

MODULE ON

**REFORM INITIATIVES IN
ADMINISTRATION**

DEVELOPED BY

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**ON BEHALF OF
DR MCR HRD INSTITUTE OF AP
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**UNDER THE 'UNDP' PROJECT
FOR STRENGTHENING OF
STATE ADMINISTRATIVE TRAINING
INSTITUTES**

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ADMINISTRATIVE REFORMS IN INDIA
AN HISTORICAL OVERVIEW

- PRIME MINISTER IN HIS ADDRESS TO NDC ON FEB 19, 1999 :
 - BUREAUCRACY IS AN AGENT OF EXPLOITATION RATHER THAN A PROVIDER OF SERVICE- PEOPLE'S PERCEPTION
 - CORRUPTION HAS BECOME A LOW RISK AND HIGH REWARD ACTIVITY
 - FREQUENT & ARBITRARY TRANSFERS HARM THE WORK ETHIC AND LOWER MORALE OF HONEST OFFICERS.
 - POLITICAL EXECUTIVE SHOULD FIRST CRITICALLY REVIEW ITS OWN PERFORMANCE BEFORE EXPECTING DISCIPLINE AND DELIGENCE FROM THE ADMINISTRATION
 - UNLESS WE DO THIS, WE MAY NOT REGAIN CREDIBILITY IN THE EYES OF THE PEOPLE WHO HAVE ELECTED US TO SERVE THEM

- APPROACH PAPER TO THE 10TH FIVE- YEAR PLAN SAYS:
 - GOVERNMENT MAY ENHANCE THE PRODUCTIVITY OF THE CIVIL SERVICE
 - MAKE CERTAIN EACH EMPLOYEE IS PERFORMING SOCIALLY RELEVANT TASKS.
 - ENSURE THE LONG TERM AFFORDABILITY OF THE CIVIL SERVICE
 - MUST ENFORCE PROCEDURES FOR REWARDING AND PROMOTING MERIT & DISCIPLINE
 - PUNISHING MAL-FUNCTION AND MISCONDUCT
 - STRENGTHEN ACCOUNTABILITY AND PERFORMANCE QUALITY

 - WHAT HAS BEEN HAPPENNING:
 - WEAK FOLLOW UP ACTION OF REFORM RECOMMENDATIONS
 - ABSENCE OF WATCH DOG ORGANIZATIONS IN THE CIVIL SOCIETY

- REFORM INITIATIVES SINCE INDEPENDENCE:

- "REPORT ON CIVIL ESTABLISHMENTS AND SALARIES" - SUBMITTED IN 1866 BY RICKETT
- "SECRETARIAT REORGANIZATION COMMITTEE" OF 1947
- TOTTENHAM REPORT ON THE REORGANIZATION OF CENTRAL GOVERNMENT OF 1946
- "ECONOMY COMMITTEE" OF (1949)
 - "REPORT ON REORGANIZATION OF THE GOVERNMENT MACHINERY"-BY N.GOPALASWAMI AYYANGAR:
- GROUPING OF CENTRAL GOVERNMENT MINISTRIES INTO FOUR BUREAUS:
 - BUREAU OF NATURAL RESOURCES & AGRICULTURE
 - BUREAU OF INDUSTRY & COMMERCE
 - BUREAU OF TRANSPORT & COMMUNICATIONS AND
 - BUREAU OF LABOR & SOCIAL SERVICES
 - (GOVT TURNED DOWN BUREAUS SET-UP)
 - SETTING UP OF AN ORGANIZATION AND METHODS (O&M) DIVISION
- GOVERNMENT HAD SET UP IN MAY 1950
 - THE DEFENCE COMMITTEE
 - THE ECONOMIC COMMITTEE
 - THE PARLIAMENTARY & LEGAL AFFAIRS COMMITTEE AND
 - ADMINISTRATIVE ORGANIZATION COMMITTEE (ADHOC)
- CABINET SECRETARY WAS TO BE REGARDED BY THE CIVIL SERVICE AS AN ADVISER AND CONSCIENCE KEEPER IN WHOM THE CIVIL SERVANTS COULD HAVE GREAT CONFIDENCE- (ACCEPTED THE RECOMMENDATION)
 - "REPORT ON PUBLIC ADMINISTRATION" AND "REPORT ON THE EFFICIENT CONDUCT OF STATE ENTERPRISES" OF A.D.GORWALA IN 1950
 - "MACHINERY OF GOVERNMENT: IMPROVEMENT OF EFFICIENCY" (1952) OF R. A. GOPALASWAMI WAS TREATED AS A 'CONFIDENTIAL DOCUMENT'!

- TWO REPORTS (1953 & 1956) BY PAUL H APPLEBY AN AMERICAN EXPERT ON PUBLIC ADMINISTRATION-12 RECOMMENDATIONS- TWO ACCEPTED & REALIZED
 - SETTING UP OF AN O&M (ORGANIZATION AND METHODS)
 - INSTITUTE OF PUBLIC ADMINISTRATION FOR ADVANCEMENT OF ADMINISTRATIVE KNOWLEDGE
- IN 1954 STANDING MACHINERY FOR ADMINISTRATIVE IMPROVEMENT WAS SET UP IN THE SHAPE OF THE O&M DIVISION.
- IN 1964 THE O&M DIVISION WAS MERGED WITH THE DEPARTMENT OF ADMINISTRATIVE REFORMS- LOCATED IN THE CABINET SECRETARIAT-TO FUNCTION DIRECTLY UNDER THE PRIME MINISTER
- V.T. KRISHNAMACHARI REPORT OF 1962:IMPORTANT RECOMMENDATIONS:
 - EXPANSION OF THE I.A.S CADRE TO MEET THE NEEDS OF ECONOMIC & SOCIAL DEVELOPMENT
 - COORDINATION OF THE ELECTIVE AND ADMINISTRATIVE ELEMENTS
 - COORDINATION OF THE ADMINISTRATIVE AND TECHNICAL SERVICES AND
 - PROGRESS OF THE COOPERATIVE MOVEMENT & COMMUNITY DEVELOPMENT PROGRAMME
- DEPARTMENT OF ADMINISTRATIVE REFORMS WAS SET UP IN MARCH 1964 AND WAS LOCATED IN THE MINISTRY OF HOME AFFAIRS.
 - "SANTHANAM COMMITTEE REPORT IN 1964 ON PREVENTION OF CORRUPTION" RECOMMENDED FOR SETTING UP " CENTRAL VIGILANCE COMMISSION":
 - RECOMMENDED A CODE OF CONDUCT FOR MINISTERS ON PAR WITH THE CHIEF MINISTERS OF ALL STATES
 - 'ARC' OF 1966 WITH MORARJI DESAI AS ITS CHAIRMAN (LATER K. HANUMANTHAIYA) SUBMITTED 20 REPORTS MAKING OVER 500 RECOMMENDATIONS

- THE SINGLE MOST IMPORTANT REPORT SUBMITTED BY THE ARC IS ON PERSONNEL
 - ON TRAINING THE GOVERNMENT ACCEPTED ALL THE RECOMMENDATIONS OF ARC.
- IN EIGHTIES 'ADMINISTRATIVE REFORM THROUGH TRAINING' BECAME THE NEW CONCEPT
 - "L.K. JHA ECONOMIC ADMINISTRATIVE REFORMS COMMISSION" REPORT RECOMMENDED FOR A SHIFT IN THE GOVERNMENTAL EMPHASIS FROM REGULATION TO DEVELOPMENT
- IN 1990 JANUARY -ANNOUNCEMENT OF NEW ECONOMIC POLICY- THE REFORM PROCESS IN ADMINISTRATION ENTERED A DIFFERENT PHASE
- NEW BUZZWORDS DOWNSIZING, RIGHT SIZING, PRIVATIZATION, CONTRACTING BECAME POPULAR
 - CONFERENCE OF CHIEF MINISTERS HELD IN MAY 1997 UNDER THE CHAIRMANSHIP OF THE THEN PRIME MINISTER
- THE ACTION PLAN FOR EFFECTIVE AND RESPONSIVE ADMINISTRATION AT THE CENTRAL AND STATE LEVELS WAS DISCUSSED
 - IMMEDIATE CORRECTIVE STEPS TO RESTORE FAITH OF PEOPLE IN FAIRNESS, INTEGRITY AND RESPONSIVENESS OF ADMINISTRATION
- URGENT NEED TO COME WITH IDEAS AND STRATEGIES FOR RESPONSIVE AND EFFECTIVE ADMINISTRATION TO REBUILD THE CREDIBILITY OF THE GOVERNMENT
- RESOLVED THAT THE CENTRAL AND STATE GOVERNMENT WOULD WORK TOGETHER TO CONCRETISE THE ACTION PLAN DEALING WITH THE THEMES OF:

[I] ACCOUNTABLE AND CITIZEN FRIENDLY GOVERNMENT

- [II] TRANSPARENCY & RIGHT TO INFORMATION AND
- [III] IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICE.

STATEMENT ADOPTED AT THE CONFERENCE OF CHIEF
MINISTERS HELD ON 24 MAY 1997

(ACTION PLAN FOR EFFECTIVE AND RESPONSIVE
ADMINISTRATION)

- A NATIONAL DEBATE ON EFFECTIVE AND RESPONSIVE ADMINISTRATION
- INITIATED AT A CONFERENCE OF CHIEF SECRETARIES ON 20TH NOVEMBER 1996
- IMMEDIATE CORRECTIVE STEPS MUST BE TAKEN TO RESTORE THE FAITH OF THE PEOPLE IN THE FAIRNESS, INTEGRITY AND RESPONSIVENESS OF THE ADMINISTRATION.
- STRATEGIES FOR RESPONSIVE AND EFFECTIVE ADMINISTRATION, WHICH COULD REBUILD THE CREDIBILITY OF THE GOVERNMENT
- "BELIEF IN FAIR PLAY AND INTEGRITY" (QUOTE JAWAHARLAL NEHRU) WAS THE BASIS OF A GOOD ADMINISTRATION
- CONFERENCE STRONGLY ENDORSED THE NEED FOR ENSURING RESPONSIVE, ACCOUNTABLE, TRANSPARENT AND PEOPLE FRIENDLY ADMINISTRATION AT ALL LEVELS
- TO RESTORE THE FAITH OF THE PEOPLE IN THE FAIRNESS AND CAPACITY OF ADMINISTRATION.

- CALLED FOR CONSISTENT SUPPORT AT HIGHEST LEVEL IN GOVERNMENT, COORDINATED ACTION, MONITORING THROUGH NODAL CELL OR DEPARTMENT REPORTING TO THE CABINET SECRETARY/CHIEF SECRETARY
- CENTRAL & STATE GOVERNMENTS TO WORK TOGETHER TO CONCRETIZE THE ACTION PLAN DEALING WITH:
- ACCOUNTABLE AND CITIZEN-FRIENDLY GOVERNMENT
- TRANSPARENCY AND RIGHT TO INFORMATION AND
- IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICE.

- ACCOUNTABLE AND CITIZEN -FRIENDLY GOVERNMENT

- CITIZENS' CHARTERS

- SPECIFY STANDARDS OF SERVICE AND TIME LIMITS THAT THE PUBLIC CAN REASONABLY EXPECT
 - AVENUES OF GRIEVANCES REDRESSAL AND A PROVISION FOR INDEPENDENT SCRUTINY

- REDRESSAL OF PUBLIC GRIEVANCES

- FACILITIES AT VARIOUS LEVELS FOR PROMPT AND EFFECTIVE REDRESSAL OF PUBLIC GRIEVANCES
 - REVIEW OF EXISTING SYSTEMS OF REDRESSAL OF PUBLIC GRIEVANCES
 - BUILT-IN SYSTEM FOR INDEPENDENT MONITORING

- REVIEW OF LAWS, REGULATIONS AND PROCEDURES

- SIMPLIFICATION OF EXISTING LAWS, REGULATIONS AND PROCEDURES-REPEAL OF OBSOLETE LAWS
 - REFORM OF LAWS OPERATING AGAINST THE WEAKER SECTIONS
 - REDUCE THE TIME AND COST OF THE DISPOSAL OF CASES IN CIVIL AND CRIMINAL COURTS

▪ PEOPLES PARTICIPATION,
DECENTRALIZATION AND DEVOLUTION OF
POWERS:

- NEED FOR GREATER DECENTRALIZATION AND DEVOLUTION AND ADMINISTRATIVE POWERS AT ALL LEVELS
- CONSISTENT WITH THE SPIRIT OF THE 73RD AND 74TH AMENDMENTS OF THE CONSTITUTION
- STRENGTHEN PEOPLES' PARTICIPATION IN GOVERNMENT
- DEDICATED VOLUNTARY AGENCIES IN ALL SCHEMES FOR THE DELIVERY OF BASIC SERVICES

➤ TRANSPARENCY AND RIGHT TO INFORMATION

- SECRECY AND LACK OF OPENNESS IN TRANSACTIONS IS LARGELY RESPONSIBLE FOR CORRUPTION IN OFFICIAL DEALINGS
- CONTRARY TO THE SPIRIT OF AN ACCOUNTABLE AND DEMOCRATIC GOVERNMENT
- TO ENSURE EASY ACCESS OF THE PEOPLE TO ALL INFORMATION RELATING TO GOVERNMENT ACTIVITIES AND DECISIONS
- LEGISLATION FOR FREEDOM OF INFORMATION ACT
- AMENDMENTS TO THE RELEVANT PROVISIONS OF THE OFFICIAL SECRETS ACT, 1923 AND INDIAN EVIDENCE ACT
- COMPUTERIZED INFORMATION AND FACILITATION COUNTERS IN ALL OFFICES WITH LARGE PUBLIC INTERFACE

➤ IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES

▪ PEOPLE-FRIENDLY AND EFFECTIVE ADMINISTRATION DEPENDS ON:

- CLEANSING OF CIVIL SERVICES AT ALL LEVELS
- ADHERENCE TO ETHICAL STANDARDS
- COMMITMENT TO BASIC PRINCIPLES OF THE CONSTITUTION

- CLEAR UNDERSTANDING OF THE RELATIONSHIP REGULATING THE POLITICIANS AND THE CIVIL SERVANTS
- ELIMINATION OF CORRUPTION IN THE PUBLIC SERVICE THROUGH PREVENTION, SURVEILLANCE AND DETERRENT PROSECUTION
- TO DEAL RUTHLESSLY THE NEXUS AMONG POLITICIANS, CIVIL SERVANTS AND CRIMINALS
- POLITICIZATION OF THE CIVIL SERVICES TO BE CURBED TO MINIMIZE ITS IMPACT ON THE MORALE & MOTIVATION OF THE SERVICES

CONCLUSION

THE CONFERENCE RECOGNIZED
 THAT
 AS THE COUNTRY
COMPLETES 50 YEARS OF INDEPENDENCE
 AND AS THE
PEOPLE ARE ASSAILED
 BY
GROWING DOUBTS
 ABOUT THE
ACCOUNTABILITY
EFFECTIVENESS
 AND
MORAL STANDARDS
 OF ADMINISTRATION
 CENTRAL AND STATE GOVERNMENTS SHOULD MOVE
 TOGETHER
 TO
JUSTIFY
THE TRUST OF FAITH OF THE PEOPLE IN THE GOVERNMENT
 BY TAKING UP
 THE IMPLEMENTATION OF THE ACTION PLAN ENDORSED BY
 THE CONFERENCE IN A TIME BOUND MANNER
IDENTIFICATION OF AREAS OF CONCERN
AN EXERCISE ON
EFFECTIVE AND RESPONSIVE ADMINISTRATION

TASK:

THE STATEMENT ADOPTED AT THE CONFERENCE FOLLOWED BY A NUMBER OF INITIATIVES TAKEN ON THE ACTION PLAN MAY PLEASE BE ANALYSED TO INDICATE WHAT IS EXPECTED FROM

US, WHERE DO WE STAND AND HOW DO WE INTEND TO BRIDGE THE GAP ON THE FOLLOWING PARAMETERS.

- ACCOUNTABLE AND CITIZEN-FRIENDLY GOVERNMENT

CITIZENS' CHARTER

- INDICATE THE ACTIONS INITIATED IN THIS REGARD

REDRESSAL OF PUBLIC GRIEVANCES

- LIST OUT VARIOUS REDRESS MECHANISMS CREATED AND MONITORING SYSTEMS DEVELOPED
- REVIEW OF LAWS, REGULATIONS AND PROCEDURES

- LIST OUT THE ACTIONS IN THIS REGARD BOTH QUANTITATIVE AND QUALITATIVE

- TRANSPARENCY AND RIGHT TO INFORMATION

- INDICATE THE INITIATIVES IN THE DIRECTION OF PROVISION OF RIGHT TO INFORMATION AND IF NO ACT IS PASSED SO FAR WHAT ARE THE OTHER STEPS PROVIDED FOR ACCESS OF INFORMATION.

- IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES

- INDICATE HOW THIS TASK IS BEING CARRIED OUT AND FACILITATED.

IDENTIFICATION OF GAPS AND CAUSES:

- ANALYSE THE ABOVE RESPONSES REGARDING WHAT WAS EXPECTED TO HAPPEN VIS-À-VIS WHAT IS HAPPENING AND INDICATING THE REASONS THEREOF

- AREAS OF CONCERN:

- FROM THE IDENTIFICATION OF THE GAPS AND ANALYSIS OF REASONS THEREOF FINALISE THE "AREAS OF CONCERN" AND LIST THEM IN ORDER OF PRIORITY

- SYNDICATE WORK:

- MEET IN YOUR GROUP AND SHARE THE FINDINGS. FINALISE THE AREAS OF CONCERN AS A GROUP AND SUGGEST AS TO WHO SHOULD BE MADE RESPONSIBLE FOR EACH ONE OF THEM

ACTION PLAN FOR AN EFFECTIVE AND RESPONSIVE GOVERNMENT-AN AGENDA-WHY, WHAT AND HOW

- ENSURING RESPONSIVE, ACCOUNTABLE, TRANSPARENT, DECENTRALIZED AND PEOPLE FRIENDLY ADMINISTRATION AT ALL LEVELS
- APATHY, IRRESPONSIVENESS & LACK OF ACCOUNTABILITY OF PUBLIC SERVANTS TO GO
- ADMINISTRATION IS FOR THE PEOPLE AND NOT FOR THE PUBLIC SERVANTS THEMSELVES
- CLEANSING OF THE SERVICES AND CODIFICATION OF THE ETHICS, VALUE SYSTEMS AND THE INTERFACE WITH THE POLITICIANS
- TO RESTORE THE FAITH OF THE PEOPLE IN THE FAIRNESS AND CAPACITY OF ADMINISTRATION
- MAKE ADMINISTRATION ACCOUNTABLE AND CITIZEN-FRIENDLY BY ENSURING TRANSPARENCY AND RIGHT TO INFORMATION

- ACCOUNTABLE AND CITIZEN FRIENDLY GOVERNMENT

- CITIZEN'S PERCEPTION OF THE STATE AND ITS FUNCTIONARIES IS PRIMARILY BASED ON:

- ROLE AS A SERVICE PROVIDER

- LAW ENFORCER AND REGULATOR

- IMPROVING THE QUALITY OF ADMINISTRATION AND

- PROVIDING A RESPONSIVE INTERFACE BETWEEN THE CITIZEN AND THE PUBLIC SERVICES

- AND HENCE THE NEED FOR CITIZEN'S CHARTER

- CITIZEN'S CHARTER:

- AN IMPORTANT TOOL TO ENSURE ACCOUNTABILITY AND TRANSPARENCY

- PLACES CITIZEN AT THE CENTRE OF ADMINISTRATION

- BASED ON THE PRINCIPLE OF:

- WIDE PUBLICITY OF STANDARDS OF PERFORMANCE

- ASSURED QUALITY OF SERVICE

- ACCESS TO INFORMATION WITH COURTESY AND HELPFULNESS
- CHOICE AND CONSULTATION WITH THE CITIZENS
- INDEPENDENT SCRUTINY OF PERFORMANCE WITH THE INVOLVEMENT OF CITIZEN GROUPS
 - REDRESSAL OF PUBLIC GRIEVANCES
- PUBLIC GRIEVANCES PRIMARILY ARISE OUT OF:
 - INACCESSIBILITY TO OFFICIAL INFORMATION
 - OFFICIALS' FAILURE TO EVEN ACKNOWLEDGE APPLICATIONS
 - NON-ENFORCEMENT OF ANY KIND OF TIME LIMITS
 - UNSYMPATHETIC ATTITUDE OF OFFICIALS AT VARIOUS LEVELS
 - HENCE EFFECTIVE AND SPEEDY PUBLIC GRIEVANCE REDRESSAL SYSTEM IS A MUST
- DECENTRALIZATION AND DEVOLUTION OF POWERS
 - SPIRIT OF THE 73RD & 74TH CONSTITUTIONAL AMENDMENTS
 - EMPOWERING ELECTED LOCAL BODIES
 - PROVISION FOR REGULAR ELECTIONS
 - CONSTITUTING DISTRICT PLANNING COMMITTEES
 - DRAWING UP ILLUSTRATIVE LIST OF FUNCTIONS
 - ESTABLISHMENT OF STATE FINANCE COMMISSION FOR ASSIGNING COMMENSURATE RESOURCES TO LOCAL BODIES
 - CENTRALIZED SYSTEM FOR PLANNING AND SERVICE DELIVERY SHOULD GO
- REVIEW OF LAWS REGULATIONS AND PROCEDURES
 - EXISTING LAWS AND REGULATIONS REQUIRED TO BE URGENTLY AMENDED
 - EXISTING PROCEDURES ALSO NEED TO BE CHANGED
 - PROCESS OF APPROVALS, SANCTIONS TO BE MADE SIMPLER AND TRANSPARENT

- REGULATORY AND LEGAL FRAMEWORK IN DIFFERENT ECONOMIC AND SOCIAL SECTORS NEED REVIEW OR TO BE MADE MORE CITIZEN FRIENDLY
- REDUCTION IN NUMBER OF LEVELS AND STAGES TO REPOSE MORE FAITH IN THE CITIZENS IN MATTERS LIKE ISSUE OF LICENSES
- DELEGATION OF FINANCIAL POWERS SHOULD BE IN RELATION TO THE CURRENT PRICE LEVELS AND SHOULD BE REVIEWED EVERY 3 YEARS

- TRANSPARENCY AND RIGHT TO INFORMATION

- OPENNESS IN TRANSACTIONS IN OFFICIAL DEALINGS
 - NEED TO ENSURE TO THE PEOPLE AN EASY ACCESS TO ALL INFORMATION
 - MORE THE EFFORT AT SECRECY, THE GREATER THE CHANCES OF ABUSE OF AUTHORITY

- PROPOSED ACTION

- THE CENTRAL AND STATE GOVERNMENTS COULD ENDORSE IMMEDIATE FORMULATION OF THE LEGISLATION FOR FREEDOM OF INFORMATION ON THE LINES OF THE STATUTORY SCHEME, AMENDMENTS TO THE RELEVANT PROVISIONS OF THE OFFICIAL SECRETS ACT, 1923 AND THE INDIAN EVIDENCE ACT AND OTHER RELEVANT LAWS

- A STATUTORY SCHEME FOR FREEDOM OF INFORMATION WAS PROPOSED

-OBLIGATIONS ON PUBLIC AUTHORITY

- EACH PUBLIC AUTHORITY SHOULD PUBLISH PERIODICALLY & KEEP UPDATED INFORMATION INDICATING:

- PARTICULARS OF ITS ORGANIZATION, FUNCTIONS AND RESPONSIBILITIES
- DESCRIPTION OF ITS DECISION MAKING PROCESSES IN TERMS OF PROCEDURES POWERS AND RESPONSIBILITIES OF ITS OFFICERS AND EMPLOYEES

- NORMS FOR PERFORMANCE OF ACTIVITIES SUCH AS PRESCRIBED PERIODS FOR THEIR PROCESSING AND COMPLETION, PHYSICAL AND FINANCIAL TARGETS ETC., AND THE ACTUAL ACHIEVEMENT WITH REFERENCE TO SUCH NORM
 - CLASSES OF RECORDS UNDER ITS CONTROL INCLUDING THE RULES REGULATIONS INSTRUCTIONS AND LISTS OF MANUALS ETC., USED BY ITS EMPLOYEES FOR CARRYING OUT ACTIVITIES
 - FACILITIES PROVIDED FOR ACCESS TO INFORMATION AND
 - NAME, DESIGNATION & OTHER RELEVANT PARTICULARS OF THE OFFICER, TO BE CALLED 'THE PUBLIC INFORMATION OFFICER', TO WHOM REQUESTS FOR INFORMATION MAY BE ADDRESSED.
 - GROUNDS FOR REFUSAL OF ACCESS IN CERTAIN CASES WERE ALSO SPELT OUT
 - 'PUBLIC INFORMATION OFFICERS' VESTED WITH ADEQUATE ADMINISTRATIVE AUTHORITY TO OBTAIN RELEVANT INFORMATION WITHIN THEIR ORGANIZATIONS
 - PUBLIC INFORMATION OFFICERS TO ENSURE TIMELY COMPLIANCE AS EXPEDITIOUSLY AS POSSIBLE
- EXEMPTIONS FROM DISCLOSURE:
- PREJUDICIALLY AFFECTS SOVEREIGNTY & INTEGRITY OF INDIA, SECURITY OF THE STATE, CONDUCT OF INTERNATIONAL RELATIONS
 - PREJUDICIALLY AFFECTS CONDUCT OF CENTRE STATE RELATIONS
 - PREJUDICIALLY AFFECTS ENFORCEMENT FOR ANY LAW
 - RESULTING IN THE BREACH OF PARLIAMENTARY PRIVILEGES OR WOULD AMOUNT TO VIOLATION OF AN ORDER OF COMPETENT COURT
- ACCESS TO INFORMATION
- BY SETTING UP PUBLIC FACILITATION COUNTERS IN OFFICES
 - COMPUTERIZED ACCESS OF THE PEOPLE TO INFORMATION FROM PUBLIC OFFICES AND FACILITATION COUNTERS

- A MECHANISM TO PROVIDE INFORMATION TO THE CITIZENS ACROSS THE COUNTER OR TO DEAL WITH THEIR QUERIES AND COMPLAINTS AT A SINGLE POINT

- PUBLIC FACILITATION CENTER SALIENT FEATURES

- PROVIDE INFORMATION REGARDING SERVICES, SCHEMES AND PROCEDURES THROUGH BROCHERS, BOOKLETS REPORTS ETC.
- PROVIDE INFORMATION REGARDING POSITION OF WAITING LIST AND APPLICATIONS THROUGH COMPUTER, SCREENS UPDATED EVERY DAY, AND THROUGH COMPUTERIZED QUERY TO DEPARTMENTAL DATA BASE
- PROVIDE INFORMATION REGARDING MATTERS, SUCH AS BILL PAYMENT, REGISTRATION, LAND/HOUSE ALLOTMENT, PAYMENTS OR PHONE OR PERSONALLY TO THE PUBLIC
- FORMS WHICH ARE TO BE UTILIZED FOR VARIOUS PROCEDURES SHOULD BE AVAILABLE AT THE FACILITATION CENTRE, EVEN IF THE PROCESSING IS TO BE DONE ELSEWHERE
- RECEIVE COMPLAINTS AND ISSUE ACKNOWLEDGEMENT SLIPS, INDICATE THE SECTION DEALING WITH THE COMPLAINTS
- A SUFFICIENTLY SENIOR OFFICER IS TO MAN THE FACILITATION CENTRES WITH APPROPRIATE ORIENTATION, CAPABLE OF SPEAKING ENGLISH AND LOCAL LANGUAGE FOR HANDLING CUSTOMERS, AND KNOWLEDGE OF USE OF COMPUTERS
- TIME LIMITS AND OTHER DETAILS BE NOTIFIED THROUGH DISPLAY BOARDS AT THE FACILITATION CENTRES FOR COMPLETION OF VARIOUS PROCEDURES AND FOR DISPOSAL OF CASES
- ENSURE EASY ACCESSIBILITY TO FACILITATION CENTRES FOR THE CUSTOMER AND AVERAGE CITIZEN, AND PUBLICITY REGARDING THE LOCATION AND HOURS OF ACCESS
- UTILIZING INTERACTIVE VOICE SYSTEM WHERE FEASIBLE FOR ENQUIRY RESPONSE

