administrative reforms mainly aim at wide and sometimes radical changes in a system. Reforms are always normative and are introduced with specific purpose in mind. For instance, the Reformation Movement in Europe was launched with certain specific purposes and these were to reform the outdated concepts and dogmas of Christianity. These, reforms

also sometimes assumes the character of Movement. As they are normative in nature, they are introduced for the attainment of specific purpose. In fact, there is a close relation between Reform and Ideology. In an ideology there are certain attitudes which are mainly, political, economic and social issues. The scholars of Ideology believe that through the application of Ideology, objectives can be achieved. At the same time the concepts of Industrialisation and Modernisation are constantly changing and the public administration will have to adjust with all these changes and hence the reform of public administration is important. In Marxism-Leninism, there has been special faces of public administration in the development process of society.

Various aspects of administrative reform are:

(i) Political
(ii) Legal
(iii) Institutional
(iv) Technical
(v) Personnel
(vi) Financial
(vii) Social
(viii) Psychological



**CHECK YOUR PROGRESS**

**Q.1.** When did the concept of Administrative Reform originate?

.....

.....

**Q.2.** What is full form of DPSP?

.....

.....

## 15.6 PAUL H. APPLEBY REPORT ON PUBLIC ADMINISTRATION IN INDIA

Paul H. Appleby Report on Public Administration in India was published in the year 1953. His report on public administration mainly focused

upon the following areas:

(i) He opined that that there should be more decentralisation of functions, so that the administrative work is more conveniently carried away.

(ii) Appleby suggested that the rigidity of the acres that exist in public services and the immobility which results from existing modes of recruitment, the present expensive pre-occupation with service rights and the lack of 'administrative action and human-relations orientation' is to be destroyed, by making entry and exit from the public service easier.

(iii) In the report of Appleby, there are pertinent paragraphs regarding the lag between tax intentions and tax laws and tax laws and tax collections.

(iv) In the report there is a valuable appraisal from the non-British point of view of budget methods. Appleby wanted to regard Government as a going concern and for this purpose it is necessary that one should be able to assess its assets and liabilities and assess functionally the net expenditure of the public sector in India. He wants that an alternative budgetary classification is to be prepared, which in turn will furnish the necessary information regarding the even growing activities of the public sector.

Apart from the above mentioned areas, there are also some observations in the report regarding the value of federation and the danger of local autonomy.

## 15.7 MAJOR CONCERNS FOR DRIVING ADMINISTRATIVE REFORMS; PROBLEMS OF ADMINISTRATIVE REFORM

Some of the major concerns for driving Administrative Reforms in India are:

(i) Efficiency and Economy.

(ii) Specialisation.

(iii) Effective co-operation and coordination.

(iv) Administration and development of personnel.

(v) Accountability.

(vi) Corruption.

Some of the problems for implementing Administrative Reforms are:

(i) The foremost problem that lies in the way of administrative reforms is the lack of political will.

(ii) Lack of bureaucratic will.

(iii) The bureaucratic strangle hold over Administrative reforms.

(iv) There is also lack of long term strategizing agency for Administrative reforms free of bureaucratic strangle hold.

(v) There is also lack of Information dissemination among people and stockholders of reforms being carried out.

(vi) Over staffing and bander over the exchequer for paying salaries instead of diverting it to reforms implementations is its another problem.

(vii) Another problem is the lack of comparative study and interaction of administrative practices and administrators internationally as well as with public.

(viii) Lack of practical solutions and recommendations by the commissions and committees at many times due to theoretical attitude or lack of practical experience in the subject.

(ix) Another loophole is the lack of awareness among public with regard to their rights and the public officials' duties and responsibilities towards them.

(x) Lastly, corruption and vested interests and weak anti-corruption agencies stands as a major problem in the way of proper implementation of Administrative Reforms.



**CHECK YOUR PROGRESS**

**Q.3.** In which year was Appleby report on public administration published?

.....