- IMPROVING THE PERFORMANCE OF THE PUBLIC SERVICES

- IN RECENT TIMES, THE CIVIL SERVICES HAVE BEEN FACING A GRAVE CRISIS OF IDENTITY AND ROLE DEFINITION
- PEOPLE NOW BELIEVE THAT PUBLIC SERVICES ARE MEANT TO BENEFIT GOVERNMENT SERVANTS AND POLITICIANS AND NOT THE PUBLIC

- PROPOSALS EMERGED IN THIS REGARD:

- CODE OF ETHICS

- EMPLOYEE'S OBLIGATION TO THE GOVERNMENT & THE CONSTITUTION
- THE RIGHT OF PUBLIC COMMENT
 - CONFLICT OF INTEREST AND PEER PRESSURE
- ACCOUNTABILITY AND RESPONSIVENESS TO THE PUBLIC
- CONCERN FOR VALUE OF PUBLIC ASSETS AND FUNDS
- NON-ABUSE OF OFFICIAL POSITION
- SAFEGUARDS IN RELEASE OF INFORMATION
- INTEGRATIVE ROLE
- PROFESSIONALISM AND
- TEAMWORK

- CLEANSING THE ADMINISTRATION

- URGENT NEED TO TACKLE CORRUPTION & INCREASING EROSION OF MORAL VALUES IN PUBLIC LIFE
- VERTICAL INTEGRITY OF CORRUPTION AT VARIOUS LEVELS

- WHAT IS NEEDED:

- ELIMINATION OF CORRUPTION IN PUBLIC SERVICES SHOULD ADDRESS PREVENTIVE, SURVEILLANCE AND DETERRENT PUNISHMENT
- IMMEDIATE AND EXEMPLARY PROSECUTION AND REMOVAL OF CORRUPT OFFICIALS
- INVESTIGATING AGENCIES AND VIGILANCE MACHINERY SHOULD BE STRENGTHENED

- STABILITY OF TENURE AND A SCHEME FOR CIVIL SERVICES BOARD IS STRESSED

- CIVIL SERVICES BOARD, CHARGED WITH THE RESPONSIBILITY OF RECOMMENDING TO THE

GOVERNMENT TRANSFERS AND POSTINGS OF ALL OFFICERS

- ACTION PLAN

- CITIZENS' CHARTER AND AN ACCOUNTABLE ADMINISTRATION
- EFFECTIVE AND SPEEDY PUBLIC GRIEVANCE REDRESSAL SYSTEM
- EMPOWERING ELECTED LOCAL BODIES IN RURAL AND URBAN AREAS AND DECENTRALIZED DELIVERY OF SERVICES
- REVIEW OF LAWS, REGULATIONS AND PROCEDURES
- TRANSPARENCY AND RIGHT TO INFORMATION
- ACCESS OF THE PUBLIC TO INFORMATION FROM PUBLIC OFFICES AND CREATION OF FACILITATION COUNTERS
- CODE OF ETHICS FOR PUBLIC SERVICES
- TACKLING CORRUPTION AND CLEANSING THE ADMINISTRATION AND
- STABILITY OF TENURE AND A SCHEME FOR CIVIL SERVICES BOARD

- EXERCISE ON PRIORITISING ACTION PLAN FOR AN EFFECTIVE AND RESPONSIVE GOVERNMENT

- CONFERENCE OF CHIEF MINISTERS HELD ON THE 24TH MAY, 1997 RESOLVED THAT THE CENTRAL AND STATE GOVERNMENTS WOULD WORK TOGETHER TO CONCRETISE AN ACTION PLAN DEALING WITH THE THEMES

- ACCOUNTABLE AND CITIZEN-FRIENDLY GOVERNMENT
 - CITIZENS' CHARTER
 - REDRESSAL OF PUBLIC GRIEVANCES
 - REVIEW OF LAWS, REGULATIONS AND PROCEDURES
- TRANSPARENCY AND RIGHT TO INFORMATION
- IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES

THE CONFERENCE RECOGNIZED THAT
 AS THE COUNTRY COMPLETES
50 YEARS OF INDEPENDENCE
 AND
 AS THE PEOPLE ARE ASSAILED
 BY
GROWING DOUBTS
 ABOUT THE
 ➤ ACCOUNTABILITY
 ➤ EFFECTIVENESS AND
 ➤ MORAL STANDARDS
 OF
 ➤ ADMINISTRATION
 CENTRAL AND STATE GOVERNMENTS SHOULD MOVE
 TOGETHER
 TO JUSTIFY THE
TRUST OF FAITH
 OF THE PEOPLE
 IN THE GOVERNMENT
 BY
 TAKING UP THE IMPLEMENTATION
OF THE
 ACTION PLAN

- IMPLEMENTATION OF THE ACTION PLAN IN THE CENTER AS WELL AS IN THE STATES IS A CHALLENGING TASK
 - DEMANDS COMMITMENT OF CIVIL SERVANTS & POLITICIANS
 - REQUIRES A PARADIGM SHIFT
 - TRANSFORMING A REGULATOR GOVERNANCE INTO THAT OF A FACILITATOR GOVERNANCE

- SOME CONCEPTS ON EFFECTIVE AND RESPONSIVE ADMINISTRATION, WHERE PERCEPTIONS MAY BE SAME OR DIFFER. THE PONDERABLES MAY PLEASE BE DISCUSSED
- WHICH OF THE ACTION PLAN ITEMS ARE MOST/LESS IMPORTANT TO INITIATE REFORM. CATEGORIZING OR PRIORITIZING THEM IN THE ORDER OF PREFERENCE OR IMPORTANCE AND INDICATING WHERE TO BEGIN WITH

➤ CONSOLIDATED EXERCISE-REFORM INITIATIVES IN ADMINISTRATION-TASKS AND WORK AREAS

➤ CONFERENCE OF CHIEF SECRETARIES HELD IN NOVEMBER 1996

- SHARED THE CONCERN OF THE PRIME MINISTER & THE GOVERNMENT OF INDIA OVER THE NEED TO ASSURE THE PEOPLE OF INDIA AN EFFICIENT, OPEN,

**RESPONSIVE, ACCOUNTABLE, CLEAN & DYNAMICALLY
ADJUSTING ADMINISTRATION AT ALL LEVELS**

- FELT NECESSARY TO MAKE CORRECTIVE EFFORTS TO ARREST THE PRESENT DRIFT BEFORE IT IS TOO LATE
- REALIZED THE IMPORTANCE OF CHANGING THE PRESENT NEGATIVE PERCEPTION
- BLAME HAS TO BE SHARED BY POLITICAL, BUREAUCRATIC ELEMENTS
- EXERCISE-REFORM INITIATIVES IN ADMINISTRATION-TASKS AND WORK AREAS
 - INDIVIDUAL
 - THE RECOMMENDATIONS OF THE CONFERENCE ARE GROUPED UNDER THREE HEADINGS (WORK AREAS):
 - RESPONSIVE ADMINISTRATION
 - CLEANSING CIVIL SERVICES AND
 - COMMITMENTS TO PRINCIPLES IN THE CONSTITUTION
- FOR EACH OF THE TASKS IN THE CONSOLIDATION EXERCISE INDICATE IN YOUR DEPARTMENT'S/ORGANIZATION'S CONTEXT:
 - WHETHER THEY ARE RELEVANT (R) OR NOT RELEVANT (NR)
 - FROM (R) ABOVE INDICATE WHETHER THEY ARE BEING INITIATED (BI) OR NOT (NBI)
 - FROM R-NBI INDICATE AS TO WHO SHOULD INITIATE / UNDERTAKE IT FROM THE FOLLOWING:
 - I. SECRETARY CONCERNED AS HEAD OF SECRETARIAT DEPARTMENT (S)

II. HEAD OF DEPARTMENT/ ORGANIZATION OF YOURS (HOD)

III. CONCERNED UNIT HEADS WITHIN THE DEPARTMENT/ ORGANIZATION BEING THE SENIOR MOST OFFICERS NEXT TO HOD (UH)

➤ FOR THE TASKS TO BE UNDERTAKEN JOINTLY SUFFIX THEM WITH (J) AND INDICATE WHO ARE ALL TO BE INVOLVED

➤ SEPARATELY LIST TASKS WHICH CAN BE INITIATED/UNDERTAKEN BY THE SECRETARIAT HEAD, HOD, UNIT HEAD AND COLLABORATIVE

➤ SYNDICATE WORK

○ MEET IN YOUR GROUP AND SHARE YOUR FINDINGS

○ GROUP TO DISCUSS AND ARRIVE AT FIVE MOST IMPORTANT TASKS TO BE ATTENDED TO AND COMPLETED BY EACH ONE OF THEM TO EXPEDITE IMPLEMENTATION OF THE REFORM INITIATIVE

EXERCISE ON PUBLIC FACILITATION CENTRES

➤ SHIFT IN THE GOVERNMENT'S ROLE:

<u>FROM</u> A REGULATOR AND CONTROLLER	<u>TO</u> AN ENABLE R OF MARKET BASED DEVELOPMENT
--	--

➤ ROLE OF GOVERNMENT TO BE:

- TO IMPROVE INTERFACE-
- HOW BEST TO MAKE SERVICE PROVIDERS RESPONSIVE & ACCOUNTABLE TO PEOPLE

GOVERNANCE -THE PARADIGM SHIFT

<u>FROM</u>	<u>TO</u>
➤ FAT, COMPLACENT ORGANIZATION	— SLENDER, ALERT ORGANIZATION
➤ BUREAUCRACY	— OPENNESS
➤ EXTREMELY TIGHT CULTURE	— ABILITY TO CHANGE, MOVE AND ADAPT
➤ CUSTOMER HOSTILITY	— CUSTOMER EMPATHY
➤ WE KNOW BEST & WE KNOW EVERYTHING	— LEARNING ORGANIZATION
➤ MISTRUST- FEAR ORGANIZATION	— TRUST ORGANIZATION
➤ ORGANIZATION CONTROLLED BY HIERARCHIES	— ORGANIZATION BASED ON TEAM WORK
➤ CONCENTRATION	— CO-ORDINATION
➤ RULE-DRIVEN	— CUSTOMER-DRIVEN,
STAKEHOLDERS	CONSULTATION WITH

- | | | |
|--------------------------------|-------|--------------------------------------|
| ➤ LOCAL STANDARDS
STANDARDS | _____ | WORLD |
| ➤ CONSERVATIVE
INFLEXIBLE | _____ | CREATIVE
INNOVATIVE &
FLEXIBLE |

PUBLIC FACILITATION CENTRES - CONTEXT

- AN INTEGRAL ASPECT OF ADMINISTRATIVE REFORMS, BOTH IN THE SHORT TERM AND IN THE LONGER PERSPECTIVE IS RELATED TO THE SPEEDY AND EASY ACCESS OF INFORMATION TO THE PUBLIC ON THE SERVICES AND ACTIVITIES OF GOVERNMENT
- THE ABOVE CAN BE MADE POSSIBLE IF APPROPRIATE MANAGEMENT INFORMATION SYSTEMS IN GOVERNMENT AT ALL LEVELS ARE DEVELOPED
- IN THE EXISTING SCENARIO THERE ARE CONSIDERABLE DELAYS IN REDRESSAL OF GRIEVANCES AND SECURING ACCESS TO INFORMATION
- IT IS THE COMMON FEELING THAT GOVERNMENT DEPARTMENTS WITH PUBLIC SERVICE INTERFACE LACK ADEQUATE (OR SOME TIMES DO NOT HAVE) MECHANISM TO PROVIDE INFORMATION TO THE CITIZENS ACROSS THE COUNTER OR TO DEAL WITH THEIR QUERIES AND COMPLAINTS AT A SINGLE POINT
- HENCE THE NEED TO SET UP SOME KIND OF "CITIZEN INFORMATION CENTRES" OR "PUBLIC FACILITATION CENTRES"

➤ PUBLIC FACILITATION CENTRES-SALIENT FEATURES

- PROVIDE INFORMATION REGARDING SERVICES, SCHEMES AND PROCEDURES THROUGH, BROCHURES, BOOKLETS, REPORTS
- PROVIDE INFORMATION REGARDING POSITION OF WAITING LIST AND APPLICATIONS THROUGH COMPUTER, SCREENS UPDATED EVERY DAY AND THROUGH COMPUTERIZED QUERY TO DEPARTMENTAL DATA BASE

- PROVIDE INFORMATION REGARDING MATTERS SUCH AS BILL PAYMENT, REGISTRATION, LAND/HOUSE ALLOTMENT, PAYMENTS ETC ON PHONE OR PERSONALLY TO THE PUBLIC.
- FORMS WHICH ARE TO BE UTILISED FOR VARIOUS PROCEDURES SHOULD BE MADE AVAILABLE AT THE FACILITATION CENTRE, EVEN IF THE PROCESSING IS TO BE DONE ELSE WHERE
- RECEIVE COMPLAINTS ISSUE ACKNOWLEDGMENT SLIPS INDICATING THE SECTION DEALING WITH THE SUBJECT

- A SUFFICIENTLY SENIOR OFFICER TO MAN THE CENTRE WITH APPROPRIATE ORIENTATION, CAPABLE OF SPEAKING LOCAL LANGUAGE AS ALSO ENGLISH WITH KNOWLEDGE OF USING COMPUTERS FOR HANDLING CUSTOMERS
- TIME LIMITS AND OTHER DETAILS BE NOTIFIED THROUGH DISPLAY BOARDS AT THE FACILITATION CENTRES FOR COMPLETION OF VARIOUS PROCEDURES AND FOR DISPOSAL OF CASES
- ENSURE EASY ACCESSIBILITY TO CENTRES FOR THE CUSTOMER AND AVERAGE COMMON CITIZEN AND PUBLICITY REGARDING THE LOCATION AND HOURS OF ACCESS
- OTHER PHYSICAL FACILITIES FOR THE CONVENIENCE OF PUBLIC COMING THERE

- FIVE 'F'S OF BEING MORE "RESPONSIVE"

- FOCUS
- FAST
- FRIENDLY
- FLEXIBLE
- FLATTER

- RESPONSE

- REPLY
- SOMETHING ANSWERED
- AN ANSWER

- RESPOND

- SHOW AN EFFECT DUE TO FORCE, INFLUENCE OR STIMULUS

RESPONSIBLE

- PLACE IN CONTROL AND HAVING TO GIVE SATISFACTION
- POSITION HELD BY A PERSON
- CAPABLE OF ACTING RATIONALLY
- CAUSING A PARTICULAR RESULT

- RESPONSIVE MEANS:
QUICK TO RESPOND

EXERCISE-INDIVIDUAL

LIST OUT WITH REFERENCE TO YOUR FIELD OF
ACTIVITY:

1. WHAT ARE THE VARIOUS PURPOSES/REASONS FOR WHICH THE PUBLIC IN GENERAL AND WOMEN & WEAKER SECTIONS IN PARTICULAR APPROACH DIFFERENT GOVERNMENT OFFICES IN THE DISTRICT AND STATE HEAD QUARTERS?
2. WHAT TYPE OF PROBLEMS, ACCORDING TO YOU, DO THEY NORMALLY FACE, DUE TO LACK OF ATTENTION, INADEQUATE INFORMATION AND INSENSITIVE GRIEVANCE REDRESSAL MECHANISMS?
3. ARE THERE ANY OFFICES IN THE DISTRICT/STATE HEAD QUARTERS THAT COULD BE CONSIDERED AS MODELS OF RESPONDING NATURE WITH REFERENCE TO 1 AND 2 ABOVE?
4. WHAT ACCORDING TO YOU ARE THE REQUIREMENTS OF THE DISTRICT OFFICES /HEADS OF DEPARTMENTS IN ORDER TO MAKE THEIR DEALINGS WITH THE PUBLIC MORE TRANSPARENT AND RESPONSIVE, SUCH AS ORIENTATION OF OFFICERS, OPENING OF SINGLE WINDOW COUNTERS, USE OF COMPUTERS, ACCESS TO "NIC NETWORK"
5. IN YOUR KNOWLEDGE, HAS ANY EFFORT BEEN MADE IN YOUR DISTRICT OFFICE /HEAD OFFICE TO PROMOTE THE USE OF COMPUTERS. IF SO LIST OUT.

EXERCISE-GROUP WORK

- AFTER COMPLETING THE EXERCISE INDIVIDUALLY MEET IN YOUR RESPECTIVE GROUPS.
- SHARE YOUR FINDINGS AND RESPONSES ON EACH OF THE ITEM
- DISCUSS AND PRIORITISE YOUR RESPONSES ON EACH OF THE FIVE ITEMS.
- PREPARE A BLUE PRINT OF A MODEL PUBLIC FACILITATION CENTER TAKING IN TO CONSIDERATION ALL ASPECTS MENTIONED FROM

1 TO 5

FOR OPERATIONALISATION IN THE DISTRICTS AND STATE HEAD QUARTERS

BEST PRACTICES

- 20TH CENTURY IS MARKED BY A NUMBER OF MAJOR EVENTS
 - AT THE ECONOMIC AND SOCIAL LEVEL:
- GENERALIZATION OF THE MARKET ECONOMY, GLOBALIZATION, MONEY MARKETING
- NATIONS FORMING BIG REGIONAL OR EVEN SUB-CONTINENTAL GROUPINGS
- MOUNTING ACCUMULATION OF WEALTH BY THE RICHEST COUNTRIES
- INCREASED POVERTY IN THE POOREST COUNTRIES TO THE EXTENT THAT 80% OF THE WORLD'S WEALTH IS NOW OWNED BY 20% OF HUMANITY
- THE RISK OF MARGINALIZING NATIONS WITH LOW OUTPUT
- RISK OF BREAKING UP SOCIAL COHESION AND MAKING THE PROMOTION OF A SOCIAL SECURITY SYSTEM AN ABSOLUTE NECESSITY

- AT THE TECHNOLOGICAL LEVEL:
 - ADVENT OF BIOTECHNOLOGIES AND INFORMATION REVOLUTION
 - TRANSFORMED THE WORLD INTO A "GLOBAL VILLAGE"
 - MANY CONSEQUENCES CREATED NEW CONSTRAINTS IN ALL NATIONS OF THE WORLD
 - PROCESS OF RETHINKING AND RESTRUCTURING TO FACE NEW CHALLENGES
 - DEREGULATION AND PRIVATIZATION TREND
 - AWARENESS OF UNIVERSALITY OF HUMAN RIGHTS
 - PROFOUND MODIFICATIONS IN THE ROLE OF THE STATE
 - RAPIDLY CHANGING AND SELF-RESTRUCTURING CIVIL SOCIETY
 - STATE FORMERLY INTERVENTIONIST, PRODUCER, REGULATOR AND SELLER
 - NOW CALLED UPON TO BE A FACILITATOR, PROMOTER, PARTNER, ARBITER, ETC., MUCH MORE CONCERNED ABOUT PERFORMANCE, PROFITABILITY AND ETHICS
 - A NEW CONCEPT NOW KNOWN AS GOVERNANCE.
 - GOVERNANCE: AN ALL-EMBRACING AND DYNAMIC CONCEPT- CLASSIFIED UNDER FIVE (5) CATEGORIES:
 - NATURE OF POLITICAL REGIME AND THE WAY AUTHORITY IS EXERCISED IN SOCIETY
 - QUALITY OF THE DIRECT OR INDIRECT MANAGEMENT OF PUBLIC AFFAIRS BY THE STATE
 - WAYS, MEANS, MECHANISMS AND PROCESSES THROUGH WHICH STATE AUTHORITY IS EXERCISED AS WELL AS THE EXTENT TO WHICH CITIZENS ARE INVOLVED AND GIVEN RESPONSIBILITY
 - GOVERNMENTS CAPACITY TO CARRY OUT QUALITY OF SERVICES

- PLACE AND ROLE OF THE PRIVATE SECTOR, CIVIL SOCIETY AND CITIZENS OF BOTH SEXES.

- NOTION OF "GOOD GOVERNANCE"

-A CATEGORICAL IMPERATIVE

- TO IMPROVE COMPETITIVENESS
- TO EFFECTIVELY MANAGE DEVELOPMENT PROCESS
- TO INSTITUTE A CONDUCIVE ATMOSPHERE FOR INDIVIDUAL CREATIVITY
- TO ENSURE EVER-INCREASING INVOLVEMENT OF CITIZENS
- TO CONSOLIDATE DEMOCRACY
- TO STABILIZE SOCIETIES
- TO PEACEFULLY RESOLVE CONFLICTS
- TO SUPPORT THE BUILDING OF PEACE IN A BID TO ACCELERATE PROGRESS.

GOOD GOVERNANCE

- GOOD GOVERNANCE IS NOT A FINISHED PRODUCT
 - IT IS A DYNAMIC CONCEPT
 - THE WORD 'GOOD' DERIVES FROM THE WORD 'GOD'
 - AN ACTION OR A DEED WHICH IS BENEFICIAL TO ALL AND EVERYONE

- CONCEPT OF THE COMMON GOOD IS RECEIVING FROM OTHERS AND RENDERING TO OTHERS

- TEN KAUTILYAN INDICATORS OF GOOD GOVERNANCE-FROM ARTHASASTRA:

- KING MUST MERGE HIS INDIVIDUALITY WITH DUTIES
- A PROPERLY GUIDED ADMINISTRATION
- AVOIDING EXTREMES WITHOUT MISSING THE GOOD
- DISCIPLINED LIFE WITH CODE OF CONDUCT FOR KING AND MINISTERS
- FIXED SALARIES AND ALLOWANCES TO THE KING AND PUBLIC SERVANTS
- LAW AND ORDER CHIEF DUTY OF KING & THEFT LOSSES TO BE MADE FROM GOOD FROM KING'S SALARY
- CARRYING OUT PREVENTIVE/PUNITIVE MEASURES AGAINST CORRUPT OFFICIALS
- REPLACEMENT OF MINISTERS BY GOOD ONES BY THE KING
- EMULATION OF ADMINISTRATIVE QUALITIES
- PURSUING GOOD GOVERNANCE EVEN AMIDST INSTABILITY

- RULERS ARE SUPPOSED TO BE:

- RESPONSIVE
- RESPONSIBLE
- ACCOUNTABLE
- REMOVABLE
- RECALLABLE

- DETERMINANTS OF GOOD GOVERNANCE:

- POLITICAL AND ADMINISTRATIVE ASPECTS:
 - POLITICAL ACCOUNTABILITY
 - FREEDOM OF ASSOCIATION AND PARTICIPATION
- ESTABLISHED LEGAL FRAMEWORK BASED ON THE RULE OF LAW

- BUREAUCRATIC ACCOUNTABILITY- OPENNESS AND TRANSPARENCY IN ADMINISTRATION
- FREEDOM OF INFORMATION AND EXPRESSION
- ADMINISTRATIVE SYSTEM LEADING TO EFFICIENCY AND EFFECTIVENESS
- VALUE FOR MONEY AND COST EFFECTIVENESS

- GOOD GOVERNANCE BASICALLY MEANS BALANCED GOVERNANCE

- CHALLENGE OF GOOD GOVERNANCE

- REQUIRE:

- GOVERNMENT TO BE REINVENTED
- BUREAUCRACY TO BE RE-POSITIONED
- GOVERNMENT BUSINESS SECTORS TO BE RE-INVIGORATED WITH A SOCIAL MOTIVE

- GOOD GOVERNANCE- HUMAN RIGHTS PERSPECTIVE:

- THREE BASIC QUESTIONS:

- WHAT IS GOVERNANCE?
 - WHY GOVERNANCE? AND
 - HOW DOES ONE GOVERN?

- REAL, LEGAL AND MORAL ARE THE THREE DIMENSIONS

- GOOD GOVERNANCE IS EPITOMIZED BY AMONG OTHER THINGS:

- PREDICTABLE
- OPEN AND
- ENLIGHTENED POLICY MAKING

- IT CAN BE SECURED BY

- SOUND
 - RESPONSIVE &
 - COMPETENT ADMINISTRATION &

- RESPECT TO BASIC HUMAN RIGHTS AND VALUES

- STRENGTHENED DEMOCRATIC INSTITUTIONS &
- EFFECTIVE INSTITUTIONAL AS WELL AS STRUCTURAL FRAMEWORK TO:
- ENSURE ACCOUNTABILITY AND TRANSPARENCY

➤ EXERCISE ON GOOD GOVERNANCE

➤ GOOD GOVERNANCE OBJECTIVES ARE TO CONTRIBUTE FOR *PERFORMANCE ENHANCEMENT* IN GOVERNMENT-THEY ARE:

- TRANSLATING GOVERNMENT GOALS AND POLICY PRIORITIES INTO TANGIBLE REFORM ACTIONS IN THE AREAS OF GOVERNANCE.
- IDENTIFYING CORE ISSUES AND AREAS FOR CHANGE, WHICH WILL MAKE THE MOST IMPACT IN IMPROVING THE PERFORMANCE OF GOVERNMENT, AND ENABLE IT TO RESPOND BETTER TO THE NEEDS OF CITIZENS.
- WORKING WITH GOVERNMENT FUNCTIONARIES & STAKEHOLDERS TO ANALYZE KEY ISSUES IN GOVERNANCE, TO IDENTIFY SOLUTIONS, TO PLAN ACTIONS AND TO SUPPORT IMPLEMENTATION OF ADMINISTRATIVE REFORM.
- IDENTIFYING AND CODIFYING BEST PRACTICES IN ADMINISTRATIVE REFORM AND TO SUPPORT WIDER IMPLEMENTATION

LIKELY SHIFTS IN GOVERNMENT ORGANISATIONS

PRESENT

AUTHORITY

• POSITION, STATUS OR RANK

ORIENTATION

• REPEATITION, SEEKING EFFICIENCY

FOCUS

• RULES, PROCEDURES
• REWARDING ADHERENCE

FUTURE

PERSONAL EXPERTISE OR RELATIONSHIPS

CREATION, SEEKING INNOVATION

RESULTS
REWARDING OUTCOMES

ROLES

•SPECIFIC, STABLE

•OPEN, CHANGING

INFORMATION

•STRUCTURE-DESIGNED
TO CHANNEL & RESTRICT

OPPORTUNITY TO
EXPAND THROUGH
INFORMATION AND
COMMUNICATION

MANAGEMENT FUNCTION

•CONTROL

INFLUENCE.

▪ FUTURE

➤ EXPECTATIONS HIGH

➤ DIFFICULT FINANCIAL POSITION?

➤ NEED TO ACCELERATE REFORMS

➤ MOBILISE CIVIL SERVICES TO MEET THE CHALLENGES

TASKS:

➤ THE OBJECTIVES OF GOOD GOVERNANCE MENTIONED MAY PLEASE BE ANALYSED WITH REFERENCE TO THE VARIOUS DIMENSIONS OF REFORM INITIATIVES AND TO INDICATE WHAT IS EXPECTED FROM US, WHERE DO WE STAND AND HOW DO WE INTEND TO BRIDGE THE GAP ON THE FOLLOWING AREAS, WITH SPECIFIC REFERENCE TO THE PARTICIPANT'S FIELD OF ACTIVITY:

I. TRANSLATE GOVERNMENT GOALS AND POLICY PRIORITIES INTO TANGIBLE REFORM ACTIONS IN THE AREAS OF GOVERNANCE. INDICATE THE SUGGESTIVE ACTIONS THAT COULD BE INITIATED IN THIS REGARD:

II. IDENTIFY CORE ISSUES AND AREAS FOR CHANGE, WHICH WILL MAKE THE MOST IMPACT IN IMPROVING THE

PERFORMANCE OF GOVERNMENT AND ENABLE IT TO RESPOND BETTER TO THE NEEDS OF CITIZENS. LIST SOME OF THE CORE ISSUES AND AREAS AND THE METHODOLOGY TO IDENTIFY:

III. WORK WITH GOVERNMENT FUNCTIONARIES AND STAKEHOLDERS TO ANALYZE KEY ISSUES IN GOVERNANCE, IDENTIFY SOLUTIONS, TO PLAN ACTIONS AND TO SUPPORT IMPLEMENTATION OF ADMINISTRATIVE REFORM. YOU MAY PLEASE IDENTIFY SOME OF THE KEY ISSUES, SOLUTIONS AND SUGGESTIVE PLAN OF ACTION.

IV. IDENTIFY AND CODIFY BEST PRACTICE IN ADMINISTRATIVE REFORM AND TO SUPPORT WIDER IMPLEMENTATION. PLEASE INDICATE HOW THIS TASK COULD BE FACILITATED FOR ACHIEVING GOOD GOVERNANCE

➤ ANALYZE THE ABOVE RESPONSES INDIVIDUALLY AND SHARE YOUR FINDINGS WITH OTHER GROUP MEMBERS. PICK-UP ANY ONE AREA OF "GOOD GOVERNANCE" AND COMPLETE THE EXERCISE AS PER THE FOLLOWING PROFORMA:

- GOAL (IMPACTS) ----- LONG-TERM, WIDESPREAD IMPROVEMENT IN SOCIETY (END OUTCOMES)
- OUTCOMES ----- INTERMEDIATE EFFECTS OF OUTPUTS ON CLIENTS (INTERMEDIATE OUTCOMES)
- OUTPUTS ----- PRODUCTS AND SERVICES PRODUCED
- ACTIVITIES ----- TASKS PERSONNEL

UNDERTAKE TO
TRANSFORM INPUTS TO
OUTPUTS

○ INPUTS -----

FINANCIAL, HUMAN
AND MATERIAL
RESOURCES

- GRIEVANCE REDDRESS

- GRIEVANCE HANDLING AND SOUND COMPLAINTS
HANDLING SYSTEM SHOULD IDEALLY BE:

- ACCESSIBLE
- SIMPLE
- QUICK
- FAIR
- RESPECT CONFIDENTIALITY
- RESPONSIVE
- EFFECTIVE
- ACCOUNTABLE AND
- PROVIDE FEEDBACK TO MANAGEMENT FOR SYSTEMIC
REFORM

- TOTAL QUALITY MANAGEMENT

- ADMINISTRATIVE REFORMS ARE ABOUT PROBLEM SOLVING
AND TQM IS A HOLISTIC APPROACH TO PROBLEM SOLVING

➤ COMPONENTS OF TQM APPROACH ARE:

- CUSTOMER FOCUS,
- STAKEHOLDER INVOLVEMENT,
- EMPOWERMENT OF EMPLOYEES,
- TEAMWORK,
- DATA-DRIVEN DECISION MAKING,
- BENCHMARKING OF BEST PRACTICES

-GUIDELINES ON PUBLIC GRIEVANCES
MACHINERY

- INTERNAL GRIEVANCE REDRESS MACHINERY SHOULD BE STRENGTHENED
- TO OBSERVE A MEETING LESS DAY A WEEK TO RECEIVE AND HEAR PUBLIC GRIEVANCES
- DESIGNATE A SENIOR OFFICER IN EVERY OFFICE TO LOOK AFTER GRIEVANCES
- DEAL WITH EVERY GRIEVANCE IN A FAIR, OBJECTIVE AND JUST MANNER.
- ANALYSE PUBLIC GRIEVANCES RECEIVED TO HELP IDENTIFICATION OF THE PROBLEM AREAS
- INDICATE THE RIGHT AUTHORITY TO BE CONTACTED FOR ANY SERVICE PERTAINING TO THAT OFFICE
- PICK UP GRIEVANCES APPEARING IN NEWSPAPER COLUMNS AND TAKE REMEDIAL ACTION ON THEM IN A TIME BOUND MANNER
- TIME LIMIT FOR DISPOSAL OF WORK RELATING TO PUBLIC GRIEVANCES
- ACKNOWLEDGE EACH GRIEVANCE INDICATING THE NAME, DESIGNATION AND TELEPHONE NUMBER OF THE OFFICIAL WHO IS PROCESSING THE CASE

CITIZEN'S CHARTER

- TRANSPARENCY + ACCOUNTABILITY + CITIZEN FRIENDLINESS IS EQUAL TO CITIZEN'S CHARTER
- GOOD GOVERNANCE IS THE TECHNOLOGY; CITIZEN'S CHARTER IS THE TOOL
- CITIZEN'S CHARTER IS A DOCUMENT PREPARED BY THE SERVICE PROVIDER IN A CLEAR AND PRECISE MANNER ABOUT THE QUALITY AND METHOD OF DELIVERY OF SERVICES TO THE USERS OF THE SERVICE

- PURPOSE OF THE CITIZEN'S CHARTER IS TO:

- IMPROVE THE QUALITY OF SERVICE TO THE PUBLIC
- GIVE PEOPLE MORE CHOICE
- TELL PEOPLE THE KIND OF SERVICE TO EXPECT FROM YOUR ORGANIZATION
- MAKE SURE PEOPLE KNOW WHAT TO DO IF SOMETHING GOES WRONG IN THE PROCESS OF SERVICE DELIVERY.

- THE SIX PRINCIPLES OF CITIZEN'S CHARTERS:

- PUBLISHED STANDARDS
- OPENNESS AND INFORMATION
- CHOICE AND CONSULTATION
- COURTESY AND HELPFULNESS
- REDRESS WHEN THINGS GO WRONG
- VALUE FOR MONEY

- PREPARATION OF CITIZEN'S CHARTERS: THE PROCESS:

- CONSULTATION - WITH SERVICE USERS, STAFF, VOLUNTARY ORGANIZATIONS
- SURVEY TO KNOW WHAT IS THE PRESENT PERCEPTION OF THE CITIZENS AND WHAT THEIR EXPECTATIONS ARE
- DRAFT CHARTER JOINTLY PREPARED BY A SMALL COMMITTEE

▪ WHAT CITIZENS EXPECT FROM GOVERNMENT DEPARTMENTS/SERVICE PROVIDERS?

- RELIABILITY OR CONSISTENCY IN PERFORMANCE
- RESPONSIVENESS I.E. TIMELY SERVICE
- CREDIBILITY I.E. HAVING CUSTOMER INTEREST AT HEART
- EMPATHY I.E. ATTENTION TO CUSTOMER'S NEEDS
- COURTESY AND CARE I.E., PHYSICAL EVIDENCE OF WILLINGNESS TO SERVE

○ LAUNCHING CITIZEN'S CHARTER AND VARIOUS PHASES WHICH FOLLOW ONE ANOTHER:

- THE POLICY PHASE - THE DECISION TO GO FOR A CITIZEN'S CHARTERS
- MOTIVATION AND AWARENESS
- MARKETING THE IDEA TO THE STAFF AND OTHER STAKEHOLDERS.
- IDENTIFICATION OF A CORE GROUP.
- CONSULTATION WITH STAKE HOLDERS
- PREPARATION OF THE CITIZEN'S CHARTERS.
- PUBLICITY AND LAUNCHING THE CHARTER
- CONTINUOUS MEASURES TO CREATE AWARENESS ABOUT THE CITIZEN'S CHARTERS AMONG THE PUBLIC
- IMPLEMENTATION PLAN WITH DETAILS
- FEEDBACK FROM STAFF AND THE PUBLIC
- REVIEW OF THE FEEDBACK
- USING THE FEEDBACK DATA FOR REVIEW OF THE CHARTER WITH THE STAKEHOLDERS TO IMPROVE/BRING CHANGES IN THE CHARTER
- FURTHER IMPROVEMENTS IN THE CHARTER
- PREPARATION OF REVISED CHARTER.

▪ STEPS NEEDED FOR AN EFFECTIVE AND EFFICIENT IMPLEMENTATION OF CITIZEN CHARTERS

- FORMATION OF A CITIZEN'S CHARTER ADVISORY COMMITTEE

- STAFF TRAINING/MOTIVATION AT ALL LEVELS UPTO DISTRICT/ TALUK/VILLAGE
- REVIEW OF PROCEDURES
- EXHIBIT CHARTERS AT ALL IMPORTANT PLACES

- CLEARLY SPECIFY WHO WILL DO
 - (A) WHAT
 - (B) WHEN AND
 - (C) HOW?

- CITIZEN'S CHARTER- A SUCCESS IF:

- A SENSE OF URGENCY IS REALISED
- THE CHARTER IS OWNED BY THE HEAD OF THE DEPARTMENT AND THE ENTIRE STAFF
- THERE IS A COMMITTEE HEADED BY THE CHIEF MINISTER/PRIME MINISTER TO OVERSEE THE IMPLEMENTATION AND PROGRESS OF THE CITIZEN'S CHARTERS
- CONSTANT INTERACTION WITH THE STAKEHOLDERS IS ENSURED
- MOTIVATING THE STAFF AND PERFORMANCE REVIEW OF THE STAFF BASED ON THE CRITERIA OUTLINED IN THE CHARTER IS UNDERTAKEN
- CORRECTIVE MEASURES ARE TAKEN
- SIMPLIFICATION OF PROCEDURES AND SYSTEMS ARE DONE
- REDUCING HIERARCHY FOR DECENTRALIZATION IS ADOPTED

- CHARTERS SHOULD BE SEEN AS:

- A PARTNERSHIP BETWEEN PEOPLE AND THE GOVERNMENT IS ESTABLISHED
- NOT A CONCEPT BUT A PROGRAMME OF ACTION
- A PART OF DEMOCRATIC REFORMS
- PEOPLE ORIENTATION AND CUSTOMER FOCUS
- A PRO-ACTIVE APPROACH TO GOOD GOVERNANCE
- ADMINISTRATORS, POLITICAL PARTIES & EVEN JUDICIARY ENCOURAGING CITIZEN'S CHARTERS

- WHAT ARE THE DIMENSIONS OF QUALITY SERVICE?

- APPROPRIATE AND RELEVANT
- AVAILABLE AND ACCESSIBLE
 - EQUITABLE
 - ACCEPTABLE
- ECONOMIC AND EFFICIENT
 - EFFECTIVE

- BASIC STEPS FOR EFFECTIVE COMPLAINT MANAGEMENT

- ACKNOWLEDGE COMPLAINTS
- PERSONALIZE THE RESPONSE
- TALK TO CUSTOMER IF POSSIBLE
- USE LETTERS
- DESIGNATE A LOCATION TO RECEIVE COMPLAINTS THAT IS:
 - ACCESSIBLE, VISIBLE TO CUSTOMERS
 - DEVELOP A SYSTEM FOR RECORD KEEPING
 - PROCESS AND RECORD COMPLAINTS
 - INVESTIGATE & ANALYZE THE COMPLAINTS
 - KEEP THE CUSTOMER INFORMED OF THE PROGRESS
 - PERIODICALLY ANALYZE THE COMPLAINTS AND IMPROVE THE PROCESS
 - HOW TO GET FEED BACK?
- OVER THE COUNTER AT THE SERVICE OUTLETS
 - BY TOLL FREE TELEPHONE NO.
 - THROUGH POST/ E-MAIL
 - BY FAX

- VIA COMMUNITY/CONSUMER ORGANIZATIONS
 - CONSULTATIVE COMMITTEES.
 - INTERNET AND
 - TELEPHONE

STATUS OF ADMINISTRATIVE REFORMS
(AS ON MARCH 2002)

- GOVERNMENT OF INDIA CONSTITUTED A CORE GROUP TO EVALUATE THE STEPS INITIATED AND CARRIED ON ADMINISTRATIVE REFORMS IN NOVEMBER 2001
 - TERMS OF REFERENCE OF THE CORE GROUP ARE TO:
 - TAKE STOCK OF IMPORTANT ADMINISTRATIVE REFORM MEASURES UNDERTAKEN AT THE CENTRAL AND STATE GOVERNMENT LEVELS
 - EVALUATE STATUS OF ADMINISTRATIVE REFORMS IN GOVERNMENT AND
 - SUGGEST MEASURES FOR PROMOTION OF GOOD GOVERNANCE IN CENTRAL AND STATE GOVERNMENTS
 - A SUB COMMITTEE WAS ALSO CONSTITUTED WITH THE SAME TERMS OF REFERENCE
 - OBSERVATIONS:
 - CENTRAL AND STATE GOVERNMENTS & 'UT' ADMINISTRATION HAD TAKEN ACTION IN PURSUANCE OF

THE RECOMMENDATIONS OF THE CHIEF MINISTERS' CONFERENCE

- THE MECHANISM OF REDRESSAL OF PUBLIC GRIEVANCES WAS IN PLACE
- THE CENTRAL GOVERNMENT SET UP COMMISSION TO REVIEW ADMINISTRATIVE LAWS IN MAY 1998- SUBMITTED ITS REPORT IN SEPTEMBER, 1998- FOLLOW UP ACTION WAS ALSO INITIATED AND TAKEN
- SEVERAL STATE GOVERNMENTS HAD INITIATED ACTION FOR REVIEW OF LAWS, RULES, REGULATIONS, PROCEDURES ETC
- TOTAL INFORMATION ON QUANTITATIVE AND QUALITATIVE IMPROVEMENT WAS NOT AVAILABLE
- SEVERAL DATA GAPS IN RESPECT OF REQUIRED INFORMATION NEEDS TO BE BRIDGED
- CORE GROUP ASKED THE SUB GROUP TO PREPARE A QUESTIONNAIRE TO BRIDGE GAPS FOR COMPREHENSIVE VIEW

- QUESTIONNAIRE FRAMED BY THE SUB GROUP CIRCULATED TO STATE GOVERNMENTS REQUESTING THEM FOR REPLIES
- FIFTEEN STATES AND TWO UNION TERRITORIES REPLIED TO THE QUESTIONNAIRE

➤ THE ITEM WISE RESPONSES AND COMMENTS:

▪
➤ ACCOUNTABLE & CITIZEN-FRIENDLY GOVERNMENT

• CITIZENS' CHARTER- QUESTIONNAIRE:

- HOW MANY CITIZENS' CHARTERS HAVE BEEN FRAMED?
- WHETHER ANY CONSULTATION PROCESS WITHIN THE DEPARTMENT AND WITH CITIZENS' FORUMS TOOK PLACE BEFORE FRAMING OF THESE CHARTERS?
- ARE MEMBERS OF STAFF OF THE DEPARTMENTS / ORGANIZATIONS AWARE OF THEIR COMMITMENTS AND DUTIES AS LISTED IN THE CITIZEN'S CHARTERS?
- WHAT STEPS HAVE BEEN TAKEN TO GENERATE PUBLIC AWARENESS ABOUT THESE CHARTERS?
- HOW IS THE IMPLEMENTATION OF THESE CHARTERS MONITORED AND REVIEWED?
- HAVE THE CHARTERS BEEN DISPLAYED AT ALL PROMINENT PLACES IN THE RESPECTIVE ORGANIZATIONS?

- WHETHER THESE CHARTERS HAVE ENSURED ACCOUNTABILITY OF ADMINISTRATION?

- ANALYSIS & EVALUATION OF RESPONSES:

- INITIATION OF SEVERAL QUANTITATIVE AND QUALITATIVE MEASURES

- A. P, DELHI, U.P, GOA, KARNATAKA, KERALA, NAGALAND, LAKSHADWEEP, MAHARASHTRA, RAJASTHAN SPECIFIED NUMBER OF CHARTERS PREPARED BY VARIOUS DEPARTMENTS

- ANDAMAN & NICOBAR, ASSAM, CHATTISGARH, TAMIL NADU, TRIPURA AND WEST BENGAL ARE EITHER NON COMMITTAL OR HAVE NOT SPECIFIED THE NUMBERS

- BY AND LARGE CITIZENS' CHARTERS WERE BASED ON SOME SORT OF A CONSULTATION PROCESS

- CONSULTATION PROCESS:

- INVOLVEMENT OF RESPECTIVE SECRETARIES/HODS
- SUPPORT FROM ADMINISTRATIVE TRAINING INSTITUTIONS (ATIS)
- CONSULTATION WITH NGO REPRESENTATIVES

- GOVERNMENT OF INDIA GUIDELINES
- VERTICAL MEETINGS AMONG THE OFFICERS CONCERNED WITHIN A DEPARTMENT

- OBSERVATION:

- ADEQUATE STEPS DO NOT SEEM TO HAVE BEEN INITIATED BY THE STATES TO GENERATE PUBLIC AWARENESS ON CHARTERS

- THE AWARENESS GENERATION HAS BEEN ACHIEVED BY A VARIETY OF WAYS NAMELY:

- EXTENDING THE CONCEPT TO MORE AND MORE DEPARTMENTS.

- HOSTING THE CHARTERS ON WEB SITES
- PROMINENTLY DISPLAYING AT PLACES OF PUBLIC INTERFACE WITHIN THE DEPARTMENT

- UNDERTAKING SUSTAINED CAMPAIGN THROUGH MASS MEDIA
- EXHIBITING DISPLAY BOARDS AT OTHER PUBLIC PLACES ACCESSIBLE TO THE CITIZENS
- DISTRIBUTION OF PRINT COPIES OF THE CHARTERS EITHER DIRECTLY BY THE DEPARTMENT OR THROUGH INVOLVING THE NGOS
- DISCUSSIONS IN PUBLIC FORUMS AND INVOLVING PANCHAYATI RAJ BODIES
 - MONITORIN & REVIEW MECHANISM FOR CHARTERS IMPLEMENTATION
 - QUARTERLY REVIEW PROCEDURE
 - MONTHLY INSPECTIONS BY SENIOR OFFICERS TO ENSURE EFFECTIVE IMPLEMENTATION
 - ORGANIZING PERIODICAL CAMPS AND TOURS TO OBTAIN FEEDBACK FROM THE PUBLIC
 - CONDUCTING IMPACT ASSESSMENT STUDIES
 - INVOLVING PRIVATE AGENCIES TO OBTAIN FEEDBACK FROM THE PUBLIC BY MEANS OF A SURVEY
 - SETTING-UP INFORMATION AND PUBLIC FACILITATION CENTRES FOR DISPLAYING THE CHARTERS
- FOLLOWING ISSUES NEED TO BE ADDRESSED IN FUTURE: SUB-GROUP:
 - HOW TO BRING IN THE ESSENCE OF THE CONSULTATION PROCESS TO THE MIND SET OF PUBLIC OFFICIALS: "CUSTOMER IS AT THE CENTRE OF ALL ACTIVITIES"?
 - HOW TO BRING ABOUT AN ATTITUDINAL CHANGE IN THE MIND SET OF THE OFFICIALS DIRECTLY CONNECTED WITH THE CHARTERS?
 - 'GENERATING 'PUBLIC AWARENESS' IS A VERY BROADER CONCEPT. IS THE 'PUBLIC' SUPPOSED TO BE BENEFITED

BY A CHARTER REALLY AWARE OF THE EXISTENCE OF A CHARTER? HOW CAN THE AWARENESS BE IMPROVED? WHAT IS THE WAY TO EVALUATE AWARENESS?

- SHOULD THERE BE PROCESS INDICATORS FOR THE MONITORING AND REVIEW PROCESS?
 - REDRRESSAL OF PUBLIC GRIEVANCES
- ON THIS ASPECT THE QUESTIONNAIRE WAS:
 - HAS ANY EVALUATION BEEN DONE TO JUDGE THE EFFICACY OF THE REDRESSAL MECHANISM?
 - HOW DO THE GOVERNMENT AND ITS DEPARTMENTS MEASURE CITIZENS' SATISFACTION WITH THE GRIEVANCES REDRESSAL MECHANISM?
- NO DIRECT REPLIES TO BOTH THE QUESTIONS
 - IN A.P. RURAL VILLAGE COMMITTEES' SET-UP & "JANMA BHOOMI" PROGRAMME IS LINKED TO REDRESSAL SYSTEM OF PUBLIC GRIEVANCES
 - IN ASSAM SET-UP OF PUBLIC FACILITATION CENTRES
 - CHATTISGARH IS ADDRESSING THE ISSUE THROUGH ORGANIZING CAMPS AT PANCHAYATS AND BLOCK LEVELS
- FOLLOWING ISSUES NEED TO BE ADDRESSED IN FUTURE:
 - EVALUATION STUDIES COULD BE UNDERTAKEN TO JUDGE THE EFFICACY OF REDRESSAL MECHANISM
 - A CONCEPTUAL CLARITY NEEDS TO BE MADE BETWEEN GRIEVANCES HEARING & GRIEVANCES REDRESSAL
 - WHAT ARE THE MEASURABLE INDICATORS OF CITIZENS' SATISFACTION? HOW IS IT MEASURED IN OTHER COUNTRIES?
- REVIEW OF LAWS, REGULATIONS AND PROCEDURES
 - QUESTIONS RAISED:
- HAS ANY INSTITUTIONAL ARRANGEMENT BEEN MADE FOR REVIEW OF ADMINISTRATIVE LAWS OF THE STATE?

- HOW MANY OBSOLETE OR REDUNDANT LAWS, REGULATIONS AND PROCEDURES HAVE ACTUALLY BEEN:
 - REPEALED
 - AMENDED
 - SIMPLIFIED
 - CONSOLIDATED?

- HOW IS THIS PROCESS MONITORED?
- WHAT HAS BEEN THE IMPACT OF THIS EXERCISE? HAS IT BEEN STUDIED?
 - THE STEPS TAKEN AS REPORTED BY MOST OF THE RESPONDENTS ARE:
 - DEPARTMENTS OF GOVERNANCE, PUBLIC MANAGEMENT & ADMINISTRATIVE REFORMS HAVE BEEN ENTRUSTED WITH THE TASK
 - IN MANY CASES COMMITTEES OR COMMISSIONS HAVE BEEN SET UP TO CARRY FORWARD THE PROCESS
 - THE UNION TERRITORIES RESPONDED BY SAYING THAT CENTRAL LEGISLATION IS APPLICABLE TO THEM.
 - REGARDING THE NUMBER OF OBSOLETE OR REDUNDANT LAWS THE RESPONSE IS NOT ENCOURAGING
- WITH REGARD TO THE IMPACT OF THIS EXERCISE, THE GENERAL RESPONSE WAS, "IT IS YET TO BE STUDIED AND ASSESSED".
 - PEOPLE'S PARTICIPATION, DECENTRALIZATION & DEVOLUTION OF POWERS:
 - QUESTIONNAIRE FORMULATED AND SENT:
- HAS ANY COMPARATIVE ANALYSIS BEEN DONE REGARDING DEVOLUTION OF FINANCIAL AND ADMINISTRATIVE POWERS TO THE LOCAL BODIES IN THE STATE *VIS-À-VIS* OTHER STATES?
 - HAS ANY STUDY BEEN CONDUCTED TO ASSESS THE IMPACT OF THIS PROCESS?
 - HAVE THE REASONS FOR SUCCESS OR FAILURE, AS THE CASE MAY BE OF THE DECENTRALIZATION PROCESS BEEN IDENTIFIED?
 - ONLY RAJASTHAN, REPORTED TO HAVE DONE COMPARATIVE ANALYSIS WITH OTHER STATES

- MANY RESPONDENTS ARE NON-COMMITTAL
- IN A.P, KARNATAKA & WEST BENGAL AS PER THE 11TH SCHEDULE FUNCTIONS HAVE BEEN DEVOLVED & POWERS HAVE BEEN ENTRUSTED TO THE LOCAL BODIES
 - IN NAGALAND, VILLAGE DEVELOPMENT BOARDS HAVE BEEN ESTABLISHED AS A PIONEER IN DEVOLUTION OF POWERS
 - IN TRIPURA, ELECTED BODIES OF PANCHAYATI RAJ INSTITUTION HAVE BEEN MADE RESPONSIBLE FOR DEVELOPMENT SCHEMES.
 - ALMOST ALL THE RESPONDENTS EXCEPT WEST BENGAL AND TRIPURA ARE YET TO CONDUCT ANY STUDY TO ASSESS THE IMPACT
 - MANY STATES ARE NOT CLEAR ABOUT THE LOGIC BEHIND IDENTIFICATION OF SUCCESS OR FAILURE OF THE DECENTRALIZATION PROCESS
- TRANSPARENCY & RIGHT TO INFORMATION
- FOLLOWING QUESTIONS ADDRESSED THE ISSUES:
 - HAS A RIGHT TO INFORMATION ACT BEEN LEGISLATED BY THE STATE?
 - IF YES, WITH EFFECT FROM WHEN?
 - IF NO, WHAT IS THE TIME FRAME THE STATE HAS IN MIND TO INTRODUCE LEGISLATION ON THE SUBJECT?
 - PENDING LEGISLATION, HAVE ANY ADMINISTRATIVE STEPS BEEN TAKEN TO ENSURE FREE ACCESS AND AVAILABILITY OF GOVERNMENT RECORDS/DOCUMENTS?
 - IF YES, WHAT STEPS HAVE BEEN TAKEN TO ENFORCE THESE ORDERS?
 - SIX RESPONDENTS: CHATTISGARH, DELHI, KARNATAKA, MAHARASHTRA, RAJASTHAN, TAMIL NADU HAVE ENACTED A RIGHT TO INFORMATION ACT
 - IN ASSAM, THE BILL HAS BEEN REFERRED TO THE SELECT COMMITTEE

- BY AND LARGE, EVERY STATE HAS TAKEN SOME SORT OF ADMINISTRATIVE STEPS TO ENSURE FREE ACCESS AND AVAILABILITY OF GOVERNMENT RECORDS
- IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES

- QUESTIONS ADDRESSING THESE ISSUES:

- HAS ANY COMPREHENSIVE REVIEW OF VIGILANCE LAWS, RULES AND PROCEDURES BEEN UNDERTAKEN IN ORDER TO IMPROVE THE PROCESS?
- HAS THE STATE GOVERNMENT INTRODUCED OR PLANS TO INTRODUCE A REWARD SCHEME TO RECOGNIZE EXCELLENCE IN CIVIL SERVANTS?
- WHAT STEPS HAVE BEEN TAKEN TO ENSURE STABILITY OF TENURE OF CIVIL SERVANTS?
- HAS A CIVIL SERVICES BOARD TO DEAL WITH SENIOR APPOINTMENTS BEEN SET UP?
- A COMPREHENSIVE REVIEW OF VIGILANCE LAWS, RULES AND PROCEDURE HAVE STARTED THE PROCESS IN SOME FORM OR THE OTHER
- IN ANDHRA PRADESH, A SURVEY OF PUBLIC PERCEPTION HAS BEEN CONDUCTED BASED ON A CONSULTATION PAPER IN THE AREA OF ANTI CORRUPTION VIGILANCE
- IN MAHARASHTRA, IT IS PROPOSED TO SET UP A THREE-MEMBER STATE VIGILANCE COMMISSION ON PAR WITH CENTRAL VIGILANCE COMMISSION
- IN TAMIL NADU, INSTITUTIONAL SET UP FOR ELIMINATION OF CORRUPTION AND ENSURING SURVEILLANCE IS IN EXISTENCE
- IN KERALA, THE RECOMMENDATIONS OF THE STATE ARC'S NINTH REPORT ARE UNDER ACTIVE CONSIDERATION
- IN CASE OF SEVERAL OTHER RESPONDENTS, THE INSTITUTION OF LOKAYUKTA FORMS PART OF THIS ACTIVITY
- IN KARNATAKA, A HIGH LEVEL ANTI CORRUPTION COMMITTEE HAS BEEN SET UP TO REVIEW THE ADEQUACY AND EFFECTIVENESS OF THE ANTI CORRUPTION LAWS
- THE UNION TERRITORIES HAVE RESPONDED BY SAYING THAT THE CENTRAL LAWS ARE APPLICABLE TO THEM AND IT

IS BEYOND THE PURVIEW OF REVIEW BY THEIR ADMINISTRATION.

- ALMOST ALL HAD EITHER INTRODUCED OR FORMULATED DETAILED PLANS TO INTRODUCE A REWARD SCHEME
 - TO RECOGNIZE EXCELLENCE IN CIVIL SERVANTS:
- INCENTIVES OR AWARDS EITHER ON THE STATE FORMATION DAY OR REPUBLIC DAY OR SOME MERIT AWARDS OR THROUGH KISAN VIKAS PATRAS
- WEST BENGAL HAS A REWARD SCHEME FOR EXCELLENT WORK IN THE STATE
 - TO ENSURE STABILITY OF TENURE OF CIVIL SERVANTS:
- EITHER HAVE A BAN ON TRANSFERS OR A SYSTEM OF COUNSELLING OR SOME APPROVED TRANSPARENT TRANSFER POLICY IS BEING FOLLOWED
- KARNATAKA TO SET UP A CIVIL SERVICE BOARD IF GOVERNMENT OF INDIA APPROVES GUIDELINES
- IN TRIPURA, IN ACTIVE CONSIDERATION
- IN NAGALAND AND UTTAR PRADESH, CIVIL SERVICES BOARDS HAVE BEEN SET UP
- IN ANDHRA PRADESH, THOUGH THERE IS NO CIVIL SERVICES BOARD, THE CENTER FOR GOOD GOVERNANCE IS DEVELOPING A WORK STREAM FOR THE PURPOSE OF HUMAN RESOURCE MANAGEMENT.