.....

**Q.4.** Mention two important areas that were focused in the Paul H. Appleby report.

.....

.....

**Q.5.** Mention one problem that lies in the way of effective implementation of Administrative Reforms in India.

.....

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## 15.8 GORWALA REPORT ON PUBLIC ADMINISTRATION

The A.D. Gorwala committee Report on Public Administration was published in the year 1951. Gorwala mainly submitted two reports on public Administration Report on public Administration (1951) and Report on the efficient conduct of State Enterprise (1951).

The Gorwala Committee Reports have mainly formalized the ideas and institutions of a 'mixed' economy with a dominant state sector allowing some space to private enterprise as well. The main argument of the report was the establishment of a semi-governmental Indian Institute of Public Administration in New Delhi, the setting up of Organization & Method (O&A) divisions at various levels of governments and the streamlining of recruitment and training of Administrators and their relationship with the parliament and state legislative, planning commission and the Comptroller and Auditor General of India.

## 15.9 GORWALA REPORT ON PUBLIC ADMINISTRATION

The Administrative Reforms Commission or ARC is the committee appointed by the Government of India for giving recommendations for reviewing the public Administration system of India. The first ARC was established on 5th January, 1966 and the second ARC was instituted on 31st August, 2005.

**First Administrative Reforms Commission**

The first ARC was constituted by the Ministry of Home Affairs under Government of India by resolution no. 40/3/65-AR (P). The commission was constituted in order to give mandate to the need for ensuing the highest standards of efficiency and integrity in the public services, and for making public administration a reliable instrument for carrying out the social and economic policies of the Government and in order to achieve social and economic goals of development, which is responsive to the people. The commission is to consider the following areas:

(i) The machinery of the Government of India and its procedures of work.
(ii) Centre-state relationships.
(iii) Financial Administration.
(iv) Personnel Administration.
(v) Economic Administration.
(vi) District Administration.
(vii) Agricultural Administration.

The commission submitted and recommended over 20 reports before winding up on Mid-1970s.

(i) Problems of Redress of citizens Grievances. (Interim)
(ii) Public Sector Undertakings.
(iii) Finance, Accounts & Audit.
(iv) Administration of UTs & NEFA.
(v) Life Insurance Administration.

(vi) Railways.

(vii) Treasuries.

(viii) RBI.

(ix) Post and Telegraphs.

(x) Scientific Departments etc.

**Second Administrative Reforms Commission:**

The Second ARC was formed on 5th August, 2005, mainly as a committee of inquiry to prepare a detailed blueprint for revamping the public Administration System. The commission was given mandate to give and suggest measures to achieve a proactive, accountable, sustainable and efficient and effective administration for the country at all levels of the Government. The commission mainly considers the following areas–

(i) Organisational structure of the Government of India.

(ii) Ethics in Governance.

(iii) Steps to ensure effective administration at the state levels.

(iv) Local self-Government / Panchayati Raj.

(v) Promoting e-governance.

(vi) Issues of Federal polity.

(vii) Crisis Management.

(viii) Public Order

The commission has basically presented the following 15 reports to the Government for consideration. Some of them are–

(i) Right to Information

(ii) Combating Terrorism.

(iii) Social Capital

(iv) Citizen Centric Administration

(v) Strengthening Financial Management Systems.

(vi) State and District Administration.



**CHECK YOUR PROGRESS**

**Q.6.** When was the first ARC established?

.....

.....

**Q.7.** When was the A.D. Gorwala Report published?

.....

.....

**Q.8.** Write a short note on Gorwala Committee Report.

.....

.....