MODULE OF A TRAINING CUM WORKSHOP ON
“REFORM INITIATIVES IN ADMINISTRATION”

COURSE BROCHURE AND GUIDE

BACKGROUND AND CONTEXT:

The conference of Chief Ministers held on 24th May 1997 discussed an Action Plan for Effective and Responsive Government at the Central and State levels. The Prime Minister presided over the deliberations. The conference recognized that, as the country completes 50 years of independence, and as the people are assailed by growing doubts about the accountability, effectiveness and moral standards of administration, Central and State Governments should move together to justify the trust of faith of the people in the Government by taking up the implementation of the Action Plan endorsed by the conference in a time bound manner. The Prime Minister agreed to review the progress in the implementation of the Action Plan. This considered to be a major step towards Reform Initiative in Administration in the country adopted a resolution welcoming the initiatives by the Prime Minister towards more effective and responsive administration and stated that these initiatives are important and timely. It was agreed that each state would work for the implementation of the Action Plan, making appropriate allowance for variation on local circumstances. Necessary political will to implement these, which is essential, would be sought. They agreed to review the progress.

The broad structure and framework for implementation of the action plan envisage the following:

- The Central and State governments would work together to concretize the Action Plan dealing with the following themes:
 - (II) **Accountable and citizen-friendly Government**
 - (III) **Transparency and Right to Information and**
 - (IV) **Improving the performance and integrity of the public service.**

- The following specific areas would be addressed:

- The Central and State Governments would formulate citizens' charter for **Departments** and **Offices**
- All Central and State government departments would publicize widely, facilities at various levels for the prompt and effective redressal of public grievances from the secretariat downwards to the village.
- The Central and State Governments would work together for the simplification of existing laws, regulations and procedures as well as repeal of obsolete laws and reform of laws.
- Immediate steps would be initiated by different state governments, with the involvement of the Central Government to strengthen peoples' participation in government.
- Steps would be taken to ensure easy access of the people to information relating to Government activities and decisions.
- While some of the states have already initiated steps to provide the Right to Information, others would also undertake a similar exercise.
- The Central and State Governments would open computerized information and facilitation counters in all their offices with large public interface.
- People-friendly and effective administration depends on cleansing of civil services at all levels, adherence to ethical standards and commitment to basic principles of the Constitution.
- The existing rules and legal provisions in central and state governments would be amended.
- The existing procedures for departmental enquiries and vigilance proceedings of government employees would be revamped.
- The areas of discretion available to various levels of administration would be reduced to the minimum, along with steps to prevent their arbitrary use.

In order to carry forward the Action plan for immediate as well as long term improvement in administration, it was decided to set up a Committee under the Cabinet Secretary including some of the Chief Secretaries representing the different regions of the country as well as

some senior officials of Government of India in order to elaborate the different elements of the Action Plan in terms of operational content, and to work out the decisions required at Central and State levels.

THE WORKSHOP AND ITS AIM:

In order to facilitate and undertake the Reform Initiatives required for implementation of the Action Plan for Effective and Responsive Administration, a four-day module for conducting Training cum Workshop on “**Reform Initiatives in Administration**” is developed. The proposed Training cum Workshop aims at:

- (a) Providing opportunities to the participants for discussion on “Reform Initiatives in Administration” by governments, both at the Centre & the State and understanding their role in implementing them.
- (b) Working out strategies to develop appropriate methodologies of capacity building for quality government to implement the Reform Initiatives to benefit the citizen.
- (c) Defining the boundaries of Action Plan for Effective and Responsive Government.
- (d) Establishing appropriate linkages between reform initiatives in administration and process oriented good governance.

LEARNING UNITS:

The broad basis of design for developing the module is three fold viz.,

1. Gap Identification of what ought to and what is with reference to various aspects of Action Plan for Effective & Responsive Administration
2. Clearing the concepts, approaches and processes of Reform Initiatives

in Administration and 3. Preparing an implementation plan in the areas of Citizen's Charter & Public Facilitation Centres.

The Learning Units are designed in conformity with the above-mentioned concept. They are:

- I. Reform Initiatives in Administration-I dentification of Areas of Concern for implementation of the Action Plan for Effective and Responsive Government.
- II. Prioritising Reform Imitative Action Plan and Identifying implementation Tasks and Work Areas.
- III. Access to Information-Public Facilitation and Information Centres
- IV. Good Governance-Principles, Processes and Best Practices.
- V. Grievance Redress and Citizen's Charter.

OBJECTIVES:

The objectives of the Training cum Workshop are to enable the Participants to:

1. Explain the 'Administrative Reform Initiative' Process and benefits of reforms.
2. Describe the 'kind of reform initiatives in administration' since the days of independence till the recent times.
3. Identify and prioritise Areas of Concern for implementation of the Action Plan for Effective and Responsive Government
4. Prioritise Reform Imitative Action Plan.
5. Identify implementation Tasks and Work Areas of Reform Initiative.
6. Prepare and present a draft blue print of "Public Facilitation Center" for access to information
7. Describe the Governance & Reform Principles.
8. Explain key themes of Good Governance & Citizen Charter

9. Explain the Grievance Reddressal mechanism
10. Prepare and present a draft Citizen's Charter
11. List the principles of E-governance and I T based communication For Good Governance
12. Identify various dimensions of Reforms in the country and in identified states initiated and being implemented.
13. Describe the progress of "Action Plan for an Effective and Responsive Government" adopted in the conference of Chief Ministers held on the 24th May 1997 under the Chairmanship of the then Prime Minister.

LEVEL OF PARTICIPANTS:

(Target Group)-Officers belonging to the categories of "A, B and C Groups"

DURATION OF THE PROGRAMME: *FOUR DAYS (4 days)*

CONTENTS:

- Historical over view of Administrative Reform in India
- Reform Initiatives in Administration during the Last half decade
- Effective and Responsive Administration- Need, Concept and Evolution of new Administrative Reform Process since the conference of Chief Ministers held on the 24th May, 1997
- Identification of Areas of Concern for implementation of the Action Plan for Effective and Responsive Government.
- Prioritising Reform Initiative Action Plan
- Identifying implementation Tasks and Work Areas.
- Access to information- Concept of Public Facilitation Centres - Preparation and presentation of a model blue print of Public Facilitation Centre
- Good Governance principles, processes and Best Practices.
- Tasks for good governance-Exercise on Inputs, Activities, Outputs, Outcomes and Goals for Good Governance
- E-governance and I T based communication-A key theme of Reform Initiative
- Grievance Reddressal Mechanism
- Citizen's Charter-Key themes.

- Preparing and presenting a draft Charter.
- Current Status of Administrative Reforms

WORKSHOP METHODOLOGY:

The workshop will be organized using highly participative methodologies including group discussions, individual exercises, syndicate exercises, preparation and presentation of draft Citizen's Charters and Blue Prints of Public Facilitation Centres for implementing the Reform Initiative process as part of Effective and Responsive Administration.

SUGGESTED SCHEDULE

<u>Day</u>	<u>Time</u>	<u>Topic/Content</u>
D-One	9-30am to 10-00am	Welcome and formal inauguration
	10-00am to 11-00am	Registration of the Participants & Their expectations on the programme
	11-00am to 11-15am 11-15am to 11-45am	TEA BREAK Course Overview-Responding to Participants' expectations

	11-45am to 12-45pm	Administrative	Historical Over view of Reform Process in India
	12-45pm to 1-15pm		Effective and Responsive Administration- Need, Concept and Evolution of new Administrative Reform Process since the conference of Chief Ministers held in May 1997
	1-15pm to 2-00pm		LUNCH BREAK
	2-00pm to 2-15pm	implementation	Briefing on Exercise on identifying Areas of Concern for
		Administration	of Effective & Responsive
	2-15pm to 3-15pm		Individual Exercise on Areas of Concern
	3-15pm to 3-45pm		Syndicate exercise & group consolidation
	3-45pm to 4-00pm		TEA BREAK
	4-00pm to 5-30pm		Syndicate Presentations on exercise
	5-30pm		Briefing for the following day's activity
<u>Day</u>	<u>Time</u>		<u>Topic/Content</u>
D-Two	9-30am to 10-00am		Recap
	10-00am to 10-30am		Prioritising Reform Imitative Action
	Plan		(PRI AP) Syndicate Exercise
	10-30am to 11-00am		Discussion on Individual Exercise-

		Agree or Disagree on Reform Initiative concepts
	11-00am to 11-15am 11-15am to 12-15pm	TEA BREAK Presentation on PRI AP
	12-15pm to 1-15pm Responsive	An agenda for Effective & Government-Why, What and How
	1-15pm to 2-00pm 2-00pm to 2-15pm	LUNCH BREAK Identifying Reform Initiative implementation Tasks and Work Areas-briefing on Exercise
	2-15pm to 3-00pm	Individual Exercise-Tasks-Work areas
	3-00pm to 3-45pm	Syndicate Exercise-tasks, Work areas
	3-45pm to 4-00pm 4-00pm to 5-00pm	TEA BREAK Syndicate presentations on the Exercise
	5-00pm to 5-30pm	Access to information- Concept of Public Facilitation Centres
	5-30pm	Briefing for the following day's activity

<u>Day</u>	<u>Time</u>	<u>Topic/Content</u>
Day-three	9-30am to 10-00am	Recap
	10-00am to 11-00am	Syndicate exercise on Preparation of A model blue print of Public Facilitation Centre

11-00am to 11-15am	TEA BREAK
11-15am to 1-15pm	Syndicate consolidation and Presentation of PFC Blue prints
1-15pm to 2-00pm	LUNCH BREAK
2-00pm to 3-00pm Governance	Best Practices and Good
3-00pm to 3-45pm	Tasks for good governance- Exercise on Inputs, Activities, Outputs, Outcomes and Goals for Good Governance-Individual
3-45pm to 4-00pm	TEA BREAK
4-00pm to 5-30pm	Discussion on the outcome of the exercise
5-30pm	Briefing for the following day's activity

<u>Day</u>	<u>Time</u>	<u>Topic/Content</u>
Day-four	9-30am to 10-00am	Recap
	10-00am to 12-00pm	E-governance and IT based communication-A key theme of Reform Initiative
	12-00pm to 12-15pm	TEA BREAK

12-15pm to 1-15pm	Grievance Reddressal Mechanism
1-15pm to 2-00pm	LUNCH BREAK
2-00pm to 3-00pm	Citizen's Charter-Key themes
3-00pm to 3-45pm	preparing a draft Charter
3-45pm to 4-00pm	TEA BREAK
4-00pm to 4-45pm	Discussion/selected presentations of draft citizen's charters
4-45pm to 5-15pm	Status of Administrative Reforms- Best Practices in the states
5-15pm	VALEDICTION

ADMINISTRATIVE REFORMS IN INDIA **AN HISTORICAL OVERVIEW**

The Prime Minister in his address to the National Development Council meeting held on February 19, 1999 said: "people often perceive the bureaucracy an agent of exploitation rather than a provider of service. Corruption has become a low risk and high reward activity. Frequent and arbitrary transfers combined with limited effect, are harming the work ethic and lowering the morale of the honest officers. While expecting discipline and diligence from the administration, the political executive should self critically review its own performance.

Unless we do this, we may not regain credibility in the eyes of the people who have elected us to serve them.”

The approach paper to the 10th five-year Plan published by the Planning Commission mention that the government faces three critical challenges in the area of civil service reform. It goes on to elaborate; “[the government] may enhance the productivity of the civil service and make certain each employee is performing socially relevant tasks. It must ensure the long term affordability of the civil service, and it must enforce procedures for rewarding and promoting merit, discipline mal function and misconduct, to strengthen accountable and performance quality.” While the above lines paraphrase the direction for the future, it is appropriate now to briefly review the state of progress of administrative reforms in India since Independence.

India since independence, has, set up more than forty five committees and commissions to strengthen its administrative capabilities, some of them being not readily available today for any required reference.

Among those forty five and odd, there were committees, which made large number of recommendations but only a few are of a nodal nature, they being of critical significance and thus capable of producing multiplier effect.

The ultimate fate of the administrative reform recommendations- the success in this respect- has been only partial, the principal reason for this being weak follow up action and absence of watch dog organizations in the civil society.

Historical over view of Administrative reform in India

The year 1858 was a landmark in India’s public administration as the political power was legally transferred to the British Crown from the hands of the East India Company. The first task of the new rule was, to appoint, Rickett to examine the then prevalent administrative system of India. Ricketts report, called “Report on Civil Establishments and Salaries” was submitted in 1866.

India after became independent in the year 1947, should have followed the same path. However, in July of that year, the “Secretariat Reorganization Committee” was appointed and it functioned like an

Officers' shortage committee. It warned the government not to take up new activities until additional personnel became available. The Committee also recommended for change of the then existing method of business of the government involving multiplicity of officers.

But, before independence, **Tottenham Report on the Reorganization of Central Government of 1946**, supported a sleek and streamlined secretariat. He was against the post of deputy secretary and recommended waiving of the tenure system of staffing after fifteen or twenty ye' service.

In 1948, the Government had set up, the "**Economy committee**" to review the increase in the civil expenditure of the central government since 1938-39 and to make recommendations for the promotion of true economy in the administration by the elimination of unnecessary, wasteful or extravagant expenditure. A prominent industrialist, Kasturbhai Lalbhai, headed this committee and had members drawn from the legislature, the business and the bureaucracy. It reported in 1949. The committee supported abolition of the post of Additional Secretary in the government and the Joint Secretary should be the head of a block of activities in the department. In addition suggested for setting up of O&M organization.

A year later, N. Gopaldaswami Ayyangar, a civil servant on organizational and procedural changes, in his "**Report on Reorganization of the Government Machinery**", recommended for grouping of central governmental ministries into four bureaus: Bureau of Natural Resources & Agriculture, Bureau of Industry & Commerce, Bureau of Transport & Communications and Bureau of Labor & Social Services. Ayyangar drew a distinction between the general framework of the machinery of the government and the internal structure of this machinery. His basic plan of reorganization comprises of: (a) the central secretariat should be divided in to **37** primary units of organization consisting of **28** departments, **8** central administrative offices and **cabinet Secretariat**. The **28** departments should be accommodated in **20** ministries. (b) A department is to be identified with Secretary's charge and a ministry is to be identified with minister's charge. (c) A new grouping of ministries responsible for economic and social services should be established under the name **bureaux**. (d) The cabinet organization should be strengthened by establishment on a permanent basis of certain stand committees of cabinet.

Ayyangar recommended for the setting up of an Organization and Methods (O&M) division, which should be made responsible for continued maintenance of efficiency in the government officers and public services and methods of transaction of public business, and which should be located in the home department of the Ministry of Home affairs. Ayyangar was of the view that improvement of administrative organization and methods, needed to be supplemented by improvement of organization and methods of financial control.

In pursuance of the Gopaldaswami Ayyangar recommendations the government had set up, in May 1950, the Defence Committee, the Economic Committee, the Parliamentary and Legal Affairs Committee and the Administrative Organization Committee. The Administrative Organization Committee was set up on an adhoc basis.

The special position which Ayyangar sought to accord to the Cabinet Secretary was accepted by the government. He was to be regarded by the civil service as an adviser and conscience keeper in whom the civil servants could have great confidence. The government turned down the recommendation on the grouping of ministries into bureaux, which was the linchpin of the Gopaldaswami Ayyangar report. In short, the major recommendations made by Ayyangar were rejected, as has been the usual fate of most reports on administrative reforms submitted in India.

In 1950, at the instance of Planning Commission A.D.Gorwala, a retired Civil Servant submitted two reports-**Report on Public Administration and Report on the Efficient Conduct of State Enterprises**. However nothing specific could be achieved beyond focusing popular attention on administrative reforms. Among the important recommendations made by him, notable were: (a) Creation of an O&M branch in the government and a board of two members should be set up to provide necessary drive and direction to administration. (b) Training besides aiming at precision and surety in the conduct of business and improvement of staff morale, must also encourage the civil servant to see his work in its widest context and to persevere with his own educational development, It must be prepare him for higher work and greater responsibilities and attune his outlook and methods to the needs of changing times. The Government of India accepted Gorwala's recommendations to set up an O&M branch in the government and allowed the rest of the report to lie on the shelf.

Another Civil Servant, R. A. Gopaldaswami submitted in 1952, his one man report on the **"Machinery of Government: Improvement of Efficiency"**. It was treated as 'Confidential Document'! A milestone in the history of administrative reforms was in the form of two reports by **Paul H Appleby** an American expert on public administration submitted in 1953 and 1956. Among the twelve recommendations, he made, the two on the setting up of an O&M (Organization and Methods) organization in the central government and of an Institute of Public Administration were realized. Organization and Management of Public administration office to be directly under a minister of the Government and it should focus attention and study on proposals concerning the improvement of governmental structure and procedures. The Institute of Public Administration for India should serve as a nucleus of a professional journal, expansion of studies and development of literature towards advancement of administrative knowledge.

Appleby observed: "Even as it is, the structure of government diffuses responsibility. It retards action before the fact and insufficiently evaluates its course after the fact. 'There are on the whole too much scrutiny and too many impediments to action before the fact and too little systematic review and scrutiny of action after the fact'. The structure of administration restricts and inhibits formal delegation. But there is more unconscious than conscious delegation. The view of the man at the bottom of hierarchy who writes the first **note** on a file is all-important in most instances. Imperfect and insufficient conscious delegation is an important factor in making the heavy overload that grievously burdens ministers and secretaries". Appleby produced his second report in 1956.

In 1954, Asoka Chanda submitted his report entitled **"Notes on changes Necessary in system of Budgetary and Financial Control and in other Matters to eliminate delays in execution of projects"** at the instance of Jawaharlal Nehru. Ashok chanda's report was never discussed in the cabinet. In the meanwhile the proposal of a civil servant of the finance ministry lead to the 'Financial Advisors' Institution later.

In the same year of 1954 a standing machinery for administrative improvement was set up in the shape of the O&M division. In 1964 the O&M division was merged with the Dept of Administrative reforms. The O&M division was located in the Cabinet Secretariat so that it could function directly under the Prime Minister and thus secure better

cooperation and collaboration from other ministries and departments in the central government as well as from the states.

In 1960, the Planning Commission asked V.T. Krishnamachari to study the questions relating to administrative personnel at different levels in the states, and the issues arising from the introduction of democratic institutions at the district and block levels and suggestions for improvements. The report was submitted in 1962 and by and large the government accepted all his recommendations. The important among them deal with the expansion of the Indian Administrative Service cadre to meet the needs of economic and social development and inclusion of courses in rural development at the Mussoorie Academy of Administration (now LBSNAA). The second part of his report dealt with one major problem of district administration namely, the effect of panchayatiraj. It was recommended for: (a) coordination of the elective and administrative elements (b) Coordination of the administrative and technical services and (c) progress of the cooperative movement and community development programme in close cooperation with panchayatiraj system.

The Department of Administrative Reforms was set up in March 1964 and was located in the Ministry of Home Affairs. It now operates on a wider area than before and seeks to effect improvement in administration on a large scale by shifting emphasis from mere economy and routine office procedures to administrative reforms in broader sense.

"Santhanam (Then a Member of Parliament) Committee on Prevention of Corruption", when published its report in 1964, focused popular and parliamentary attention. The committee examined the extent of corruption and came to the conclusion that corruption was not confined to the lower ranks of public service and the number of cases in which gazetted officers were involved was alarming. It recommended for setting up of an organization to be called "**Central Vigilance Commission**" armed with adequate powers. The committee recommended a code of conduct for ministers on par with the Chief Ministers of all states.

The Government appointed a high-power Administrative Reform Commission (ARC) in 1966, with Morarji Desai as its chairman and on his becoming Deputy Prime Minister, K. Hanumanthaiya, took over from him. The Commission had submitted 20 reports making over 500

recommendations. The Government in processing those 500 and odd recommendations onwards spent the period from 1970. The single most important report submitted by the ARC is on personnel. The commission was determined to open the road to the top to every competent personnel. It envisaged entry in to the middle and senior management levels in the secretariat from all services. Its recommendation pertaining to holding of a mid-career competitive written examination for filling middle and senior level positions in the government was not agreed to by government. The ARC made a number of recommendations on Public Service Commissions and majority of them were turned down by government. On training the government accepted all the recommendations of ARC.

Under the leadership of late Prime Minister Rajiv Gandhi, the Government relied heavily on in-service training to strengthen the administrative capabilities of its public functionaries. 'Administrative Reform through Training' became the new concept. The country's economy was sluggish and to respond to this came the "**L.K. Jha Economic Administrative Reforms Commission**". The most notable contribution of this commission's report was the recommendation to shift the governmental emphasis from regulation to development.

In 1990 January with the announcement of New Economic Policy the reform process in administration entered a different phase. The new buzzwords downsizing, right sizing, privatization, contracting on etc., became popular.

The Action Plan for Effective and Responsive Administration at the Central and State levels was discussed in the conference of Chief Ministers held in May 1997 under the Chairmanship of the then Prime Minister. It had been agreed that immediate corrective steps must be taken to restore the faith of the people in the fairness, integrity and responsiveness of the administration. The Prime Minister had drawn attention to the urgent need to come with ideas and strategies for responsive and effective administration, which could rebuild the credibility of the government. The Chief Ministers and Central Ministers attending the Conference strongly endorsed the need for ensuring responsive, accountable, transparent and people friendly administration at all levels and agreed that necessary corrective steps must be taken to arrest the present drift in the management of public services. The Conference resolved that the Central and State Government would work

together to concretise the action plan dealing with the themes of [i] Accountability and Citizen Friendly Government [ii] Transparency and Right to Information and [iii] Improving the Performance and Integrity of the Public Service.

(Source: Report on Administrative Reforms in India- Prepared by Prof. S R Maheshwari, former Professor of Political Science & Public Administration, Indian Institute of Public Administration, New Delhi and submitted to the Department of Administrative Reform & Public Grievances, Ministry of Personnel, Government of India in 2002)

**STATEMENT ADOPTED AT THE CONFERENCE OF CHIEF
MINISTERS HELD ON 24 MAY 1997
(FORMING PART OF ACTION PLAN FOR
EFFECTIVE AND RESPONSIVE ADMINISTRATION)**

CONFERENCE STATEMENT:

The Conference of Chief Ministers held on 24th May 1997 discussed an Action Plan for Effective and Responsive Government at the Central and State levels. The Prime Minister presided over the deliberations. The conference was also attended by Home Minister, Finance Minister, Law Minister, and Minister of state for Personnel, Public Grievances & Pensions, Cabinet Secretary, Chief Secretaries of the States and Union Territories and senior officials in the Government of India.

The conference represented the culmination of a National Debate on Effective and Responsive administration, which was initiated at a conference of Chief Secretaries on 20th November, 1996. It was agreed that immediate corrective steps must be taken to restore the faith of

the people in the fairness, integrity and responsiveness of the administration.

Inaugurating the conference, the Prime Minister drew attention to the urgent need to come up with ideas and strategies for responsive and effective administration, which could rebuild the credibility of the Government. He referred to Pandit Jawaharlal Nehru's statement that "belief in fair play and integrity" was the basis of a good administration. The PM felt that unrest and tension in some areas of the country is an expression of the people's frustration with the administration. Some Governments had set good examples of taking administration to the people, which could be emulated by others. He stressed the importance of a systematic and continuous review of outdated laws and procedures. Moreover, the rules framed under the laws need to be reviewed so that they do not militate against the very purpose for which the laws were enacted. He favored that the people should have a Right to Information to combat undue secrecy in the Government. The PM said that the issue of corruption needs to be addressed firmly but there should be no witch hunting. Quiet and diligent action by investigating agencies would give them more credibility. He opined that the Action Plan document has provided a good diagnosis and that it has to be followed up by a credible and implementable therapy.

The Chief Ministers and Central Ministers attending the conference strongly endorsed the need for ensuring responsive, accountable, transparent and people friendly administration at all levels and agreed that necessary corrective steps must be taken to arrest the present drift in the management of public services. While expressing concern on the attempts made by the Legislature, Executive and the Judiciary to encroach upon each others domain, the conference urged that measures should be taken to restore the faith of the people, particularly the weaker sections of the society, in the fairness and capacity of administration. The concept of social audit as an instrument of greater accountability was emphasized. The Conference however, recognized that the implementation of any action plan would require consistent support at the highest level in the Government as well as coordinated action including essential legislation and monitoring through a nodal Cell or Department reporting to the cabinet secretary/Chief Secretary. Further, the increasing establishment expenditure and large size of Government staff is adversely affecting the development process by reducing the investible funds. The ambit and scope of government

intervention needs to be redefined so that the superfluous functions can be dispensed with.

The conference resolved that the central and state governments would work together to concretize the Action Plan dealing with the following themes

I. **Accountable and citizen-friendly Government**

II. **Transparency and Right to Information and**

III. **Improving the performance and integrity of the public service.**

I) **ACCOUNTABLE AND CITIZEN -FRIENDLY GOVERNMENT:**

The following specific areas would be addressed:

Citizens' Charter: The Central and State Governments would formulate citizens' charter for **Departments** and **Offices**, starting with those, which have a large public interface. These citizens' charters would specify standards of service and time limits that the public can reasonably expect, avenues of grievances redressal and a provision for independent scrutiny with the involvement of citizen and consumer groups. These citizens' charters would be widely publicized; efforts would be made to make these charters **operational** over the next **three** months.

Redressal of Public Grievances: All Central and State departments would publicize widely, facilities at various levels for the prompt and effective redressal of public grievances from the secretariat downwards to the village. Review of existing systems of redressal of public grievances, and institution of measures for streamlining them with a built-in system for independent monitoring should be in place over the next 6 months.

Review of Laws, Regulations and Procedures: The Central and State Governments would work together for the simplification of existing laws, regulations and procedures, repeal of obsolete laws, reform of laws operating against the weaker sections, and steps to reduce the time and cost of the disposal of cases in civil and criminal courts. The entire process of approvals, sanctions and issue of permits would be made simpler, transparent and single window based. A priority agenda will be adopted and implemented over the next one year for this purpose.

Peoples Participation, Decentralization and Devolution of Powers: There was recognition of the need for greater decentralization and devolution and administrative powers at all levels. Consistent with the spirit of the 73rd and 74th amendments of the constitution, immediate steps would be initiated by different state governments, with the involvement of the Central Government to strengthen peoples' participation in government. Steps would be taken to ensure adequate devolution of powers and resources to the elected local bodies in rural and urban areas, in line with the recommendations of the State Finance Corporation. The Central and State Governments would encourage and sustain peoples participation and dedicated voluntary agencies in all schemes for the delivery of basic services, as resolved earlier in the conference of Chief Ministers in July,1996.

(II) TRANSPARENCY AND RIGHT TO INFORMATION

The conference recognized that secrecy and lack of openness in transactions is largely responsible for corruption in official dealings, and is also contrary to the spirit of an accountable and democratic government. Steps would be taken over the next **three** months to ensure easy access of the people to all information relating to Government activities and decisions, except to the extent required to be excluded on specific grounds like national security.

The Government of India would take immediate necessary steps, in consultation with state governments, for examining the report of the Working Group on Right to Information, and for introducing in Parliament before the end of 1997 a legislation for Freedom of Information, and amendments to the relevant provisions of the official secrets Act, 1923 and the Indian Evidence Act. Endorsing the proposals made in the Action Plan, some of the State Governments indicated the need to include provisions which would ensure that the misuse of provisions under this

Right do not lead to embarrassment of the governments. While some of the states have already initiated steps to provide the Right to Information, others would also undertake a similar exercise.

The Central and State Governments would open computerized information and facilitation counters in all their offices with large public interface, so that information and assistance is available to the public on essential services and approvals. The on-going efforts for systematic and phased computerization of government operations would be speeded up with the help of the National Informatics Center. In this process, particular attention will be given to areas of computerization which provide significant benefit to the population such as land records, passports, investigation of offences, administration of justice, tax collection and administration, issues of permits and licenses etc.

(III) IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES

The conference noted that people-friendly and effective administration depends on cleansing of civil services at all levels, adherence to ethical standards, commitment to basic principles of the Constitution, and clear understanding of the relationship regulating the politicians and the civil servants. It was agreed that elimination of corruption in the public service would require prevention, surveillance and deterrent prosecution. It would also need to deal ruthlessly with the instances of nexus among politicians, civil servants and criminals. It was agreed that the politicization of the civil services would be curbed so as to minimize its impact not only on the morale and motivation of the services, but on the sustained flow of responsive services to the public and efficient execution of schemes.

The existing rules and legal provisions in central and state governments would be amended in six months to enable the immediate and exemplary prosecution and removal of corrupt officials, and for weeding out staff of doubtful integrity. At the same time, a suitable mechanism would be evolved to reward government employees doing good work.

Central and State Governments would strengthen the investigation agencies and vigilance machinery with the provision of adequate staff, powers, resources and independence.

The existing procedures for departmental enquiries and vigilance proceedings of government employees would be revamped within **3 (three)** months on the basis of a study of detailed proposals worked out by the Government of India.

The areas of discretion available to various levels of administration would be reduced to the minimum, along with steps to prevent their arbitrary use.

The role and powers of audit in the identification and pursuit of financial and procedural irregularities would be strengthened, and there will be close networking of various agencies like Lok Ayukta, CBI, vigilance machinery, IT authorities, Enforcement Directorate and CAG.

The conference appreciated the importance of encouraging and ensuring the commitment of the employees of public services to ethical standards and basic principles of constitution such as secularism, social justice, attention to the needs of weaker sections, rule of law, professionalism and integrity. The State Governments would consider formulating and enforcing a code of ethics for state services similar to the draft code being considered for introduction at the central level.

It was recognized that frequent and arbitrary transfer of public servants affect the ability of the system to deliver services effectively to the people, and the implementation of poverty alleviation schemes. It was agreed that institutional arrangements should be evolved for enabling objectives and transparent decisions on postings, promotions and transfers of officials, particularly those working in key areas to ensure stability of tenure and de-politicized postings at all levels. Though some misgivings were expressed regarding the mechanism of the Civil Services Board, it was clarified that the Board as envisaged in the Action Plan was to basically aid the political executive in the State Governments to implement a streamlined and transparent transfer and promotion policy so as to ensure stability of tenures to the government functionaries and to sustain their morale.

IMPLEMENTATION ARRANGEMENTS

In order to carry forward the Action plan for immediate as well as long term improvement in administration, it was decided to set up a Committee under the Cabinet Secretary including some of the Chief Secretaries representing the different regions of the country as well as

some senior officials of Government of India in order to elaborate the different elements of the Action Plan in terms of operational content, and to work out the decisions required at Central and State levels. The committee would draw up a time bound agenda for legal and regulatory reforms in priority areas including a statutory scheme for freedom of information. It would consider steps to secure widespread acceptance and feedback from different sections of the public and elicit the cooperation of the people for responsive administration.

CONCLUSION

The conference recognized that, as the country completes 50 years of independence, and as the people are assailed by growing doubts about the accountability, effectiveness and moral standards of administration, Central and State Governments should move together to justify the trust of faith of the people in the Government by taking up the implementation of the Action Plan endorsed by the conference in a time bound manner. The Prime Minister agreed to convene a conference of Chief Ministers before the end of the year (1997) again to review the progress in the implementation of the Action Plan.

RESOLUTION

“ The states welcomed the initiatives by the Prime Minister towards more effective and responsive administration and stated that these initiatives are important and timely. It was agreed that each state would work for the implementation of the Action Plan, making appropriate allowance for variation on local circumstances. Necessary political will to implement these will be essential. The progress will be reviewed in six (6) months”.

(Source: Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pensions, Government of India)

NOTES ON INITIATIVES TAKEN
ON ACTION PLAN AND RESPONSIVE ADMINISTRATION

The Government of India has taken the following initiatives on Action plan:

1. Constitution of working group on Right to Information and Transparency to draft legislative proposals.
2. Steps to initiate formulation of Citizen's Charter by a number of Central Ministries and Departments with public interface, and introduction of various citizen friendly procedures and decentralized services by Railways. Posts, Telecom, Petroleum Ministry, Customs and Excise, Income Tax etc.
3. Constitution of an expert group for drawing up short term and long term plans for computerization of government operations and provision of services to the public and steps already taken for computerization in may Ministries.
4. Central scheme for computerization for land records, digitisation of village cadastral maps, and consolidation of land holdings, with substantial benefits to cultivators, revenue administration, agricultural operations etc.
5. Announcement of constitution of an independent public grievance commission, as well as police complaints authority for Delhi, speedy redressal of grievance relating to the police on the one hand and all the public utilities and departments of the government of National capital territory of Delhi on the other. The Ministry of Home Affairs has set up a High Level Committee with state representatives to examine various aspects relating to a more Responsive Administration citizen awareness of their rights modifications to existing laws etc and to make recommendation in three months.
6. Operation of the Directorate of Public Grievances in the Cabinet Secretariat to entertain and decide finally on grievances relating to the Central Departments and Agencies

with a large public interface, such as Telecommunications Passports and Insurance.

7. Introduction of a pilot scheme by the Department of Consumer Affairs and PDS to set up citizen information centers in selected cities, to be run by voluntary agencies, with links to the Public Services Menu on the GI STNIC.
8. Support to national and state training institutions for training of officials at various levels in the emerging areas of economic reform, decentralization, delivery of basic services, gender development, health care, primary education, AIDs control, nutrition etc.
9. Operation of Staff Adalats in Railways, Posts and Telecom for continuous attention to the problems and grievances of the staff.
10. Operation of Lok Adalats in Telecom, Posts etc for satisfactory settlement of the problems of the people and consumers by face-to-face interaction and working of social audit panels, composed of eminent citizens, to listen to peoples views and suggest improvement in the Posts and Telecom.
11. Approval for the use of the Local Development Fund with MPs for the installation of citizen Radio in village Panchayats, public transport etc to provide emergency communication and two way messages to the public.
12. Initiatives of the Ministry of Health and Family Welfare for up gradation of emergency facilities in major Central Government hospitals in Delhi, a system for regulation of private nursing homes through peer groups, the mobilization of community participation and consumer awareness for safe food and drugs, and linkage of PHCs to extends secondary health care services to the people in rural areas.
13. Formulation of a Code of Ethics for employees in public services.
14. Formulation of specific steps for streamlining the system of departmental enquiries and vigilance proceedings.
15. Steps for strict action against corruption and for integrity in public servants at all levels, as signified by the introduction of Lok- Pal Bill in parliament.
16. Constitution of an Efficiency Unit in the Cabinet Secretariat to undertake continuous exercise for delineation of Government functions, departmental re structuring procedural reforms etc.

Initiatives on Responsive Administration:

The State Governments and Central Government Agencies in respect of Responsive Administration have taken a number of initiatives in recent years. These deserve to be studied and scaled up in the Central and State Governments as a whole, utilizing wherever possible available funds in sectoral programmes. These need to be linked to the decentralized delivery of services through elected local bodies on the following lines

1. Improved sanitation and garbage collection with people's involvement in a number of cities like Surat, Pune and Chennai.
2. Taking grievance redressal to the people through mass contact and Lok Adalats at the village and neighbourhood levels.
3. Mass mobilization schemes, such as Janmabhoomi and Administration going to the people in Andhra Pradesh, bottom up planning in Kerala, mass literacy campaign etc.
4. Computerization land records and other information and people friendly revenue administration in a number of districts.
5. Giving one lifetime certificate to the people, as done in AP by incorporating birth, nativity and caste certificates.
6. Setting up service counters for instant information and relief to the citizens in a number of central government departments, like the passport, railways, posts as well as the offices of collectors.
7. Ensuring transparency and Right to Information to the people including making provision for public hearings as done in states like Rajasthan and MP, association of neighbourhood groups and citizen bodies in the planning and implementation of welfare schemes, planning and implementation of poverty alleviation and housing schemes, and empowerment of resident welfare groups as done in cities like Bangalore and Pune.
8. Establishing partnerships with voluntary agencies for health, nutrition and other schemes, and setting examples of inducting support from corporate sector.
9. Developing an innovative role of the AIR for grievance redressal as done in UP.

The Central and State Governments may take concerted measures for improved quality of administration and responsive services and

schemes for the citizens through a package of multifaceted initiatives all of which will together help to promote accountable and people friendly government. These may include the following:

1. Wider accountability of all public servants for people satisfaction and delivery of services according to a Citizen's Charter similar public statement of departmental goals.
2. Fullest possible decentralization of service delivery, income support schemes and welfare activities through empowerment of elected rural and urban local bodies, accompanied by appropriate devolution of powers and resources in terms of the spirit and provisions of the 73rd & 74th Constitutional Amendments.
3. Encouragement to the widest possible awareness and participation of citizens and representative groups and voluntary agencies in the formation and implementation of schemes as already envisaged in ongoing sectoral schemes and in the five-year plan document.
4. Simplification and clarity in forms and procedures, with arrangements for setting up citizen information centres in all the districts and towns.
5. Transparent procedures and criteria for beneficial identification in the provisions of services and subsidies, the operation of the public distribution system etc., to ensure that the benefits fully reach the poor and the disadvantaged, along with a system of public hearings to facilitate consultation by the public at the local level.
6. Giving the citizens widespread and easy access to all information relating to government operations and laws, and reversing the undue emphasis on secrecy surrounding award of tenders and procurement, identification of beneficiaries, allotment of various assets, admission to college and schools recruitment for jobs etc.

7. Steps to enact legislation for freedom of information amendments to the official secrets act, codes of conduct, rules for classification f records
8. Training and orientation of both officials and elected representations at all levels, steps to upgrade their skills, access to technological and computerized aids for information processing and storage, top level support by delegation of powers and work place improvement and rewards for good performance.
9. Equipping and orienting all public offices and delivery centers to provide quick and responsive delivery of public services, grievance redressal and information to the public, along with convergent services for target groups in areas of basic services identified by the Conference of Chief Ministers in July, 1996.

(Source: as prepared by Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances, New Delhi, Government of India- Courtesy; The Indian Journal of Public Administration)

IDENTIFICATION OF AREAS OF CONCERN
AN EXERCISE ON

EFFECTIVE AND RESPONSIVE ADMINISTRATION

The Action Plan for effective and responsive government at the Central and State levels was discussed in the conference of Chief Ministers held on the 24th May, 1997 under the Chairmanship of the then Prime Minister. It had been agreed that immediate corrective steps must be taken to restore the faith of the people in the fairness, integrity and responsiveness of the administration. The Prime Minister had drawn attention to the urgent need to come with ideas and strategies for responsive and effective administration, which could rebuild the credibility of the government. The Chief Ministers and Central Ministers attending the Conference strongly endorsed the need for ensuring responsive, accountable, transparent and people friendly administration at all levels and agreed that necessary corrective steps must be taken to arrest the existing drift in the management of public services.

The Conference resolved that the central and State Governments would work together to concretise the Action Plan dealing with the following themes

- [I] Accountable and citizen-friendly Government
- [II] Transparency and Right to Information
- [III] Improving the performance and integrity of the Public Services.

The Prime Minister in his address to the National Development Council meeting held on February 19, 1999 said: "people often perceive the bureaucracy as an agent of exploitation rather than a provider of service. Corruption has become a low risk and high reward activity. Frequent and arbitrary transfers combined with limited effect, are harming the work ethic and lowering the morale of the honest officers. While expecting discipline and diligence from the administration, the political executive should self critically review its own performance. Unless we do this, we may not regain credibility in the eyes of the people who have elected us to serve them."

TASK:

All participants are requested to go through the illustrative list of decisions as resolved in the Conference of Chief Ministers. They may also

like to refer to the detailed note on this ("**Action Plan for Effective and Responsive Administration**"). The statement adopted at the conference followed by a number of initiatives taken on the Action Plan may please be analysed to indicate what is expected from us, where do we stand and how do we intend to bridge the gap on the following parameters.

I. **ACCOUNTABLE & CITIZEN-FRIENDLY GOVERNMENT**

A. **CITIZENS' CHARTER**

The Chief Ministers' conference resolved, that, the Central and State Governments would formulate citizens' charters for '**departments**' and '**offices**', starting with those, which have a large public interface. It was also agreed, that, the citizens' charters would be formulated based on a '**consultation process**' involving **different stakeholders**. After their formulation these charters would be prominently made available to the public concerned for making use of them. The Central and State Governments are also expected to draw a strategy and notify an Action Plan within a specific time limit. A provision of independent scrutiny with the involvement of citizen and consumer group was also envisaged. These charters were to be made **operational within three months** from the date of the conference.

➤ **Indicate the actions initiated in this regard**

B. **REDRESSAL OF PUBLIC GRIEVANCES**

The Chief Ministers' conference had also adopted, that, all Central and State departments would publicize widely about facilities at various levels for the '**prompt and effective redress of public grievances**'. It was agreed, that, existing system would be reviewed, institutional measures streamlined and independent systems of monitoring fall in place **within a period of six months** from the date of conference.

➤ **List out various redress mechanisms created and monitoring systems developed.**

C. **REVIEW OF LAWS, REGULATIONS AND PROCEDURES**

Simplification of rules, regulations, repealing of obsolete laws, reforms of laws operating against the weaker sections and steps to reduce the time and cost of litigation as also the entire process of administrative approvals/sanctions etc. were kept as a priority agenda in the Conference to be implemented **within one year from the date of conference**.

- **List out the actions in this regard both quantitative and qualitative**

II. TRANSPARENCY AND RIGHT TO INFORMATION

The Chief Ministers' conference recognized, that, secrecy and lack of openness in transaction is largely responsible for corruption in official dealings and is also contrary to the spirit of an accountable and democratic government. The Government of India was expected to take immediate steps for acting upon the report of the working group on Right to Information and introducing a Bill in the Parliament. The Chief Ministers' conference adopted resolution that the Central and State Governments would also bring the Right to Information Act as well as to open computerized information and facilitation counters in all their offices with large public interface.

- **Indicate the initiatives in the direction of provision of Right to Information and if no Act is passed so far what are the other steps provided for access of information.**

III. IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES

Elimination of corruption in public services, strict surveillance and deterrent prosecution were recommended. It was also resolved that existing rules and legal provisions in this regard would be amended in six months to enable immediate and exemplary prosecution of corrupt officials. Simultaneously it was proposed to have a reward scheme for employees doing good work. It was further suggested that institutional arrangements should be evolved for enabling objective and transparent decisions on posting, promotion and transfer of official. A committee under the Cabinet Secretary including some Chief Secretaries representing the different regions was proposed to draw up a time bound agenda for legal and regulatory reforms in priority areas. The progress in this direction was to be reviewed **in six months from the date of Chief Ministers' conference.**

- **Indicate how this task is being carried out and facilitated.**

IDENTIFICATION OF GAPS AND CAUSES:

Analyse the above responses regarding what was expected to happen vis-à-vis what is happening and indicating the reasons thereof.

AREAS OF CONCERN:

From the identification of the gaps and analysis of reasons thereof, finalise THE **"Areas of Concern"** and list them in order of priority.

ACTION PLAN FOR AN EFFECTIVE AND RESPONSIVE GOVERNMENT

INTRODUCTION

The Government both at the Centre and the state share the concern for ensuring responsive, accountable, transparent, decentralized and people friendly administration at all levels. There is, however, considerable frustration and dissatisfaction amongst the people,

especially the weaker sections of society, about the apathy, irresponsiveness and lack of accountability of public servants, even as the expenditure on staff continues to increase. There is increasing anxiety about growing instances of corruption and criminalisation in public life and administration. The people, particularly the vulnerable, groups, are also greatly concerned about the deterioration in the performance of agencies concerned with law and order and the investigation of offences. Their faith in the registration of offences, their timely investigation and the delivery of prompt justice has been eroded.

Time has come for a strong message to be conveyed that administration is for the people and not for the public servants themselves. There has to be a change of attitudes, and public servants should realize that efficiency will be measured not in terms of what the services purport to offer, but in terms of public satisfaction, simultaneously, there has also to be a cleansing of the services and codification of the ethics, value systems and the interface with the politicians.

Necessary corrective steps must be taken to arrest the present drift in government and public services, and take urgent measures to restore the faith of the people in the fairness and capacity of administration. With this objective, the Prime Minister had inaugurated a conference of Chief Secretaries in November 1996 on an **'Agenda for an Effective and Responsive Administration'**. In the conference, a number of issues were raised which emphasized the need for bringing about a transformation in the public services to make them more efficient, clean, accountable and citizen friendly.

Following the conference, a national debate has been generated through out the country to elicit views from a wide cross section of people. Responses have been received from retreats organized in Mussorie and Hyderabad, and a number of leading academic institutions in Delhi and other places. Written communications have been received from officials, experts, voluntary agencies, citizen groups, and media. Follow up action has been initiated on some of the priority areas to demonstrate the determination of the Government of India for implementing these reforms and to provide models for adoption by the State Governments.

The focus of these discussions has been to evolve a concrete Action Plan, for gearing up the Government machinery to provide a responsive, transparent and clean administration to the people and to

address issues of reform and morale in the civil services. The Action Plan proposed to be discussed in the conference includes initiatives in the following areas:

1. Making administration accountable and citizen-friendly
2. Ensuring transparency and the right to information
3. Taking measures to clean and motivate Civil Services

The adoption and implementation of the proposed Action Plan for an Effective and Responsive Administration would require a strong political will, and reiteration from both the Central and the State Governments of their commitment to provide an accountable and responsive administration.

ACCOUNTABLE AND CITIZEN FRIENDLY GOVERNMENT

The citizen's perception of the state and its functionaries is primarily based on its role as a service provider, law enforcer and regulator. Improving the quality of administration and providing a responsive interface between the citizen and the public services require initiatives in following areas:

1. Citizens Charter

The state government and the Ministries/ Departments at the centre are all involved in some manner or the other, in providing public services. Apart from an overall lack of transparency and accountability in the system, most delivery systems suffer from adhocism and delay. It is

therefore, important to identify and publicize the standards of services and time limits that the public can reasonably expect, particularly in critical activities with a public interface. Government of India has directed Ministries/Departments and other agencies with public interface to formulate a citizen's charter, lay down time limits and standards for services, avenues of grievance redressal, and put in place monitoring systems and independent scrutiny to ensure implementation of the Charter. A number of departments have already formulated such charters. Though the charter is not proposed to be made justifiable it would carry a moral commitment of the government and would provide a framework under which public services can be evaluated. The principles of the citizen's charter are detailed below:

SCHEME

One of the important means of ensuring accountability and transparency in the agencies engaged in providing services to the people, or enforcing laws and regulations, is to organize their actions around the concept of Citizens' Charter. This is part of a national movement in countries, like the UK and Malaysia, where it lays out the citizen's entitlement to public services and responsive administration of regulations. It places the citizen at the centre of administration instead of making him a passive recipient of services rendered indifferently with no concern for quality, timeliness or cost. It is to be seen as a visible symbol of accountable government. The government of India has directed all Ministries, Departments and agencies under them, with a public interface to publish Citizens' Charter starting with services. The Object is to bring all the service rendered by these agencies under the charter over a period of two years.

Citizens' Charter is based on the principle of: 1. Wide publicity of standards of performance of public agencies and local bodies, 2. Assured quality of service, 3. Access to information and courtesy and helpfulness of staff, 4. Choice and consultation with the citizens, 5. Simplified and convenient procedure for receipt and acknowledgement of complaints and time bound redressal of grievances and 6. The provision for independent scrutiny of performance with the involvement of citizen groups

While it is not justifiable, it represents the moral and democratic commitment of the government to service of the public. In order to accomplish this task, it has been directed that each Central Government Department and its public agencies should work out its own Citizens'

Charter and related actions in terms of the nature of work and, more importantly, the groups of clients or members of the public, geographical concept, nature of regulatory function and paid-for services. It should also evolve a plan containing both long term and short-term targets for improved public satisfaction and efficient performance through systems improvements, technological and information inputs, staff orientation, work place changes, use of alternate providers, partnership with citizen groups, voluntary agencies and the corporate sector. An in-built machinery will be set up in each Ministry /Departments for independent system auditing and periodic monitoring of performance with reference of the charter principles and to attend to the capacity building and orientation of the staff. It is envisaged that consumer organizations, citizen groups, experts, retired public servants, elected representatives and others are involved in this process of formulation and scrutiny of performance so as to ensure that the commitments made actually meet the needs of the people. Once the areas of activities sought to be improved are streamlined, adequate publicity will be given so that the people are made aware of the proposed changes. A core group under the Cabinet Secretary will monitor the entire process periodically.

Many Central Agencies, such as the Railways, Post, Health, Central Board of Direct Taxes, Central Board of Excise and Customs, Petroleum, Industry, Delhi Development Authority and Passport Office and others have announced a series of citizen friendly initiatives. The Ministry of Home affairs have set up a task force to formulate specific steps for citizen friendly law enforcement system and crime prevention. It has also announced setting up of a Police Complaints Authority for Delhi. The Central Health Ministry has requested on the pattern of what has been considered for Delhi, as also a system of registration and rating of nursing homes. State Governments, like Himachal Pradesh, have announced a Citizens' Charter for revenue functionaries.

PROPOSED ACTION

The State Governments could consider formulation of Citizens' Charter on the lines indicated above of services provided by various state and local agencies with public interface, such as the offices of the Collector, Superintendent of Police, Municipal Bodies, Zilla Panchayat, Tehsil and Block Office, Transport Department, Electricity Offices, Water Supply and Sanitation Services, Monitoring systems similar to those proposed in Government of India could be installed to ensure

availability of sustained benefits to citizens. The concept of the model office based on computerized counter services will be an important means of implementing the charter. The close association of citizen groups, elected representatives and media could be considered for success of the venture and for continuous feedback on performance through independent citizens' panels.

2. Redressal of public grievances

The poor record of most public in the area of prompt and effective redressal of public grievances is a major cause of public dissatisfaction and a subject of criticism by the elected representatives. Public grievances primarily arise out of the inaccessibility of officials' failure to even acknowledge applications, non-enforcement of any kind of time limits, and unsympathetic attitude of officials at various levels. A note highlighting the areas of action is given below to enable Central and State Governments to review their existing system of redressal of public grievances, and institute measures not only for streamlining these, but also to monitor the steps taken to improve their efficacy.

EFFECTIVE AND SPEEDY PUBLIC GRIEVANCE REDRESSAL SYSTEM:

The poor record of most public agencies in the areas of prompt and effective redressal of public grievances is a major cause of public dissatisfaction and the subject of criticism by elected representatives.

It is noticed that many of the Government Departments and their subordinate offices. Which have substantial public interface and where large number of public are required to go daily, do not display the required orientation to the needs and circumstances of the public, especially the weaker section of society, women and the handicapped.

It is also found that adequate facilities are often not available in the public offices for reception of the public seeking various types of information or with various queries and demands of services, and arrangements for seating and waiting of the public, water supply and sanitation, protection from rain, sun etc are insufficient or non existent in police stations and other public offices which the citizens are required to visit. There are often no display boards relating to information generally desired by the public on the location of offices and facilities, various procedures involved, fees, submission of forms, time taken in disposal .The names of grievance redressal officers are not often widely published, and these officers are also not accessible as stipulated to meet the public.

Apart from lack of facilities and friendly reception, the public grievances primarily arise out of inaccessibility of officials, failure to even acknowledge applications, unwarranted delays and non enforcement of time limits, lack of information, harassment and activities of middlemen, demand for speed money, ignorance of procedures and forms, and the unsympathetic attitudes of officials at all levels. In big cities, citizens are often required to travel long distances to visit different offices due to lack of decentralized locations at the ward level for providing information on dealing with complaints. The methods for payments of various taxes and service charges are often inconvenient, not suited to the working hours of such members of the public who do not have access to servants. As regards the villagers in dispersed villages throughout the district, they face great problems in approaching the tehsile and district offices for getting copies of records, licenses, payments, and applications under various government schemes.

State Governments have instituted systems of time bound redressal of citizens grievances, which are often monitored through computers and programmes like Administration to the people in Andhra Pradesh. The district officials are required in many states, like Tripura to visit villages and blocks together periodically in order to listen to the

grievances of the people, and redress them on the spot. Ministers also convene Janta darbar.

The Department of Administrative Reforms and Public Grievances are monitoring the progress in respect of disposal of public grievances in the Central Government. The Directorate of Public Grievances in the Cabinet Secretariat deals with cases of individual grievances for Central agencies with a large public interface and has the power to call officials and the concerned files to give a Lok-Adalats to deal with complaints in the presence of the consumers. There are social audit panels of eminent citizens, which look into the quality of services of the Postal and Tele-Communications Department. There is an Ombudsman for the commercial banks. The Central Manual of Office Procedure provides for the fixation of time limits for dealing with public grievances, while the code of conduct rules provide for disciplinary action in case of discourteous behaviours or negligence in grievance redressal.

Similar arrangements can be considered at the state level apart from cells located in the office of Chief Ministers, as in fact is being done in states like Tamil Nadu, Karnataka and Haryana. This will help in high level attention systematic causes of grievances through delegation, decentralization, flexible norms, simplified procedures review of forms etc., The performance review of officials could incorporate attention to grievance redressal and public perception of the services of the agency.

A number of measures could be considered for immediate improvement in the situation. The language and tone of various application forms should be user friendly, and the forms be widely available in various outlets, including post offices. Every office should display at a prominent place its organizational structure, indicating names of officers and their functions, and location of their rooms. Every public servant should normally be available during working hours to respond to the public in person or on phone. Every application or petition should be acknowledged through standard acknowledgement slips. Every application should also carry such a slip for future response. Time limits should be fixed for approval or rejection of applications or permits, quotas, certificates and approvals, on the basis of well publicized and uniformly applied criteria. This should be accompanied by delegation of financial and administrative powers at the operational level and well enforced standards of accountability. The District Administration should set up

mechanisms to contact the people at the local level periodically, especially for remote and inaccessible areas. Senior officials, like Collector and Superintendent of Police, should not get so overloaded with work or committees that they are unable to devote enough time to meet people regularly and deal with their problems.

The number and periodicity of contact for the people with Government Officers would be minimized, and the officers should allow for the flexible needs of the working population. Every department should choose a few priority areas from the citizen's viewpoint for computerization and allow free access of the citizens to this information in this computer. Finally, every public body should have a well-defined mission statement spelling out standards of service provided to the public, such as garbage removal, water supply and power supply. The officials responsible for good work should be given recognition and reward, and the innovative practices should be widely disseminated.

The real issue, however is the need to bring about a total change in the attitude of public servants towards redressal of public grievance at all levels and to pin point responsibility for action on grievance of the people. This is dependent internally on measures to improve their levels of motivation and morale through rewards for good work and punishment for deliberate negligence and through awards for suggestions. The senior officers should constantly supervise the staff at the cutting edge level in police stations, sub-division etc., every official in public offices should wear name badge.

A demonstrable and effective way of ensuring prompt redressal of public grievance would be through establishment of independent Public Grievances Committees, consisting of eminent citizens. Such Committees can be authorized to inspect the adequacy and functioning of grievance redressal systems in various public offices, and report to the Cabinet Secretary (Central Government) and Chief Secretary of State Government, on actions to remedy the system, and to take firm steps against negligent officials, it is also possible to set up independent watch dog redressal system. The Himachal Pradesh Specific Corrupt Practices Act makes the omission on the part of an officer to discharge his statutory or *bona fide* duty a corrupt practice. Similar enactments or the provisions of draft Karnataka Administrative procedure bill could be considered to oblige officials to respond to requests of the public.

PROPOSED ACTION

The State Governments could consider an urgent review of the system of redressal of public grievances at the state, district, city, block and village levels, and devise arrangements for their sensitive and prompt redressal, and ensure regular independent review of these systems, for attitudinal orientation of officials at all levels, and for continuous monitoring of the redressal system. This could be integrated with the overall package of measures for responsive administration. The State Government could consider dotting up independent watchdog committees at the district and city levels to report to high powered cells in the state government on the functioning of the local grievance redressal systems, as well as cases of negligence and delay.

3. Decentralization and devolution of powers

Responsive Government would also require complete decentralization of delivery of services through fully empowered elected local government bodies, both in rural and urban areas, consistent with the spirit of the 73rd and 74th constitutional Amendments. The Central and state Governments need to take steps to strengthen the financial and administrative capacity of the local bodies and vest them with adequate resources and powers. A note on the subject is given below:

EMPOWERING ELECTED LOCAL BODIES IN RURAL AND URBAN AREAS AND DECENTRALISED DELIVERY OF SERVICES

Responsive administration requires that service delivery and administration of income support schemes are decentralized through the elected local bodies in rural and urban areas. This alone makes for meaningful democracy, as articulated in the 73rd and 74th Constitutional Amendments. These Amendments contain the provisions for regular elections, constituting District Planning Committees, drawing up illustrative list of functions, and establishment of state Finance Commission for assigning commensurate resources to local bodies. The Central and State Governments envisage implementation of all the poverty alleviation schemes & Integrated Rural Development through the panchayats and nagarpalikas. States like Kerala and Andhra Pradesh have made a success of bottom-up planning by providing the help of resource persons to enable Gram Sabhas to prioritise their needs and prepare development plans. Examples abound of support to the widest possible

participation of people, women and NGOs in the planning and delivery of services, which also eliminates the delay and cost of bureaucratic intermediation.