## 15.10 LET US SUM UP

- The civil service system is the backbone of the administrative machinery of the country. The civil servants, both at the centre and in the states play an important role in maintaining the administrative fabric of our country.
- The origin of the concept of reform can be dated back to the second half of the 19th century.
- The historical foundation of the bureaucracy of the Modern State is expectedly quite old.
- The Government is committed to the DPSP enumerated in the Indian constitution, which obliged to work for the economic and social well-being of the people.
- The most remarkable reform since Independence began with the introduction of the parliamentary form of Government based upon Universal Adult suffrage.
- A major administrative reform was the establishment of the All India Services, Central Services and State Services Machinery.
- Reforms are always normative in nature and are introduced with

specific purpose in mind. Administrative Reforms mainly aims at wide and sometimes radical changes in a system.

- There are different aspects of administration. Some of them are: Political, Legal, Institutional, Personnel, etc.
- Paul H. Appleby submitted its report on Public Administration in the year 1953.
- Gorwala Report was published in the year 1951.
- The first ARC was constituted in 1966 and the second ARC was constituted in 2005.



## 15.11 FURTHER READING

1) Bhattacharya, Mohit (2007). *Public Administration*. Kolkata: The World Press Private Ltd.

2) Mehta, Vinod. (2000). *Reforming Administration in India*. Har- Anand Publications.

## 15.12 ANSWERS TO CHECK YOUR PROGRESS

**Ans to Q No. 1:**

The concept of Administrative Reforms originated in second half of 19th century.

**Ans to Q No. 2:**

The full form of DPSP is Directive Principles of State Policy.

**Ans to Q No. 3:**

Paul. H. Appleby report was published in the year 1953.

**Ans to Q No. 4:**

i) There should be more decentralisation of functions, so that the administrative work is more conveniently carried away.

(ii) Appleby suggested that the rigidity of the acres that exist in public services and the immobility which results from existing modes of recruitment, the present expensive pre-occupation with service rights and the lack of 'administrative action and human-relations orientation' is to be destroyed, by making entry and exit from the public service easier.

**Ans to Q No. 5:**

One problem of implementing Administrative Reform is lack of Information dissemination among people and stockholders of reforms being carried out.

**Ans to Q No. 6:**

The first ARC was published in 1966.

**Ans to Q No. 7:**

A.D. Gorwala report was published in 1951.

**Ans to Q No. 8:**

The A.D. Gorwala committee Report on Public Administration was published in the year 1951. Gorwala mainly submitted two reports on public Administration : Report on public Administration (1951) and Report on the efficient conduct of State Enterprise (1951).

The Gorwala Committee Reports have mainly formalized the ideas and institutions a 'mixed' economy with a dominant state sector allowing some space to private enterprise as well. The main argument of the report was the establishment of a semi-governmental Indian Institute of Public Administration in New Delhi, the setting up of Organization & Method (O&A) divisions at various levels of governments and the streamlining of recruitment and training of Administrators and their relationship with the parliament and state legislative, planning commission and the Comptroller and Auditor General of India.



## 15.13 POSSIBLE QUESTIONS

**Short Answer Questions**

**Q.1:** What are the various aspects of Administrative Reform?

**Q.2:** What is meant by Administrative Reform?

**Q.3:** Write a note on Gorwala Report of Administrative Reforms.

**Long Answer Questions**

**Q.1:** Give a detailed picture of Administrative reforms in Pre-Independence and post-Independence India.

**Q.2:** Evaluate Paul Appleby Report on Public Administration in India.

**Q.3:** What are the major concerns for Administrative Reforms? Discuss its main problems.

**Q.4:** Explain the major recommendations of the first ARC and the second ARC.

*** ***** ***



## REFERENCES


1) Lakshmi Kant. M. (2012) Public Administration. New Delhi : Tata Mcgraw Hills Education Pvt. Ltd.

2) Bhattacharya, Mohit (2010) Public Administration. The World Press Private Ltd. Kolkata.

3) Fadia and Fadia (2008) Public Administration- Administrative Theories And Concepts. Sahitya Bhawan publications, Agra.

4) Taneja, V. (2011). E-Governance. New Delhi: Alfa Publications.