At the same time, the agenda of real empowerment of elected local bodies, has largely not gone beyond conforming legislation in most states. Centralized system for planning and service delivery often through functional agencies, still persist, and the local self government bodies and the elected functionaries are not enabled to function with adequate control over local functions and resources. The functions for each tier of Panchayat Raj need to be demarcated and commensurate resources provided on the basis of recommendations of State Finance Commission.

The transfer of local function to the elected local bodies will also help in the right sizing of state governments, provided the former are given adequate personnel and administrative support. The constitution of District Planning Committees to prepare plans for economic development and social justice, as already done in Kerala will help to consolidate village and city level plans, based on local priorities and people's contribution. The NDC has already recommended that 41% of the plan resources be set apart for decentralized planning.

The PR institutions and the Nagarpalikas would also provide umbrella for the convergence of various sectoral, poverty alleviating and area development programmes at each tier, including schemes focused on women, disadvantaged groups, children etc., . Their involvement in the selection of beneficiaries for various welfare and income support schemes would help to cut down corruption and leakages in these schemes. MP and Rajasthan provide examples of the benefits of transparency in public distribution system, development works, public hearing etc., with the oversight of Panchayat Bodies and local volunteers . The approach paper for the 9th plan asserts social audit and transparency in the functioning of PR institutions as crucial for their growth.

PROPOSED ACTION

The central and state governments could move purposefully to ensure the effective empowerment of elected local bodies in urban and rural areas, as envisaged in the 73rd and 74th Amendments, through the assignment of all local functions and planning according to the illustrative lists in the constitution, accompanied by steps to strengthen their implementation and financial capacity, and the vesting of executive powers in these bodies. The State Government could also take early steps

to devolve adequate resources, commensurate with the assigned tasks and decentralized delivery of services, based on the recommendations of State Finance Commission. The Central and State Governments could encourage and sustain unitary agencies and peoples participation of all schemes for the delivery of basic services identified in the conference of Chief Ministers in July,96 and in all local development schemes. All village-level schemes could be reoriented and integrated under the PR and bottom-up participatory planning could be encouraged. Cooperative and similar self-governing systems could be encouraged in all spheres of economy and resource management.

4. Review of laws, Regulations and procedures

In the changing administrative scenario, particularly in the context of economic liberalization a number of existing laws and regulations have lost their relevance. The laws and regulations militating against the interest of the weaker sections of the society and the poor are required to be urgently amended. Similarly, existing procedures also need to be changed to make the whole process of approvals, sanctions etc., simpler and transparent. Government of India has initiated a comprehensive exercise for amending the Civil Procedure Code, Company Law and a number of other laws, as well as to reduce the time taken in disposal of cases in civil and criminal courts. It is necessary the state governments undertake similar exercise in this regard and effect necessary changes in the laws and regulations. A note on the need to review existing laws, regulations and procedures is given below:

In the course of review of the experience with implementation of various policy changes announced by the Government in the context of economic reform and liberalization of procedures for inflow of foreign investment. it has been found that the foreign investors and small and big industrialists alike cite administrative red tape, requirement of multiple approvals, and cumbersome rules and regulations causes of delays and cost escalations and less than commensurate benefits flowing from policy initiatives of the Government. The effective delivery of services and benefits under various welfare schemes to the public are also frustrated by rigid procedure and archaic laws, apart from insensitive attitude of the officials and unwarranted transaction costs.

It has pointed out that many of the old laws, regulations and procedures in the Central and State Governments have lost their relevance considerably. Many of them not only stand in the way of a

responsive administration, but are found to be often operating against the interest of the poor and the marginalised groups. Laws on the subject operated by one or more departments often overlap or conflict with each other, leading to fruitless parallel proceedings. They also increase the cost of transactions and litigation tremendously for the average citizen and subject him to corruption at every stage. The opaque regulations however allow the unscrupulous builders and middlemen to break the rules with impunity, sometimes collusion with the officials.

It is recognized that various State Governments have undertaken detailed exercises to simplify and liberalize various rules and regulations. Many Central Ministries have also been addressing the issue seriously and a major exercise for amending various laws affecting economic reform, industries and urban development is under way. The Law Ministry has taken up an exercise for legal reform, having regard to the recommendations of expert committees. To reduce the time taken for disposal of cases in courts, to provide for alternate systems of dispute resolution, to reduce the scope for unnecessary adjournments, facilitate pre-trial conciliation etc., The Finance Minister has also announced a series of legal initiatives and review of present laws in the budget speech.

Central and State Governments could review the regulatory and legal framework in different economic and social sectors to see whether the objectives for which the regulations were put in place are properly defined, after consultation with affected groups, whether these objectives could be better achieved in any other manner or made more citizen friendly, whether it is necessary to continue the existing regulations at all, whether the machinery for their implementation is adequate and cost effective and whether the presumed social and economic benefits of the regulations warrant their continuance. Where there are a number of orders of government on the subject, every department should bring out a comprehensive government order on the subject every five years. It should also bring out lists of Acts and Regulations implemented by it every five years, along with informative notes in the local language for wide dissemination.

The review by the states, in turn, could cover the multiplicity of forms and return, and the design of the forms itself, as well as the possibility of making transaction paper less, as have been tried out by the Central Excise Department in Delhi. It should be possible to receive the applications to various agencies required from an investor or the

applicant at one point and help him to secure the clearance of all the agencies, the number of required clearances could be cut down, and the process of approval itself can base much more on self regulation. Building commencement certificates could be issued by architects, and various certificates could be issued by accredited persons or agencies with severe penalties on the issuing persons for any violation.

Some of the suggestions for effective decision making included:

1. Reduction in number of levels and stages (including calling for number of certificates) through which decision making process goes through, so that the Government progressively reposes more faith in the citizens in matters like issue of licenses.
2. Delegation of financial powers should be in relation to the current price levels and should be reviewed every 3 years.
3. It is necessary to review the present provisions of audit and place more emphasis on systems audit to reduce enormous delays due to fear of audit even in trivial matters, disproportionate to the expenditure involved
4. All public officers should publish handouts in simple local language, the procedure to be followed, the method of filling forms, fees and other requirements, and make them available to the public on demand.

It is possible for the Central and State Governments to work together in this important exercise since it is the essence of more citizen friendly administration, access to swift justice, reduced corruption and success of the economic reform process. It will also help to effect savings in the huge time, manpower, and legal costs incurred by central and state governments, and their agencies, in pursuing litigation without any hope of a final result for many years.

PROPOSED ACTION

The Central and State Governments could draw up an agenda for priority reform of the legal system and procedures to facilitate economic reform, reduce obstacles to economic and social activity of the poor and marginalized groups, to enable speedy flow of services to target groups in various schemes to facilitate early approvals under various statutes, to provide the people access to swift and in expensive justice. And to cut down the tendency of cases in criminal and civil courts. A core group of Central and State officials and legal experts could be set up to review efforts already taken/under way in this regard, and suggest areas of legal and regulatory amendment reform to the next meeting of the Chief Ministers after wide consultation. Meanwhile the Central and State

Governments could proceed expeditiously with amendments to restrictive laws and procedures, where the proposals are finalized.

TRANSPARENCY AND RIGHT TO INFORMATION

It has been noticed that secrecy and lack of openness in transactions is responsible for corruption in official dealings, apart from being contrary to the spirit of an accountable and democratic Government. Consequently, there is a demand for introducing greater transparency in the functioning of government departments and public bodies. There is also a need to ensure to the people an easy access to all information relating to Government operations and government decisions, as well as that on the performance of government, except to the extent specifically excluded by law. It is increasingly realized that, more the effort at secrecy, the greater the chances of abuse of authority by the public functionaries. Therefore, the following two areas / issues need to be addressed in this regard:

1. Transparency in Government and Right to information

There is a widespread consensus on the need to assure freedom of information to the public and to amend such laws that stipulate unnecessary restrictions on free access of the public to information. Government decisions need not be clouded in secrecy, except in the interest of national security. Based on the discussion of an inter-Ministerial working group, a statutory scheme to ensure freedom of information subject to certain safeguards, and to amend a number of central legislations, has been formulated. Details of these are given below. State governments could undertake a similar legal exercise, while endorsing the central initiative, and ensure greater openness in the working of government departments, public agencies and elected local bodies, and provide information on procedures for various statutory approvals.

TRANSPARENCY AND RIGHT TO INFORMATION

There is a political consensus and popular demand for introduction of greater transparency in the functioning of government and public bodies and widespread and easy access of people to all information relating to government operations and government decisions, as well as performance of the government, except to the extent specifically

excluded by law. A new culture of information and helpful attitude, as opposed to secrecy and mystification should pervade all government offices

It is increasingly realized that, more the effort at secrecy, the greater the chances of abuse of authority by the public functionaries. At the same time, the provisions of Official Secrets Act 1923, and the code of conduct rules for government employees prevent most of the information about affairs of government from being disclosed to the public. The most damaging consequence of the legislation and the code of conduct is the generally secretive behaviour, which it has encouraged in the civil service and the denial of items of unclassified information and the details of development expenditure, to the citizens.

There have been efforts since 1990 to introduce legislation to ensure freedom of information and to amend the Official Secrets Act. The call for greater transparency and right to information has been given in number of states. Some states have issued circulars to ensure the availability to the people of details of development expenditure and inspection of revenue records in public offices, apart from the provision for public hearing. Chief Minister of Andhra Pradesh has announced that a white paper will soon be issued on giving information to the people. Bilaspur, in MP is implementing a transparent public distribution system and recruitment for jobs. The budget speech of the CM, Tamil Nadu, refers to the proposal of the state government to enact a law to provide the public right to information. According to the CM, this will enable the public to get details about the schemes of the government; the works executed by various departments the essential commodities supplied to each of the shops under public distribution system and pave the way for the people to question the irregularities in the system.

The Government of India set up a working group under the Chairmanship of Sri HD Shourie to formulate a bill for Freedom of Information and amendments to relevant laws for this purpose. Based on the discussions of these groups, a statutory scheme has been formulated to ensure freedom of information subject to certain safeguards in public interest. These are outlined in the **Appendix** at the end of this annexure.

Amendments to other Enactments and Rules:

Simultaneous with the proposals for enactment of the freedom of information bill, the Government of India is also formulating

amendments to section 5 to the Official Secrets Act, and sections 123,124 and 125 of the Indian Evidence Act to bring them in line with the provisions of the new legislation. It is also proposed to amend the relevant sections of the Central Code of Conduct Rules in order to enable government employees to release information to the public consistent with the provisions of the new legislation. The rules relating to classification of official documents and records are also proposed to be amended suitably.

An expert group to identify various Central and State Laws, which contain provisions relating to release of information and propose amendments to bring them in line with the Freedom of Information Act, could carry out a detailed exercise.

Pending action to pass these legislations, detailed instructions could be issued to all the Central Ministries/Departments and agencies and PSUs under them, to introduce greater transparency in their operations, and to ensure widespread and easy access of the public to all unclassified information. This can be followed up by department specific instructions to be issued and enforced by each department.

PROPOSED ACTION

The Central and State Governments could endorse immediate formulation of the legislation for freedom of information on the lines of the statutory scheme, amendments to the relevant provisions of the Official Secrets Act, 1923 and the Indian Evidence Act and other relevant laws. They could process consequential change In Code of Conduct Rules, classification of official records. The legislation for freedom of information may be introduced in parliament at the earliest. The administrative arrangements for its implementation may be worked out in three months by group of Central and State Officials and legal experts to be constituted by the Government of India.

In the meantime, the Central and State Governments could issue instructions for greater openness in the working of Government Departments, public agencies and elected local bodies, and providing information widely on procedures for various statutory approvals, details of allotment of land and property, criteria for assessment and levy of taxes, criteria for, and information on, award of work tenders and procurement of goods and services, criteria for and selected lists of beneficiaries under various Government schemes, building approvals,

development expenditure and work etc., Counters could be set up in public offices of easy and prompt availability of such information to the public. The employees at all levels could be oriented and directed to be courteous and open in dealing with the public and in the provision of information not prohibited by law.

A STATUTORY SCHEME FOR FREEDOM OF INFORMATION

PURPOSE

The statute may be called Freedom of Information Act. It may be enacted by parliament and shall come into force from a date to be notified in the Gazette. Its purpose would be to progressively provide greater access to information under the control of Government of India, union territories and other governmental agencies and organizations substantially controlled or funded by the Government (hereafter referred to as public authorities), in order: (a) to promote openness and transparency in administration (b) to enable fuller and more meaningful participation of the people in making and implementation of policies and programmes affecting the public and (c) to promote accountability and responsibility in administration.

To fulfil these purposes, the right of access to information would be provided to citizens on the broad principles that: (a) access to information should be the rule and denial of access the exception, (b) the grounds for denial may be clearly and specifically defined and (c) there should be a provision for an independent mechanism which provides remedy to applicants against decisions to withhold information.

SCOPE

The scheme should apply to all Ministries/Departments of Central/State Governments and their attached and subordinate offices and other bodies, including PSUs and autonomous bodies, substantially funded or controlled by the government, and local bodies excepting bodies/organizations such as intelligence services, that may be specifically exempted from it. So far as the judiciary, Tribunals and such other judicial/quasi judicial bodies and Parliament/State Legislatures are concerned, the scheme would only cover their administrative/support services with the concurrence of the Chief Justice or the Speaker as the case may be.

OBLIGATIONS ON PUBLIC AUTHORITY

Each public authority should publish periodically, and keep updated information indicating: (1) particulars of its organization, functions and responsibilities, (2) description of its decision making processes in terms of procedures and powers and responsibilities of its officers and employees, (3) norms for performance of activities such as prescribed periods for their processing and completion, physical and financial targets etc., and the actual achievement with reference to such norm, (4) classes of records under its control, including the rules, regulations, instructions and lists of manuals etc., used by its employees for carrying out activities, (5) the facilities provided for access to information and (6) the name, designation and other relevant particulars of the officer, to be called '**the public information officer**', to whom requests for information may be addressed.

It shall also be the duty of the concerned officers of a public authority to give reasons for decisions whether administrative or adjudicative to those affected and to disclose the relevant fact and analysis when major policies or decisions are announced.

Grounds for refusal of access in certain cases

Access to information may be refused where:

1. The request is too general or of such a nature, that having regard to the volume of information required to be retrieved or processed for fulfilling it would involve disproportionate diversion of the resources of a public authority or would adversely interfere with normal functioning of such authority provided that where access is being refused on the ground that the request is too general, it would be the duty of the Public Information Officer in a public authority, to help the requester as far as possible to reframe his request in such a manner as would facilitate compliance with it.
2. The request relates to information that is required by law or convention to be published at a particular time and
3. The request relates to information, which is already contained in published material available for sale.

Procedure and forms of Access

Each public authority shall appoint officers to be called 'Public Information Officers' in its offices, who should be vested with adequate administrative authority to obtain relevant information within their organizations. While appointing these officers, the public authority concerned shall keep in mind the overriding need to provide access to information as conveniently, cheaply and effectively and as close as possible to a citizen's place of residence or business.

It will be the responsibility of the Public Information Officers to deal with requests for access to information and to ensure timely compliance with such requests where the information being requested for is not being withheld or access is not being refused. The decision whether to accede to requests or not would also be taken by him.

A request under this scheme should be made in writing and should as clearly as possible, specify the particulars of the document or record to which access is being sought where a citizen cannot, for a valid reason, make a request in writing, the Public Information Officer may either accept an oral request or insist the requester in making a written request.

The Public Information Officer shall endeavour to provide access as expeditiously as possible and a decision in the matter should be taken within the maximum period of 30 days from the date of receipt of the request. In case the decision is to refuse access, the grounds for refusal should be clearly indicated, along with a description of the review procedures open to the requester.

In the event it is not possible to respond to a request within the period of 30 days, the period maybe extended up to a maximum of another 30 days for reasons to be recorded and communicated to the requester, in writing.

Lack of response from a public authority, within the above mentioned period, shall be deemed to amount to a refusal of request for access to information and the requester shall be entitled to seek recourse to the review procedure.

Access may be provided to one or more of the following forms:
(1) a reasonable opportunity to inspect records/documents (2) supply

of copies of documents (3) where the information requested for is stored in computers, a provision of access through terminals or supply of prints- outs etc.,

Access should ordinarily be provided in the form it is requested for unless: (1) it would disproportionately divert the resources of a public authority or (2) would be detrimental to safety or preservation of the record document in question.

Fee

Fees may be charged for access to information and may include an application fee and an additional fee based on the cost of supplying the information, such as cost of research involved in compiling the information and cost of copying etc. The fee may be waived in the cases where the disclosure can be said to be in the larger public interest.

Exemptions from disclosure

Disclosure of information may be refused if the information is covered by any of the following categories:

1. Information disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the state, conduct of international relations including information received in confidence from foreign governments their agencies or international organization
2. Information disclosure of which would prejudicially affect the conduct of centre state relations including information received in confidence from a state government or any of its authorities/ agencies
3. Information in the nature of Cabinet papers, including papers prepared for submission to cabinet or submitted to cabinet, other than the document thereby such decision are published
4. Information other than exclusively factual information, in the nature of internal working papers such as inter-departmental/intra- departmental notes and correspondence, papers containing advice, opinion or recommendation for the purpose of deliberative processes in a public authority

5. Information disclosure of which would prejudicially affect the enforcement for any law, including detection, prevention, investigation or suppression of crime or contravention of any law or would lead to incitement to an offence or would prejudicially affect the operations of any intelligence organization to be specified by the government, or would prejudicially affect public safety or the safety of an individual or would prejudicially affect fair trial or adjudication of pending case, or would reveal the existence or identify of a confidential record or source of information ,or would prejudice future supply of information relating to violation in or contravention of any law
6. Information the disclosure of which would prejudicially affect the government's ability to manage the economy or would prejudicially affect the legitimate economic and commercial interest of the public authority or would cause unfair gain or loss to any individual or organization
7. Information the discloser of which would prejudicially affect the management of services under the operations of public authorities
8. Information in the nature of trade or commercial secrets or any information having a commercial value, which is likely to prejudicially affect the competitive position of a third party provided that excepting in the case of trade or commercial secrets protected by law, disclosure may be allowed if public interest in such disclosure, outweighs in importance any possible harm or injury to the interest of any such third party
9. Information the disclosure of which would not sub serve any public interest
10. Information, the disclosure of which would cause unwarranted invasion of the privileges of an individual and
11. Information the disclosure of which may result in the breach of parliamentary privileges or would amount to violation of an order of competent court.

SEVERABILITY

If a request for access to information is refused on the ground that it is in relation to information which is exempted from disclosure then notwithstanding anything contained in this Act, access may be given to the part of the document which does not contain any information that is exempted from disclosure under this act and which can reasonably be severed from any part that contains any such information

THIRD PARTY INTERVENTION

Where a public authority intends to disclose information that has been supplied in confidence by a third party, or which might contain trade or commercial secrets of a third party and such disclosure can reasonably be expected to harm the interest of such third party, a notice may be given to it, of the intended disclosure, and it may be permitted to make a representation within 14 days of the receipt of the above notice stating reasons why the information should not be disclosed. The public authority shall take such representation into account while taking a decision on the request for information. /In the case of information other than trade or commercial secrets protected by law, disclosure may be permitted if public interest outweighs in importance any possible harm or injury to the interest of the third party

INTERNAL REVIEW

A requester, whose request for access to information has been rejected by an Information Facilitation Officer, may make an application for review of that decision to the Head of the Department having jurisdiction over the concerned office of the public authority to which the request had been addressed

The concerned HOD shall dispose of the review application within 30 days of its receipt. In case the request relates to information in the nature of third party information, the disclosure of which can reasonably be expected to cause harm to such third party, the Head of Department shall also send an appropriate notice to such third party affording it the opportunity to make a representation and shall take into consideration any such representation, if made, while taking a final decision on the review application, provided that, excepting in case of trade or commercial secrets protected by law, disclosure may be permitted if public interest outweighs the expected harm or injury to the interests to any such third party.

A review application may also be made as regards the fee proposed to be charged by the Information Facilitation Officer.

Appeal

The machinery under the Consumer Protection Act 1986 may be used as an appellate mechanism with an appeal under the Freedom of Information Act being dealt within the same manner as a complaint under the Consumer Protection Act.

RULES AND REGULATIONS

Rules and regulations may be made to carry out the purpose of the Act. They may deal with matters, such as fees and waiver of fees, forms of application for access, review and appeals against decisions to deny access, procedures for review, appeal and other similar matters.

ANNUAL REPORTS OF PUBLIC AUTHORITIES

All public authorities shall, in their annual reports, include a separate chapter detailing the operation of the Act. The reports may mention, *inter- alia*, statistical data including the number of requests for access to information received during the year, the number of refusals along with broad reasons for refusals, the costs incurred in providing access and the fees recovered, details of review applications and appeals and their disposal etc.,

COUNCIL FOR FREEDOM OF INFORMATION

Councils may be set up at National as well as State levels, under the chairmanship of the Ministers in-charge of Department of Administrative Reforms with a suitable number of members representing such interests as may be specified, for reviewing the operation of the Act and to advise the Government on making the Act effective, including training and orientation of employees, streamlining procedure etc.,

REVIEW OF OTHER LAWS AND RULES/REGULATIONS

There are a number of laws containing provisions, which may impinge on disclosure of information, which would need to be reviewed and amended to make them consistent with the proposed Freedom of Information Act. For example, the provision of sections 5 of the Official Secrets Act will have to be amended suitably keeping in view the principles under laying the proposed Freedom of Information Act. Similarly, sections 123, 124 and 125 of Indian Evidence Act may be to be reviewed. Rule 11 of the Central Civil Services Conduct Rules 1968 would

also need to be amended. Similar action would need to be taken in respect of the relevant rules for the State Civil Services. The working group on right to information and promotion of open and transparent government is looking into some of these aspects. However, a detailed study is required to identify all laws, which may have to be revised.

2. Access to information

It is also important to improve the access of public to information from public offices, through streamlining of internal procedures, computerization and by setting up public facilitation counters in offices, it is proposed that all the offices under the Government of India and the Public Sector undertakings will have computerized Facilitation Counter so that information and assistance is available to the public on various essential services and approvals. The State Government may consider setting up of similar Facilitation Counters not only at the municipal and district levels, but also at the various State Directorates. A note on the subject is given below:

COMPUTERIZED ACCESS OF THE PEOPLE TO INFORMATION FROM PUBLIC OFFICES AND FACILITATION COUNTERS

SCHEME

An integral aspect of administrative reforms, both in the short term and in the longer perspective, is related to the speedy and easy access of information to the public on the services and activities of government and the development of appropriate management information systems in government. There are considerable delays in redressal of grievance and securing access to information, since government department with a public service interface do not have a mechanism to provide information to the citizens across the counter or to deal with their queries and complaints at a single point.

This would necessarily involve two areas. The first is related to the development of an appropriate computerized network of information to internally link all offices of Central Government, telecom or railways, as well as to integrate central or state offices for effective information sharing in the cause of services to investors and the public, and more intelligent government. The second aspect would be linked to the need to ensure widespread and easy access of citizens to information at various levels in the government and its agencies, as well as the issue of revenue records and certificates, simplified and speedy systems of securing approvals and permits, redressal of grievances etc., with the help of computers.

The expert group set up by the Government of India is examining these issues. Meanwhile, the Government is studying the legislative amendments or new laws necessary to ensure the legal and transactional acceptability of computerized data transfer and printouts.

It is evident that significant infrastructure to create a computerized public interface is already available through National Informatics Centre, which is working closely with the state governments. The district NICNETs are fully operational, and district level NIC coordination committees have been set up to supplement the committees at the state level. NIC has already set up 6,000 databases and the GISTNIC is providing information on various aspects of the economy and functioning of government, to which a new section on public services is now proposed to be added. All the districts are proposed to be computerized with NIC help to provide up to date information on judgments and the stage of cases, with 150 courts covered already. Many state governments are taking full advantage of the facilities provided by

NIC, including the Central Assistance for the computerization of land records, and have also devised their own systems to computerize procedure information to public etc., States like AP are monitoring the movement of files, and implementation of schemes through computers.

As part of the programme to disseminate information on public services to the public, it is proposed to set up **citizen information centres** on a pilot basis through the efforts of the Department of Consumer Affairs and Public Distribution and the involvement of State Governments. These centres could be run by voluntary agencies with assistance from the consumer welfare fund. However, the real help needed by the citizens in terms of securing various services or getting their complaints promptly attended to, besides information on procedures and forms, can be provided only through counters set up in public offices.

The Government of India has decided that all officers of the Government and agencies under it should have a computerized public interface, aimed at dissemination of information to the public for a fee or free of charge. The Central Government Ministries and their agencies would take steps to ensure provision of all unclassified information on procedures and decisions to the public through facilitation counters which should be set up near the reception hall of the Ministries or offices, similar to the Lakhina model in Maharashtra. These counters would be operated continuously during the day by trained officials with courteous approach, with the capacity to converse in English and the local language, and capable of using computers. The salient features of the facilitation centre are given at the end of this annexure. These counters can be provided with computer consoles to provide instant information on the status of pending cases, waiting lists etc., and also print out permits and licenses across the counter wherever possible.

The State governance could consider similar steps to identify services most frequently required by the people, and set up people facilitation counters in all offices with a public interface in the districts and towns, state departments, directorate and public utilities. The Central Government could consider supporting the establishment of these counters through help from the NIC, training of staff etc., and ensure delegation of powers and procedural changes for this purpose. The Central and State Governments can jointly work towards providing the people of India in all tehsiles, districts and towns so that, over the ninth plan period, all the public offices have at least one information and

facilitation outlet for the harassed consumers or the applicant. The facility could be extended to the police stations at the same time.

PROPOSED ACTION

The State Governments could consider steps to promote widespread and easy access of the people in rural and urban areas to information on public services, details of government schemes, status of application, allotment of permits. They could ensure this through a systematic and phased computerization of administrative operations with the help of NIC, and the emphasis on providing quick information and assistance to the people across the counter for priority services in all offices with public interface. This could be linked with the scheme for public facilitation counters in all government offices.

PUBLIC FACILITATION CENTER SALIENT FEATURES

- Provide information regarding services, schemes and procedures through brochures, booklets reports etc., .
- Provide information regarding position of waiting list and applications through computer, screens updated every day, and through computerized query to departmental data base
- Provide information regarding matters, such as bill payment, registration, land/house allotment, payments or phone or personally to the public
- Forms which are to be utilized for various procedures should be available at the facilitation centre, even if the processing is to be done elsewhere
- Receive complaints, issue acknowledgement slips, indication the section dealing with the complaints
- A sufficiently senior officer is to man the facilitation centres with appropriate orientation, capable of speaking English and local language for handling customers, and knowledge of use of computers
- Time limits and other details be notified through display boards at the facilitation centres for completion of various procedures and for disposal of cases

- Ensure easy accessibility to facilitation centres for the customer and average citizen, and publicity regarding the location and hours of access
- Utilizing interactive voice system were feasible for enquiry response
- Benches and fans for the waiting public, especially the old and the handicapped.

IMPROVING THE PERFORMANCE OF THE PUBLIC SERVICES

The civil services in India have played a significant, indeed a critical, role in maintaining the integrity of the country and in bringing about major developments in post independent India. However, in recent times, the services have been facing a grave crisis of identity and role definition. People now believe that public services are meant to benefit government servants and politicians and not the public. The emphasis here is on all public services, which subsume all technical, professional law enforcement and administrative personnel. Though issues relating to efficiency and effectiveness of the administrative machinery have been discussed from time to time, the reforms initiated have only dealt with minor procedural changes, without really addressing the issue of improving in the quality of services. The Government had initiated an exercise to discuss the specific reforms that could be undertaken to improve the image of the services and enhance their effectiveness. The following proposals had emerged in this regard:

1. Code of Ethics

Adoption of the code of ethics of public services based on constitutional principles and values, with appropriate amendments in the existing codes of conduct. Such a code, given below, not only seeks to regulate the role of civil servants, but also specifies the relationship of the civil servants towards the welfare of the public and the principles enshrined in the constitution is reiterated.

Responsive and clean administration depends, *interalia*, on adherence of the employees in public services to ethical standards and the basic principles of the constitution such as secularism, social justice, attention to the needs of weaker section and vulnerable groups, equality and rule of law.

Both Central and Stat Governments no doubt have notified regulations governing the conduct of employees in various services, which address these issues. However, they are more in the nature of formulations of do's and don'ts and do not represent a positive statement of values and belief that should govern the public and private conduct of civil servants.

Nor do they provide clear directions to the employees on certain issues effecting their morale, motivation, sensitivity and professional skills. This is relevant at the present juncture, when there is much confusion regarding the desirable service norms for these servants, and the rewards from adherence to the highest standards of probity and integrity. There has been support for such a code from both officials and members of the public.

It is in this context, the Code of Ethics (in the following paragraphs) has been formulated. It spells out the employee's obligation to the government and the constitution, the right of public comment, conflict of interest, accountability to the public, concern for the value of public assets, release of information, integrative role, professionalism, and teamwork. It clearly brings out the expected behaviour of the employee in case of illegal directions of superiors, the need to refrain than seeking favour from politicians, the principles of responsive administration, supportive role of senior officers, and the role of public services in a secular constitution wedded to the Rule of Law and Directive Principles of Policy. The Code would apply to all services, generalist and technical. The Government of India proposes to give a legal shape to this code by incorporating it in the Code of Conduct Rules for the All India Service and Central Government Employees.

PROPOSED ACTION

The State Governments could endorse the initiative of the Central Government for assuring values in the public services and they

could consider enforcing the Code of Ethics as an integral part of the Code of Conduct Regulations for State Services, after appropriate changes to suit local circumstances.

CODE OF ETHICS FOR THE PUBLIC SERVICES IN INDIA

OBJECTIVE

The objective of Code is to prescribe standards of integrity and Conduct that are to apply in the Public Services. The principles stated below underlie and supplement the rules and laws regulating the public and private Conduct of various public services.

OBLIGATION TO GOVERNMENT AND THE CONSTITUTION

The Constitutional and administrative role of the public services is to assist the duly constituted government, of whatever political colors, in formulating and implementing policies of the government and in administering the public services under the control of the Government in the most effective and efficient manner, within the framework of the Indian Constitution.

It is the obligation of every employee in the public services to uphold the Rule of Law and respect for Human Rights, and to act solely in the public interest while making recommendations or exercising administrative authority. He or she must maintain highest standards of probity and integrity.

In relation to the general public, employees in the public services should conduct themselves in such a manner that the public feels that the decisions taken or the recommendations made by them are objective and transparent, and are not calculated to promote improper gains for the political party in power, for themselves or for any third party.

Employees in the public services should not seek to frustrate or undermine the policies, decisions and actions taken in the public interest by a duly constituted government, be declining or abstaining from action which flows from ministerial decisions or statutory obligations. Where, following the instructions of the superior authority implementation of such decisions or action would appear to conflict with the exercise of impartial professional judgment, or affect the efficient administration of the department or undertaking the employee should set out the points of

disagreement clearly and courteously in writing to the superior authority and seek explicit written instruction thereon.

Where an employee in public services has reasonable grounds to believe that he or she is being required by the superior authority to act in a manner, which is illegal or against prescribed rules and regulations, or if any legal infringement comes to his or her notice, he or she should decline to implement the instruction. He or she would also have a right to bring the facts to the notice of the Head of the department or the Chief Secretary in the central government or the minister. It shall be incumbent on the Chief Secretary (Cabinet Secretary in the case of Central Government) to examine the issue carefully and advise the Chief Minister (Prime Minister in the case of Central Government) appropriately.

RIGHT OF PUBLIC COMMENT

Generally, employees in public services have the same rights of free speech and independence in the conduct of their private affairs as other members of the public. However, they also have a duty not to compromise the government by public criticism of, or comment in, policies. They should, therefore, ensure that their contribution to any public debate or discussion on such matters maintains the direction appropriate at the position they hold and is compatible with the need to maintain a politically neutral public service.

CONFLICT OF INTEREST AND PEER PRESSURE

Employees in public services should refrain from decision in respect of which they have reason to believe that they are calculated to benefit any particular person or party at the expense of the public interest.

Every employee in the public services shall disclose any clash of interest when there is conflict between public interest and private interest, or he or she is likely to benefit from any act of omission or commission while discharging his or her functions.

Employees in public services should maintain their independence, dignity and impartiality by not approaching politicians and outsiders in respect of their service matters or private benefit, and exercise peer pressure to dissuade those within their own cadre who do so, and to set in motion disciplinary proceedings against such persons. Any such approach

on his or her behalf in such matters would be deemed to be at the instance of the employee.

ACCOUNTABILITY AND RESPONSIVENESS TO THE PUBLIC

Consistent with accountability to the superior officers and the Ministers in accordance with Constitutional provisions, employees in the public services should be accessible to the people and practice accountability to them in terms of quality of service, timeliness, courtesy, people, orientation and readiness to encourage participation of and from partnerships with citizen groups, for responsive government.

Employees in the public services should be consistent, equitable and honest in their treatment of the members of the public, with particular care for the weaker sections of society, and should not even be, or appear to be, unfair or discriminatory. Decisions in pursuit of discretionary powers should be justifiable on the basis of non-arbitrary and objective criteria.

Employees in the public services should accept the obligation to recognize and enforce the citizens right for speedy redressal of grievances and commit themselves to provide service of declared quality and standards to the citizens.

Employees in public services should respect the rights of the public to information on all government activities and transactions except where they are debarred from releasing information by provisions of law or valid instructions.

Concern for Value of Public Assets and Funds

Employees in public services should avoid wastage and extravagance, ensure effective and efficient use of public money within their control and endeavour that the benefits of schemes for disadvantaged and poor sections of society are not wasted or diverted for the benefit of others. They should avoid ostentation and set examples of austerity for others.

NON-ABUSE OF OFFICIAL POSITION

Since employees in public services have a responsibility to take decisions on merits, and they are in a position of trusts, they must not use their official position to influence any person to enter into financial or other arrangements with them, or with anyone else. They must not

abuse official position to obtain a benefit for themselves or for someone else, in financial or other forms.

SAFEGUARDS IN RELEASE OF INFORMATION

Employees in the public services should not unauthorisedly release information which is not permitted by law, or compromise private or business interests, or the privacy of an individual when such information has been received in confidence .They should not take improper advantage of official information acquired in the course of their work, for unwarranted gain themselves or others.

INTEGRATIVE ROLE

Every employee in public services should recognize the integrative role of public services in national development, and resist internal and external attempts to fragment public services and society on caste, communal or religious lines. He or she should cultivate national outlook to rise above sectarian, service cadre or departmental loyalties.

CONTINUOUS IMPROVEMENT THROUGH PROFESSIONALISM AND TEAMWORK

It shall be the duty of every employee in the public services to continuously upgrade his or her skills and knowledge, strive for creativity and innovation and nurture values of team working and harmony.

All employees in public services should promote and exhibit public and private conduct in keeping with the appropriate behaviour and standards of excellence and integrity. They should support the juniors in the later efforts to resist wrong or illegal directives and in abiding by the code of ethics. At the same time, they should reward good work and punish any dereliction of duty or obligation, based on objective and transparent criteria.

2. Cleansing the Administration

Though the rationale for the civil service in promoting the progress and integrity of the country is as valid today as before, there is an urgent need to tackle corruption and the increasing erosion of moral values in public life. The recommendations, which have emerged in this regard, have been collated in the note given below. These measures, once adopted, would need to be widely publicized to instil public confidence, both in the probity of all political and administrative functionaries and in prosecution of the corrupt without exception.

TACKLING CORRUPTION AND CLEANSING ADMINISTRATION

The context and consequence

It is not an exaggeration to talk about corruption in terms of a crisis or a cancer endangering India's society, polity and economy. There has been a distinct increase in transactions in Central and State Governments, where the presence of corruption has been substantiated. Evidence points to an increase of corruption in higher bureaucracy and elected political functionaries, often in collusion or in nexus with criminal elements. Corruption is rampant in administration of welfare schemes, public distribution system, police, revenue and irrigations departments, and several other sectors where people come into contact daily with administration. Corruption at lower levels takes the form of speed money for expediting approvals or providing legitimate services, or bribes for twisting rules. A matter of grave concern is the vertical integrity of corruption at various levels of government between officials and politicians and the inability of top functionaries to check the prevalent and growth of corruption. Corruption in public life is of course part of the malaise of black money and erosion of the moral fibre of Indian society.

The effect of corruption on the economy and public administration in terms of waste, distorted resource allocation, reduced revenues, unfavourable perceptions of foreign investors etc is obvious. More insidious from the point of view of responsive government and the welfare of the poor, is diluted standards of goods, services and construction, hazards to life and safety of the public from spurious goods, leakage of benefits and subsidies meant for the poor and the

denial of fair treatment and justice to people other than those able to access money and influence. That is why there is a strong demand by the public for effective punitive and corrective measures to tackle the problem. This concern is reflected in the manifestoes of all political parties in the 1996 General Election.

The scheme

The Government of India is committed to integrity and impartiality in public life and clean administration and to take effective steps to eradicate the evil of corruption. It is determined to pass the legislation for Lok pal in the parliament. Along with similar statutory steps by the states, it should be possible to proceed vigorously in cases of allegations against Ministers and public functionaries through an independent institution with credibility and assured powers.

Along with this following steps can be considered for investigation and prosecuting quickly all cases of corruption and misconduct of officials at all levels and for ensuring swift and exemplary punishment of the guilty.

1. Elimination of corruption in public services should address preventive, surveillance and deterrent punishment, and deal ruthlessly with the nexus of officials with criminal elements and venal political functionaries.
2. Rules and legal provisions should be amended to enable immediate and exemplary prosecution and removal of corrupt officials without recourse to any political protection.
3. There should be no scope in the rules for any interference in prompt prosecution and punishment of corrupt public servants, and permission for such prosecution should be given within a prescribed period to investigating agencies like the CBI, where prior approval has been stipulated. At the same time clear norms should be laid down to prevent demoralization of public servants on account of frivolous complaints or inquiries.
4. The investigating agencies and vigilance machinery should be strengthened by provision of adequate staff, powers, resources and independence accompanied by proper accountability for results. The preventive aspect of corruption in government or the public sector depends on an independent and well-staffed vigilance set up.
5. Amendments should be formulated to the relevant rules on the lines of those proposed in the rules relating to All India and

Central Services to provide for the premature retirement of officials at a reasonably early stage of employees' careers to weed out elements which are either inefficient or of doubtful integrity. It is further necessary to amend the relevant service rules to enable the review of integrity and efficiency of officials at any stage during their career and to provide for premature retirement of officers of doubtful integrity in public interest.

6. The existing procedures for departmental enquiries and vigilance proceedings for Central and State Government employees should be revamped in order to ensure their completing within a year. The proposed steps in Central Government include:

- (a) Prescribing firm time limits for all the stages from preliminary investigation to issue of charge sheet, to actual enquiry and the issue of final orders of exoneration or punishment;
- (b) Ensuring, through training, compliance with all legal requirement of enquiry and opportunity to the defendant so as to avoid procedural infirmities that lead to legal challenge;
- (c) Agreeing with Public Service Commission and chief vigilance commissioner on time limits for consultation and advice;
- (d) Ensuring adequate number of full time or part time inquiry officers, and providing them with adequate incentive and training;
- (e) Suspending or transferring to non-sensitive posts those personnel who are being prosecuted or proceeded against departmentally on charges of corruption;
- (f) Providing for summary procedures in cases where charges relate to penalties other than removal, dismissal and reduction in rank;
- (g) Dealing with deficiencies pointed out by the courts of law and;
- (h) Making a careful distinction between petty procedural irregularities and substantive misconduct to eliminate the format from detailed inquiries and close such case after recording adversary remarks in the CR, issue of warning or counselling the officer.

7. Attachment and forfeiture of properties acquired by public servants by corrupt or illegal means not only in their own names but also in the names of their relatives and others under their control can be considered, through provision modelled on the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property Act, 1976) and prompt penal action in respect of proven holding of assets disproportionate to known sources of income
8. Areas of discretion available to various levels of administration should be curtailed to the minimum, along with steps to prevent their arbitrary use. Equally urgent are steps for deregulations, procedural simplification, elimination of unnecessary controls, decentralization and delegation, monitoring of service delivery through citizen groups, greater transparency in all areas of public interface and corruption prone agencies, and the review of the rules and procedures governing procurements, contracts and extortion as these would bring down the incidence of speed money on the one hand and extrusions at the decision making level.
9. Objective and transparent criteria for the transfer and promotion of officials in order to insulate them from political influence in action taken according to law and in public interest.
10. Strengthening role and powers of audit in the identification of financial and procedural irregularities to be followed by investigation for possible corruption
11. Close networking of different agencies like lokpal/lokayukta, CBI/CVO, Income Tax authorities, Enforcement Directorate and CAG in terms of sharing of information and intelligence and coordinated investigations.
12. Encouraging adoption of code of ethics not only by civil servants but also all public functionaries, media, professionals, and the corporate sector based on constitutional principles and moral values.
13. Assuring adequate remuneration, congenial working conditions and access to housing and health care for the employees.
14. Mobilizing public opinion against corruption, increasing awareness of avenues of complaints and investigation, and supporting efforts of citizen groups, media and NGOs in this respect.
15. Encouraging officials at all levels to bring irregularities or suspected corruption to the notice of the Chief Secretary, and to reward such officials in cases where the fraud reported by them are established.

Points for Decision

The Central and State Governments could draw up, adopt and implement the measures suggested above consistently and effectively, with an agenda of long term and short-term actions and based on total coordination of Central and State agencies and the CAG. The Lok-Ayuktas could be adequately empowered and resourced to deal effectively with all cases or allegation of corruption. The efforts could be centred on immediate and exemplary prosecution and removal of corrupt officials without any political protection, while supporting honest and competent employees. The Prime Minister/Chief Minister, Cabinet Secretary/Chief Secretary could monitor the agenda regularly and the results would be widely publicized so as to instil public confidence in the probity of all political and administrative functionaries.

3. Stability of tenures and constitution of civil services board

Frequent and arbitrary transfers of public servants affect the ability of the system to deliver services effectively to the people. It has been seen that implementation of area development programmes and poverty alleviation schemes suffer where the officials are shifted frequently. Since the success of such schemes depends on having officials with sufficient local knowledge and understanding to execute the schemes. Hence, it is felt that arbitrary transfers really operate against

the interest of the people. In this context, the note given below, propose a schemes for State Governments to constitute High powered Civil Services Boards to decide on transfers and postings of senior officials, on the same lines as the one already followed by Civil Services Board the Centre.

STABILITY OF TENURE AND A SCHEME FOR CIVIL SERVICES BOARDS

It is not sufficiently realized that the effective and people-friendly administration of various policies and schemes of the government, and the responsive delivery of services, depend critically on the stability of tenure of senior officials in charge of the programmes, and enforcement of laws. The responsiveness of a civil servant and his capacity for even-handed treatment of all sections of the public depends to a substantial extent on the degree to which he or she has a sense of continuity in the official position and does not feel threatened by the risk of premature transfer or any punishment for even-handed administration. The effectiveness of public administration in the states suffers from the case with which tenures of officials serving in the field either in the regulatory or development field is cut short, leaving the officials demoralized, the public dissatisfied, and with the credibility of the Government seriously eroded. The public in fact perceives such actions as reflective of an unholy nexus between undesirable elements among politicians and civil servants. To impart stability to tenures of officers at the cutting edge of field administration like District Magistrates, Superintendents of Police, Heads of Departments etc would not only help the officers to deepen their knowledge and experience, but also help the public to receive the services expected of the civil services with expedition and efficiency, The consequences of irrational and abrupt transfers are manifold. Most importantly, they result in unstable, short tenures, leading to frustration and demoralization; the 'partiality' and 'objectively' of the officer comes under strain, building up of experience-based expertise is prevented; and ultimately, the task or the job is prevented from being performed and thereby, the Government's objectivities are to that extent, not attained. Different individuals react differently to the situation described above. A few resist firmly and pay the price, some offer passive resistance and try to do their best, what is worrisome is that an increasingly large number give in and reap the rewards of compliance. The major casualty is, of course, the total system.

While the conduct rules provide for various opportunities to the officials in respect of proceedings of suspension, demotion, dismissal and minor penalties, they do not enjoy such safeguards as regards unjustified transfers. It is quite commonplace in several states to see mass transfers of senior officials at the district and secretarial level where there is a change of government or leadership. It is often the case that the legitimate hierarchy for effecting the transfer and promotion of various officials is marginalized in favour of extra constitutional systems based on extraneous influences. Consequently, not only is the ability and authority of the superior officials in enforcing complaint action in the public interest by subordinate officials eroded, they become incapable of ensuring effective and responsive administration through lower level functionaries. At the same time, the system should provide for weeding out the non-performers on the basis of objective criteria.

The demand for stability of tenure and objective criteria for transfers and promotions is not only an element of motivation and efficient performance of civil servants, but is a matter of great concern for the public at large. It is seen that, when an official with sufficient knowledge of the district or city or the department is available for a sufficiently long time to formulate policies, and implement schemes of poverty alleviation and the seven basic services in response to people's needs, effective governance is visible, especially in the context of the decentralization of powers to the local level. This is seen from examples of excellent initiatives in this regard in districts or cities from officers with a long tenure and rapport with citizens and their representatives, and the low level of development and utilization of funds in districts or cities witnessing frequent rotation of officers. Further, the people can expect to receive fair, equitable treatment, unaffected by consideration of speed money or other benefits, only if the official is encouraged to have the courage and confidence to take decisions without fear or favour or the penalty of premature transfer. These considerations are equally valid for the police and law enforcement agencies.

There has been a long felt need for creation of an institutional arrangement for better personnel management at the state level. The Administrative Reform Commission in its report on State Administration in November 1969 had also felt the need for setting-up an Establishment Board in each state for proper management of selection and posting for posts of the level of Under Secretary and above in the State Secretariats and field organization. The matter has also been taken up in

the Conference of Chief Secretaries held on November 20,1996.It had been concluded that the State Government could be requested to devise suitable mechanism, including establishment of a high powered Civil Service Board, and amend relevant rules for enabling transparent decisions on postings, promotions and transfers of senior officials on the lines of Central Government.

Such an institutional arrangement already exists in Government of India in the form of the Central Staffing Scheme. Under the Central Staffing Scheme of the Government of India, the appointments committee of the Cabinet (ACC) is empowered to take decision in respect of selection and appointments of officers to secretarial posts of and above the rank of Under Secretary to Government of India and certain important non- secretarial posts as also on various other related issue of personnel management. In this respect, ACC is assisted and advised by the Civil Services Board and the Central Establishment Board constituted therefore.

Though a complete transplant of the Central Staffing Scheme to the states is neither feasible nor desirable, it is suggested that the State Governments could consider imitating similar institutional arrangements. The true potential of the senior officials can be properly utilized for better management and development of the state. In this respect, guidelines for setting up the proposed civil services bard and its functions are enclosed herewith as appendix.

These guidelines can become truly operative and generate credibility and morale in the civil services and the public only if government employees are not permitted to bring political or other extraneous pressure to bear on the government or on the transferring authorities for transfers and promotions. This issue is addressed in the code of ethics. Any employee, who brings such pressure, should be liable for disciplinary action and in such cases strict punishment should be awarded. Such action should be initiated also in cases where references are received by Heads of Departments from outside agencies including political functionaries and members of the public as well as bureaucrats for effecting transfers. It could be ensured that these guidelines are seen as carrying the authority of the Chief Minister so that a proper message goes down the entire system.

Proposed Action

The State Governments could consider adoption of the above mentioned scheme for setting up Civil Services Board with the proposed functions, for recommending to the Chief Minister proposals on the transfer, promotion and placement of senior officials other than the Chief Secretary, DG of Police, and Chief Conservator of Forests and for recommending action on grievances of officers, such as premature transfers, or undue political pressure.

SCHEME FOR CIVIL SERVICE BOARD

The proposed scheme will not apply to top functionaries like the Chief Secretary, Director General of Police and Chief Conservator of Forests who shall be appointed by the Chief Minister as at present.

The State Government may set up a Civil Services Board, charged with the responsibility of recommending to the government transfers and postings of all officers of and above the rank of Joint Secretary in the State Secretariat, apart from Heads of Departments, Additional Heads of Departments, Divisional Commissioners, Financial Commissioners, Collectors/District Magistrates and District Superintendents of Police. The Board could comprise the following 1. CS- Chairman 2. One officer of the rank and status of Additional CS (preferably the senior most) or Chairman of the Board of Revenue or the senior most Financial Commissioner, as the case may be in a state-Member and Secretary DOP&T or Secretary, Appointments, GAD as the case may be in state-Member Secretary.

The Home secretary and DG of police could be associated while considering matters relating to appointment at the level of DIG and above in the Home Department. The Secretary, Forest Department and the Principal CCF could be associated in connection with matters relating to the Conservator of Forests and above. Similarly, the Secretary of the Administrative Department concerned could be associated as a special invitee, when proposal concerned the HOD or Additional HOD is under consideration of the Board.

The Board's functions could be as under: 1. To recommend a panel of names for appointments to all posts mentioned in second paragraph above 2. To recommend All India Service Officers and State Service Officers for their promotions as well as short and long term training within and outside the country. 3. To advise the Government on personnel

policy, especially career management of AIS officers and other state civil service officers 4. To make proposals on transfers of such officers, and 5. To entertain appeals of officers against premature transfers and the grievances and submit the same with the Board's views to the Chief Minister.

The Board should meet on a pre-determined day of the week.

The merits of the suggested system would be: 1. Ensure more responsive and citizen-friendly administration, and effective execution of development schemes and programmes of poverty alleviation and welfare of weaker sections 2. Appointments and promotions would be made after due consideration of all relevant factors and would be governed by the collective wisdom of the Board, while leaving the final decision to the political executive 3 It would, over a period time, make possible much greater accountability of officers in terms of performance and service to the people as, in the envisaged system, minimum tenures, say of two to five years or as per the norm prescribed by the Government. 4. Over time, with experience of the working of this system more attention would begin to be paid to cadre management and career planning and 5. The civil service and the public would benefit from the presence of officials who are impartial and committed to be values enshrined in the Constitution.

Any premature transfer before completion of prescribed tenure should be based on sound administrative grounds to be spelt out in the transfer order itself. Such premature transfer may be deemed to be a minor penalty, so that the officers have a right to appeal against such orders if they feel aggrieved and summary procedures can deal with the situation

In view of the importance of ensuring public confidence in the integrity and impartiality of the process of recruitment of candidates for public service, the selection of chairman/members of public service commission and service skeleton boards should be done on the basis of recommendations of a similar committee.

Above all, there need to be an agreement at the level of both the political executive and the top officials that the instrument of transfer should not be allowed to be misused by the civil servants or the politicians in power nor should the power be vested in persons other than the

constituted authorities of government. As a matter of policy, extension of service should not be given to any employee.

With the increasing numbers of district development and municipal cadres, institutionalised and transparent system of placement and career planning appear to be necessary to supplement this. The government should continue the present practice of rotation in sensitive posts. Consideration for posting at the place of posting of the spouse, attention to the needs of women and the handicapped etc.

FUTURE ACTION

The above mentioned package of measures, proposed as a part of the Action Plan on a responsive and accountable administration, would include both a number of one time actions for immediate consideration, such as Freedom of Information Act, Citizens' Charter, measures to tackle corruption, and grievances redressal, as well as long term and ongoing reforms, such as inculcation of ethical values, objective criteria for transfers and placements, judicial and legal reforms, computerization, building employees morale and orientation of public functionaries. However, there can be little doubt that any action plan is only as good and credible as its level of implementation and monitoring. It is proposed that the plan itself can be elaborated and operationalised in concrete terms, and then pursued individually by the Central and State governments. The Cabinet Secretary in close consultation with the Chief Secretaries of the various States and Union Territories would continuously monitor the progress, under various items of Action Plan. The Action Plan would need to be well publicized, not only to secure widespread acceptance and feedback from all the stakeholders, but also to enlist the cooperation of the people in the implementation of the plan and in its evaluation.

ACTION PLAN

1. Citizens' Charter and an Accountable Administration
2. Effective and speedy public grievance redressal system
3. Empowering elected local bodies in rural and urban areas and decentralized delivery of services
4. Review of laws, regulations and procedures
5. Transparency and Right to Information
6. Access of the public to information from public offices and creation of Facilitation Counters

7. Code of Ethics for public services
8. Tackling corruption and cleansing the administration and
9. Stability of tenure and a scheme for Civil Services Board

EXERCISE ON PRIORITISING ACTION PLAN
FOR
AN EFFECTIVE AND RESPONSIVE GOVERNMENT

The conference Of Chief Ministers held on 24th May 1997 discussed an Action Plan for Effective and Responsive Government at the Central and State levels. The conference recognized that, as the country completes 50 years of independence, and as the **people are assailed** by growing doubts about the **accountability, effectiveness and moral standards** of administration, Central and State Governments should move together to justify the **trust of faith of the people** in the Government by taking up the implementation of the Action Plan endorsed by the conference in a time bound manner. The then Prime Minister who presided over the deliberations agreed to convene a conference of Chief Ministers again to review the progress in the implementation of the Action Plan. The review is being done from time to time about the progress in the implementation of the Action Plan. The conference adopted the following resolution.

" The states welcomed the initiatives by the Prime Minister towards more effective and responsive administration and stated that these initiatives are important and timely. It was agreed that each state would work for the implementation of the Action Plan, making appropriate allowance for variation on local circumstances. Necessary political will to implement these will be essential. The progress will be reviewed..."

Implementation of the Action Plan in the Centre as well as in the States is a challenging task and demands commitment of Civil Servants and Politicians. It also requires a paradigm shift in the conventional thinking of all those matter for transforming a regulator governance in to that of a facilitator governance. Given below are some concepts on effective and responsive administration, where perceptions may be same or differing. On each of them please ponder over.

EXERCISE ON PRIORITISING ACTION PLAN

PONDERABLES

1. Ensuring responsive, accountable, transparent, decentralized and people friendly administration at all levels is the concern of the government both at the centre and the state.
2. There is considerable frustration and dissatisfaction amongst the people, especially the weaker sections of society, about the apathy, irresponsiveness and lack of accountability of public servants.
3. The expenditure on staff continues to increase.
4. There is increasing anxiety about growing instances of corruption and criminalisation in public life and administration.
5. The people, particularly the vulnerable, groups, are also greatly concerned about the deterioration in the performance of agencies concerned with law and order and the investigation of offences.

6. People's faith in the registration of offences, their timely investigation and the delivery of prompt justice has been eroded.
7. Administration is for the people and not for the public servants themselves.
8. There has to be a change of attitudes, and public servants should realize that efficiency would be measured not in terms of what the services purport to offer, but in terms of public satisfaction.
9. There has to be a cleansing of the services and codification of the ethics, value systems and the interface with the politicians.
10. Necessary corrective steps must be taken to arrest the drift in government and public services, and take urgent measures to restore the faith of the people in the fairness and capacity of administration.
11. There is a need for bringing about a transformation in the public services to make them more efficient, clean, accountable and citizen friendly.
12. A follow up action has to be initiated on some of the priority areas to demonstrate the determination of the Government of India for implementing these reforms and to provide models for adoption by the State Governments.
13. There is a need to evolve a concrete Action Plan, for gearing up the Government machinery to provide a responsive, transparent and clean administration to the people and to address issues of reform and morale in the civil services.
14. The adoption and implementation of the proposed Action Plan for an Effective and Responsive Administration would require a strong political will, and reiteration from both the Central and the State Governments of their commitment to provide an accountable and responsive administration.

15. The citizen's perception of the state and its functionaries is primarily based on its role as a service provider, law enforcer and regulator.
16. Improving the quality of administration and providing a responsive interface between the citizen and the public services require initiatives in the areas such as: Citizens Charter, Redressal of public grievances, Decentralization & devolution of powers and Review of laws, Regulations & procedures.
17. The state government and the Ministries/ Departments at the center are all involved in some manner or the other, in providing public services.
18. Apart from an overall lack of transparency and accountability in the system, most delivery systems suffer from adhocism and delay.
19. It is important to identify and publicize the standards of services and time limits that the public can reasonably expect, particularly in critical activities with a public interface.
20. Ministries/Departments and other agencies with public interface have to formulate a citizen's charter, lay down time limits and standards for services, avenues of grievance redressal, and put in place monitoring systems and independent scrutiny to ensure implementation of the Charter.
21. The poor record of most public agencies in the area of prompt and effective redressal of public grievances is a major cause of public dissatisfaction and a subject of criticism by the elected representatives.
22. Public grievances primarily arise out of the inaccessibility of officials.
23. Failure to even acknowledge applications, non-enforcement of any kind of time limits, and unsympathetic attitude of officials at various levels will cause public grievances.
24. Responsive Government would require complete decentralization of delivery of services through fully empowered elected local

government bodies, both in rural and urban areas, consistent with the spirit of the 73rd and 74th constitutional Amendments.