5) Tripathi, V. (2007): E-Governance in India. New Delhi: Anmol Publications Pvt. Limited.

6) Bose, J. (2006). E-Governance in India: Issues and Cases. Tripura:S. Icfai Books.

7) Satyanarayana, J. (2006). E-Government: the science of the possible. New Delhi: Prentice Hall of India Private Limited.

8) Avasthi, Amreswar, & Avasthi, Anand Prakash (1999).Indian Administration. Agra: Lakshmi Narain Agarwal.

9) Bhagwan, Vishnoo, & Bhushan, Vidya.(2007). Public Administration. New Delhi: S. Chand & Company Ltd.

10) Maheshwari, S.R. (2003). Indian Administration. New Delhi: Orient Longman.

11) Sharma, Dr. M.P., & Sadana, Dr. B.L. (2000). Public Administration in Theory and Practice. Allahabad: Kitab Mahal.

12) Ramesh K. Arora and Rajni Goyal (1995); Indian Public Administration: Institutions and Issues, Wishwa Prakashan

13) Sairam Bhat (2012); Right to Information, EBH Publishers (India), an imprint of Eastern Book House, Guwahati- 781001 (India)

14) Dr. Vinay N. Paranjape (2013); Right to Information Law in India, Central Law Agency, Law Publisher, 30-D/1, Moti Lal Nehru Road, Allahabad-2

15) Oakley, Piter, (1991) Projects and people : The Practice of Participation in Rural Development. Geneva : ILO.

16) Chambers Robert, (1983). Rural Development : Putting the Last first. London : Longman.

17) Mehta, Vinod. (2000). Reforming Administration in India. Har- Anand Publications.

**Websites and Electronic Resources :**

1) Website: https://en.wikipedia.org/wiki/The-Lokpal-and-Lokayuktas-Act-2013 viewed on 15th December 2017.

Name of the Paper: .....
Course Code: .....

**Centre for Internal Quality Assurance (CIQA)**
**Krishna Kanta Handiqui State Open University**
**City Office: Housefed Complex, Guwahati-781006**

***Learner's Feedback on Course***

**Dear Learner,**

Regarding the course as mentioned above, we would like to know your opinions and comments so as to improve the quality of self learning materials in future. Please respond to the following statements by ticking the number you feel most reflect your opinion. After completion of the additional comments, please detach the page and send/mail the same to us at the address given below.

**The Director, Centre for Internal Quality Assurance, KKHandiqui State Open University**
**Housefed Complex, Dispur, Guwahati-781006**
**(E-mail id: ciqa@kkhsou.in)**

1) Approximately how many hours did you spend for studying the units in the course? ☐☐☐

2) Please give your opinions (by ✓ mark) to the following items based on your reading of the block:

| Sl. No. | Statements | Strongly Agree | Agree | Neither Agree nor Disagree | Disagree | Strongly Disagree |
|---|---|---|---|---|---|---|
| I) | The SLMs of the course fulfil the learning objectives set out in the beginning of each unit | | | | | |
| II) | The units of the SLM could satisfy my academic needs and expectations | | | | | |
| III) | The Unit writers have excellent knowledge about the course contents | | | | | |
| IV) | Language and contents of the units were presented at a level which I could readily understand | | | | | |
| V) | Ample opportunity for participation in the activities provided in the units | | | | | |
| VI) | Used enough Illustrations (Diagrams, tables etc.) for conceptual clarity | | | | | |
| VII) | Quality of content is engaging, relevant, and up-to-date | | | | | |
| VIII) | The self check questions are very helpful | | | | | |
| IX) | The Possible/model questions and the answers to check my progress have benefited me a lot | | | | | |

**Additional Comments:** *(Please feel free to provide your open comments)*

1) Which aspects of the SLM, according to you, worked well?
.....
.....

2) What sort of changes/improvements do you feel KKHSOU could implement to improve the overall quality of the SLM?
.....
.....

***Thank you for taking the time to complete this form.***