25. The Central and State Governments need to take steps to strengthen the financial and administrative capacity of the local bodies and vest them with adequate resources and powers.
26. A number of existing laws and regulations have lost their relevance.
27. The laws and regulations militating against the interest of the weaker sections of the society and the poor are required to be urgently amended.
28. Existing procedures need to be changed to make the whole process of approvals, sanctions etc., simpler and transparent.
29. Amending the Civil Procedure Code, Company Law and a number of other laws, as well as to reduce the time taken in disposal of cases in civil and criminal courts is required.
30. Secrecy and lack of openness in transactions is responsible for corruption in official dealings, apart from being contrary to the spirit of an accountable and democratic Government.
31. There is a demand for introducing greater transparency in the functioning of government departments and public bodies.
32. There is a need to ensure to the people an easy access to all information relating to Government operations and government decisions, as well as that on the performance of government.
33. It is increasingly realized that, more the effort at secrecy, the greater the chances of abuse of authority by the public functionaries.
34. There is a widespread consensus on the need to assure freedom of information to the public and to amend such laws that stipulate unnecessary restrictions on free access of the public to information.

35. A statutory scheme to ensure freedom of information subject to certain safeguards, and to amend a number of central legislations, has to be formulated.
36. It is important to improve the access of public to information from public offices, through streamlining of internal procedures, computerization and by setting up public facilitation counters in offices.
37. The Civil Services in India have played a significant, indeed a critical, role in maintaining the integrity of the country and in bringing about major developments in post independent India.
38. In recent times, the Civil Services have been facing a grave crisis of identity and role definition.
39. People now believe that public services are meant to benefit government servants and politicians and not the public.
40. The reforms initiated from time to time have only dealt with minor procedural changes, without really addressing the issue of improving in the quality of services.
41. Adoption of the Code of Ethics of public services based on Constitutional Principles and values, seeking to regulate the role of Civil Servants, specifying their relationship towards the welfare of the public and the principles enshrined in the Constitution is to be reiterated.
42. There is an urgent need to tackle corruption and the increasing erosion of moral values in public life.
43. Frequent and arbitrary transfers of public servants affect the ability of the system to deliver services effectively to the people and operate against the interest of the people.
44. Implementation of Area Development Programmes and Poverty Alleviation Schemes suffer where the officials are shifted frequently.

45. A scheme for State Governments to constitute High powered Civil Services Boards to decide on transfers and postings of senior officials, on the same lines as the one already followed by Civil Services Board the Center is necessary.

46. Political executive should concentrate on policy formulation while implementation is left to public services at various levels.

47. The effective delivery of services and benefits under various welfare schemes to the public are frustrated by rigid procedure and archaic laws, apart from insensitive attitude of the officials and unwarranted transaction costs.

PRIORITISING ACTION PLAN

If we choose a large department or organization either at the Central level or at the State level, in order to initiate reform for the implementation of the Action Plan within an agreed time frame, we may reasonably expect action on some of the following to begin with or may be on all. Which of the activities from among the items given below are most important or less important. Consider categorizing or prioritising them in the order of preference or importance you consider appropriate in the context of your organization. You may also like to indicate where to begin with i.e. Secretariat level or Department level and whose responsibility to initiate.

1. Citizens' Charter and an Accountable Administration
2. Effective and speedy Public Grievance Redressal system
3. Empowering Elected Local Bodies in rural and urban areas
and decentralized delivery of services
4. Review of Laws, Regulations and Procedures
5. Transparency and Right to Information
6. Access of the public to information from public offices and
creation of Facilitation Counters
7. Code of Ethics for public services

8. Tackling corruption and cleansing the administration and
9. Stability of tenure and a scheme for Civil Services Board

CONFERENCE OF CHIEF SECRETARIES HELD IN NOVEMBER 1996

The conference shared the concern of the Prime Minister and the Government of India over the need to assure the people of India an efficient, open, responsive, accountable, and clean and dynamically adjusting administration at all levels. It is necessary to make corrective efforts to arrest the present drift before it is too late. It realized the importance of changing the present negative perception of public services as apathetic, insensitive, dilatory, corrupt and discriminatory. The blame has to be shared both by the political and bureaucratic elements. The emphasis here, is, not just on civil services but the public services subsuming all technical, professional, law enforcement and administrative personnel. It is recognized that these services have played a major role since independence in steering the country through turbulent times and new challenges. While the inefficiency and eroded morality of a growing minority have distorted the system, the rationale for a vibrant civil service in promoting the progress and integrity of the country, and pursue ideals of social justice, is as valid today as when the Republic came into being. It is necessary to devise urgent steps to restore the confidence of the public, especially the vulnerable groups, in the capacity and fairness of administration at various levels.

The conference recognized that governance has to extend beyond conventional bureaucracies to involve actively citizen and consumer groups at all levels, to empower and inform the public and the disadvantaged groups, and to ensure service delivery and the programme execution through autonomous elected local bodies.

The Chief Secretaries agreed to pursue governmental support for these measures, and elicit the widest possible response from all sections

of society and citizen groups on the context and direction of the changes needed. The objectives would be to identify critical thrust areas for immediate action and to generate a political consensus in a meeting of Chief Ministers.

➤ **OPREATIVE RECOMMENDATIONS OF THE CONFERENCE**

The recommendations of the Conference grouped under three headings: 1. Responsive Administration 2. Cleansing Civil Services and 3. Commitment to principles in the Constitution is given in the following paras.

RESPONSIVE ADMINISTRATION:

The crisis in administration calls for a redefinition of the role of government and its functions and its real focus to serve the public effectively as much as to ensure efficient and cost effective administration. Accountability, transparency and cleansing public services are all interconnected issues, for ensuring a clean and responsive administration It is necessary to converge the efforts of various public agencies for the delivery of basic services in rural and urban areas and for single level dealings with the public. This calls for steps to reorganize work procedures, for delegation down the line and an effective management information system accessible to all. Simultaneous steps to address the rightsizing of public services, value for money on public expenditure, restoring effective audit, monitoring and evaluation and good financial management systems etc., are needed.

It is necessary to introduce greater transparency and openness in the functioning of Government and public bodies. This would cover, for example, movement towards a Right to Information Act, transparent and well publicized procedures for approvals by the general public and entrepreneurs under various statutes and regulations; for the allotment of land and immovable property, systems of assessment, levy and collection of various taxes and charges, the award of work tenders for construction and provision of services, procurement of goods and services; and contracting of services and infrastructure projects by suitable amendment of relevant laws. The aim should be to move towards a citizen centred administration.

The citizens in urban and rural areas should be provided with widespread and easy access, through the media, posters and various forms of neighbourhood level communications, to all information relating to Government operations and reverse the undue emphasis on secrecy, details of various government and local schemes, information on award of tenders and procurement, procedures for identification of beneficiaries under various government schemes, and for the receipt of benefits there under, publication of scores for all cases of admission to colleges and for recruitment, the delivery of various civic services etc., . The progressive computerization of information on public operations and work procedures will be of benefit to the government and the people.

Accountability should be interpreted in a larger sense in relation to public satisfaction and responsive delivery of services. We may consider the phased introduction of citizens' charter for as many service institutions as possible by way of citizens entitlement to public services, the collaboration of consumer organizations and citizen groups, the wide publicity to standards of performance, quality, timeliness, cost etc., for public services and the provision for periodic and independent scrutiny.

Immediate measures are needed for strengthening the machinery for grievance redressal at all levels, increased thrust on the needs of disadvantaged and vulnerable sections, attention to systematic reforms, meaningful efforts to reach the unserved public, spirited citizen panels to assess service organizations, gender sensitised approaches at all levels, and well understood systems of filing complaints relating to poor services and malfeasance and prompt action thereon accompanied by close monitoring of delays and punishment of the delinquent while devising ways to filter the frivolous complaints. The good example in different states should be widely publicized and scaled up along with due recognition for innovation and citizen friendly attitudes.

The fullest possible decentralization of service delivery and the administration of income support schemes, and effective utilization of available resources, through the elected urban and rural local bodies, accompanied by the required devolution of powers and resources.

Encouragement to the widest possible awareness and participation of citizens and various representative groups in local decision making, and the implementation of schemes affecting their livelihood and quality of life. The media has an important role to play in this regard.

Urgent steps for legal reform, for the access of the citizens to quick and cheap justice, while initiating steps for amendment and simplification of the concerned laws and obsolete legislation for introducing simple and speedy procedures. A number of laws and regulations militating against the interest of the poor need to be quickly amended.

CLEANSING THE CIVIL SERVICE:

It is recognized that responsive administration depends on reforms in civil service at all levels, adherence to ethical standards, and basic principles of the constitution and a clear understanding of the relationship regulating the civil servants and the politicians. It has to be clearly appreciated that the political executive should concentrate on policy formulation while implementation is left to public services at various levels.

The approach to the elimination of corruption in the public service needs to address prevention, surveillance and deterrent prosecution, and deal ruthlessly with the nexus with criminals and unscrupulous elements. It requires the concerted efforts of politicians, public services and all stakeholders in civic society. The existing procedures for departmental enquiries and vigilance proceedings should be revamped. The rules and legal provisions should be amended to enable immediate and exemplary prosecution and removal of corrupt officers without giving them recourse to any political protection. It is necessary to remove the scope for any interference in the prompt prosecution and punishment of corrupt officials. It is necessary to devise systems to break the nexus between politicians, bureaucrats and criminals, which has developed in a number of places.

The various service and conduct rules should be reviewed in order to arrange for the review of the integrity and efficiency of officers at any stage during the career, and the compulsory retirement of officers of doubtful integrity.

Simultaneous with the above, the preventive steps would include not only regulatory reforms to reduce the scope for discretion and secrecy at all levels, but would make public disclosure mandatory for all developmental schemes and a approvals.

Other in-built steps should include improvement in service conditions and rightsizing public services improving the system of performance appraisal and promotions through transparent procedures, recognized systems of rewards and penalties, consistent action of senior management to support the subordinates in the sincere performance of duty according to law and procedure, and in resisting illegal directions. Equal attention is needed for review of recruitment procedures, training at induction and subsequent levels, and the development of personnel at the operating levels.

COMMITMENT TO PRINCIPLES OF THE CONSTITUTION

The Government of India and State Governments should draw up a charter of ethics and civil service code for the civil service which is based on the fundamental principles of the Indian Constitution such as secularism, equality, impartiality, social justice, attention to the needs of the weaker sections, rule of law etc., This code should regulate the role of the legislators and the relationship between civil servants and politicians.

It should be agreed that the loyalty of public servants should be only to the service for the public and the rule of law. This is particularly relevant in the context of the permanent character of civil services.

The State Governments will be requested to devise suitable mechanism including a higher powered civil service board, and amend relevant rules for transparent decisions on postings, promotions and transfers of senior officials on the lines of central government. Similar boards should be set up to govern functionaries at lower levels and in elected local bodies. These boards could be strengthened in their apolitical functioning by the appointment of a Civil Services Ombudsman to deal with the grievances of officials. It should be recognized that the public suffer equally from frequent transfers of heads of depts. Appropriate legislation may be considered to incorporate some of these suggestions.

CONSOLIDATED EXERCISE
REFORM INITIATIVES IN ADMINISTRATION
TASKS AND WORK AREAS

The conference of Chief Secretaries shared the concern of the Prime Minister and the Government of India over the need to assure the people of India an efficient, open, responsive, accountable, and clean and dynamically adjusting administration at all levels. It is necessary to make corrective efforts to arrest the present drift before it is too late. It realized the importance of changing the present negative perception of public services as apathetic, insensitive, dilatory, corrupt and discriminatory. The blame has to be shared both by the political and bureaucratic elements. The emphasis here, is, not just on civil services but the public services subsuming all technical, professional, law enforcement and administrative personnel. It is recognized that these services have played a major role since independence in steering the country through turbulent times and new challenges. While the inefficiency and eroded morality of a growing minority have distorted the system, the rationale for a vibrant civil service in promoting the progress and integrity of the country, and pursue ideals of social justice, is as valid today as when the Republic came into being. It is necessary to devise urgent steps to restore the confidence of the public, especially the vulnerable groups, in the capacity and fairness of administration at various levels.

The conference recognized that governance has to extend beyond conventional bureaucracies to involve actively citizen and consumer groups at all levels, to empower and inform the public and the disadvantaged groups, and to ensure service delivery and the programme execution through autonomous elected local bodies.

The Chief Secretaries agreed to pursue governmental support for these measures, and elicit the widest possible response from all sections of society and citizen groups on the context and direction of the changes needed. The objectives would be to identify critical thrust areas for immediate action and to generate a political consensus.

ACTIVITY:

The recommendations of the Conference are grouped under three headings (Work Areas): 1. Responsive Administration 2. Cleansing Civil Services and 3. Commitments to principles in the Constitution. They are detailed below. For each of the tasks in the consolidation exercise indicate in your Department's/organization's context:

1. Whether they are relevant **(R)** or not relevant **(NR)**
2. From **(R)** above indicate whether they are being initiated **(BI)** or not **(NBI)**
3. From **R-NBI** indicate as to who should initiate/undertake it from the following:
 - Secretary/Principal Secretary/Special Chief Secretary as the case may be as head of the Secretariat Department **(S)**
 - Head of the Department/Organization of yours **(HOD)**
 - Concerned Unit Heads within the Department/Organization being the Senior Most Officers next to HOD **(UH)**
4. For the tasks to be undertaken jointly suffix them with **(J)** and indicate who are to be involved.
5. Separately list tasks which can be initiated/undertaken by the Secretariat Head, HOD, Unit Head and collaborative.
6. Meet in your group and share your findings.
7. Group to discuss and arrive at **FIVE MOST** important tasks to be attended to and completed by each one of them to expedite implementation of the reform initiative.

TASKS :

1. Redefining the role of government and its functions.

2. Focus to serve the public effectively.
3. Ensure efficient and cost effective administration.
4. Accountability in Administration.
5. Ensuring a clean and responsive administration.
6. Single level dealings with the public / Single window systems to process people's Applications.
7. Steps to reorganize work procedures.
8. Effective Management Information System accessible to all.
9. Ensuring Value for money on public expenditure.
10. Restoring effective audit, monitoring and evaluation.
11. Good financial management systems.
12. Right to Information Act.
13. Move towards a citizen centred administration.
14. Easy access to all information to all citizens, through the media, posters and various forms of neighbourhood level communications.
15. Progressive computerization of information on public operations and work procedures to benefit the government and the people.
16. Public satisfaction and responsive delivery of services.
17. Phased introduction of Citizens' Charter.
18. Collaboration of consumer organizations and citizen groups.
19. Provision for periodic and independent scrutiny / Public Audit.
20. Strengthening the machinery for grievance redressal at all levels.
21. Increased thrust on the needs of disadvantaged and vulnerable sections.
22. Well-understood systems of filing complaints relating to poor services.
23. Effective utilization of available resources, through the elected urban and rural local bodies.
24. Steps for amendment and simplification of the concerned laws and obsolete legislation.
25. Responsive administration depends on reforms in Civil Service at all levels.
26. Revamp the existing procedures for departmental enquiries and vigilance proceedings.

27. Amendment of rules and legal provisions enabling immediate, exemplary prosecution and removal of corrupt officers without giving them recourse to any political protection.
28. Improving the system of performance appraisal and promotions through transparent procedures.
29. Draw up a charter of ethics and civil service code for the civil service based on the fundamental principles of the Indian Constitution.
30. Loyalty of public servants should be only to the service for the public and the rule of law.
31. Wide publicity of standards of performance of public agencies and local bodies.
32. Simplified and convenient procedure for receipt and acknowledgement of complaints.
33. Time bound redressal of grievances.
34. The provision for independent scrutiny of performance with the involvement of citizen groups.
35. Establishment of independent Public Grievances Committees, consisting of eminent citizens.
36. Authorizing Public Grievances Committees to inspect the adequacy and functioning of grievance redressal systems in various public offices.
37. Set up independent watchdog redressal system.
38. The constitution of District Planning Committees to prepare plans for economic development and social justice.
39. Informative notes in the local language for wide dissemination on the Acts and Regulations.
40. Employee's obligation to the government and the constitution.
41. Accountability and Responsiveness to the public.
42. Concern for the value of public assets and funds.

EXERCISE ON PUBLIC FACILITATION CENTRES

➤ SHIFT IN THE GOVERNMENT'S ROLE:

From

to

A Regulator and
Controller

An enabler of market
based development

➤ **ROLE OF GOVERNMENT TO BE:**

- **TO IMPROVE INTERFACE**-How best to make service providers **Responsive** and **Accountable** to people

GOVERNANCE -THE PARADIGM SHIFT

<u>FROM</u>	<u>TO</u>
1. Fat, Complacent Organization	Slender, Alert Organization
2. Bureaucracy	Openness
3. Extremely Tight culture	Ability to change, Move and Adapt
4. Customer Hostility	Customer empathy
5. We know best/We know everything	Learning Organization
6. Mistrust, Fear	Trust
7. Organization, controlled by Hierarchies	Organization, Based on Team Work
8. Concentration	Co-ordination
9. Rule-Driven Consultation	Customer-driven, with Stakeholders
10. Local Standards	World Standards
11. Conservative, inflexible Flexible	Creative, Innovative &

- **CONFERENCE OF CHIEF SECRETARIES HELD IN NOVEMBER 1996- RECOMMENDED FOR "Responsive administration"**
- **CONFERENCE OF CHIEF MINISTERS HELD ON 24 MAY, 1997** resolved that the central and state governments would work together to concretize the Action Plan dealing with the following themes among others:

- (I) `Accountable and citizen-friendly Government
- (II) Transparency and Right to Information and
- (III) Improving the performance and integrity of the public service.

The conference recognized that, as the country completes 50 years of independence, and as the people are assailed by growing doubts about the ACCOUNTABILITY, EFFECTIVENESS AND MORAL STANDARDS OF ADMINISTRATION, Central and State Governments should move together to justify the trust of faith of the people in the Government by taking up the implementation of the Action Plan.

Public Facilitation Centres - Context

- An integral aspect of administrative reforms, both in the short term and in the longer perspective is related to the speedy and easy access of information to the public on the services and activities of Government
- The above can be made possible if appropriate Management Information Systems in Government at all levels are developed
- In the existing scenario there are considerable delays in redressal of grievances and securing access to information
- It is the common feeling that Government Departments with Public Service Interface lack adequate (or some times do not have) mechanism to provide information to the citizens across the counter or to deal with their queries and complaints at a single point
- Hence the need to set up some kind of “**Citizen Information Centres**” or “**Public Facilitation Centres**” to provide information on procedures and related aspects

Public Facilitation Centres-salient features

- Provide information regarding services, schemes and procedures through, brochures, booklets, reports
- Provide Information regarding position of waiting list and applications through computer, screens updated every day and through computerized query to departmental data base
- Provide Information regarding matters such as bill payment, registration, land/house allotment, payments etc on phone or personally to the public.
- Forms which are to be utilised for various procedures should be made available at the facilitation centre, even if the processing is to be done else where
- Receive complaints, issue acknowledgment slips indicating the section dealing with the subject
- A sufficiently senior officer to man the centre with appropriate orientation, capable of speaking local language as also English with knowledge of using computers for handling customers
- Time limits and other details be notified through display boards at the facilitation centres for completion of various procedures and for disposal of cases
- Ensure easy accessibility to centres for the customer and average common citizen and publicity regarding the location and hours of access
- Other physical facilities for the convenience of public coming there

○ FIVE 'F's OF BEING MORE "RESPONSIVE"

- Focus
- Fast
- Friendly
- Flexible
- Flatter

○ RESPONSE

- Reply
- Something answered
- An answer

- **RESPOND**

- Show an effect due to force, influence or stimulus

RESPONSIBLE

- Place in control and having to give satisfaction
- Position held by a person
- Capable of acting rationally
- Causing a particular result

- **RESPONSIVE MEANS:**

Quick to Respond

**SUGGESTED MODEL BLUE PRINT OF A PUBLIC
FACILITATION CENTRE (PFC)**

I. Aim:

A broad & general intention of the
department
to establish the PFC

II. Objectives:

What the user will be able to:

- a) Access the information
- b) Retrieve the needed information
- c) Utilise the information obtained

- III. **Services** the department will deliver through PFC:
1,2,3,4.....
- IV. **Projects, Schemes** that are available:
1,2,3,4.....
- V. The **subjects** on which the information will be made available in the PFC
1,2,3,4.....
- VI. **Names & designations** of the officers entrusted with Providing the information with all details
- VII. Whether the department's PFC will be making available required proformas on Website also ? If so details:
- VIII. **Training/HRD** activities being undertaken:
- IX. In addition to various PFCs at different Locations. Will these be a **centralized PFC**
-Any additional facilities there
- X. Any **guide/Assistance** book or officer Available- what sort of guidance can be Provided:
- XI. **Time frame** within which a particular Service will be delivered:
- XII. Any **single window** facility available:
- XIII. **Physical appearance**:

- Seating arrangement of Staff
 - Seating arrangement of users
- XIV. Any **drop box** facility will be made available to receive feedback/complaints
- XV. **User charges** details:
- XVI. **May I Help You Counters** if any:
- XVII. What sort of **computerized assistance** is made available
- XIX. Any other facility that can go into PFC for better dissemination of information & provision of services

**A SUGGESTED METHODOLOGY FOR PREPARING
BLUE PRINT OF
A MODEL PUBLIC FACILITATION CENTRE:**

- Plan ahead and plan meticulously
- Identify all the possible users of your proposed Facilitation Service and decide how best they can access the service
- Consider how best to involve your staff
- Get commitment from top management
- Decide who will lead on the work and the responsibilities can be shouldered
- Work out how much it will cost and how long it will take to start
- Announce your intention for provision of a Facilitation Centre and how you are going to regularly monitor

- Collect information on what aspects of your service matter most to users
- Think and plan about how you will consult and involve users and potential users for a better facilitation activity
- Choose methods that are suitable for your purposes and convenient for your users
- Make sure the people you consult include people from different areas and age groups, and different ethnic and social backgrounds
- Identify and clearly communicate the issues you can have an effect on and improve, and those that you can not
- Consult and involve people at all levels in your organization
- Consult other local service providers with whom you work
- Decide how you will give feedback to users and staff
- Focus on key issues of interest to users
- Look at the service from the user's viewpoint and avoid management targets
- Set standards that are challenging but realistic as also measurable
- Use plain language on the display boards in the centre
- Tell people what will happen if you do not meet your standards
- Say you welcome comments and complaints, and act on them
- Set out clearly how to complain, who to, and how long it will take to resolve
- Promise a fair investigation and tell people if they can complain to an independent reviewer or ombudsman
- Say you will learn from complaints made

- Work closely with other providers to improve service delivery and help users identify and contact related service providers
- Make the information on the facilitation Centre available on the internet if possible
- Think about how to publicize and distribute your service details and its contents
- Choose methods that will reach as many users as possible, including those who have problem with your service
- Think about how you will measure the usefulness of your facilitation centre
- Decide how you will review it's activity/service, and what mechanisms you will use Make clear what action you will take as a result of the review and the outcome of the feed back that you are likely to get from the users

CHECK LIST

1. Whether accurate information could be made readily available in plain language about the service run by department
2. Whether there is a mechanism for systematic and regular consultation with those who use the service
3. Whether the users' views about the service and their priorities for improving them could be taken into account for improvement .What is the extent of courteous and helpful service from those who handle the PFC is to be ensured.
4. If things go wrong whether a provision is made for tendering at least an apology followed by full explanation and a swift and effective remedy
5. Whether the PFC s ensured best quality service with possible least cost

6. Whether the PFC has a monitoring system of complaints management. What sort of feedback mechanism is provided
7. What is the long term complaints redressal and service philosophy
8. What provision is made for future innovations and improvement
9. Has the public facilitation centre as part of service to user public is attempting to 'make a difference' while integrating and adhering to the following principles
 - a. Treating other people with dignity and respect
 - b. Being sensitive to the needs of others
 - c. Being honest
 - d. A commitment to learn and to develop
 - e. Accepting and rejoicing in the knowledge that each of us is unique
 - f. Believing that people respond best to quality treatment
 - g. Looking for the positive in people
 - h. Encouraging people to create their own visions and to grow and develop
10. Qualities of good managers/officers who are in charge of Public facilitation centres
 - a. Approachable
 - b. Honest
 - c. Responsive
 - c. Capable , expert

- d. Well organized
- e. Presentable
- f. Creative
- g. Able to solve problems
- l Good listeners
- j. Good communications

TELEPHONE GUIDE LINES- FOR READY REFERENCE

- GUIDELINES ON BETTER HANDLING OF TELEPHONE CALLS
- HANDLING OF INCOMING CALLS
- MAKING OUTGOING CALLS

Guidelines on Better Handling of Telephone Calls

The telephone is important modern communication equipment which, if handled properly, will help in establishing good relationship with all concerned and enhance the image of the organization in the eyes of the public.

The objective is to enhance the quality of service rendered by government offices through the telephone to ensure public satisfaction.

Quality telephone services can be rendered adhering to the following practices:

Handling of Incoming Calls

a. Preparation/Readiness --Please keep handy

- i. an updated telephone directory, list of telephone numbers of all officers and of sections, division/branch wise, of the department to facilitate the transfer of calls.

- ii. Message slips in sufficient quantity
- iii. Documents on the profile of the organisation

b. Receiving the call-- Please

- i. Receive the call immediately preferably after two rings.
- ii. Hold the telephone receiver approximately one and half inches away from the mouth.
- iii. Answer each call with a greeting followed by the name of the organisation, one's own name and designation in a pleasant and polite voice.

c. Handling the call-- Please

- i. Provide the specific information, if available.
- ii. If the required information is not available, transfer the call to the correct extension after informing the name of the person to whom the call is being transferred
- iii. Ensure that the required extension is, attended to
- iv. If the caller want to leave a message, record the message on a message slip correctly and hand over the same to the concerned officer quickly.
- v. Do not leave a caller waiting without giving reason.
- vi. Be courteous to the caller. Friendly voice will put the caller at ease. But be brief and specific.
- vii. Smile while speaking and avoid sounding bored or tired.
- viii. Do not allow your emotions to affect your work, while talking on telephone.

d. Terminating the call-- Please

Terminate the call in a courteous manner and not abruptly without an appropriate greeting. This will give an impression to the caller that you enjoy attending to their calls.

Making Outgoing Calls--- At this stage one should be very polite and tactful as he/she is on the receiving end.

Please

- i. Be sure that the dialled number is correct.
- ii. Start with a greeting and disclose your identity.
- iii. If the concerned person is available, try to get the requisite information tactfully.
- iv. If the person concerned is not available, at the other end, leave your name, telephone number and a duly recorded message with a request to be contacted whenever the concerned person gets back.

SAMPLE	
MESSAGE SLIP	
For _____	Shri/Smt./Ms.
WHILE YOU WERE OUT	
	1. Date Time AM/PM
	2. Shri/Smtt./Ms.
	3. From
	4. Tel. No.
	5. Brief Subject
	6. Will call again - Request to return call
receiver	7. Name & telephone number of the telephone

COMMUNICATION RECEIVED FROM MPs AND MLAs

1. Communications received from Members of Parliament and Legislators should be attended to promptly.
2. Where a communication is addressed to a Minister, the Minister himself should as far as practicable, reply it to. In other cases, a reply should normally be issued over the signature of an officer.
3. Where, however, a communication is addressed to the head of an attached or subordinate office, Public Sector Undertaking financial institutions (including nationalised banks) Division/Branch In

charge in a Ministry/Department/Organisation, it should be replied to by the addressee himself. In routine matters not involving question of policy, he may send an appropriate reply on his own. In matters involving questions of policy the officer should have prior consultation with higher authorities before sending a reply. It should, however, be ensured that minimum level at which such replies are sent to Members of Parliament is that of Under Secretary and that also in letter form only.

4. Normally Information sought by a Member should be supplied unless it is of such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.
5. As far as possible, in corresponding with Members of Parliament pre-printed or cyclostyled replies should be avoided.
6. In case reference from an ex-Member of Parliament (or MP who has not been re-elected) is addressed to a Minister or Secretary, reply to such reference may be sent by the concerned Divisional Head after obtaining approval of the Secretary of the ministry/department. In case the reference is addressed to a lower level office, reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. However, the minimum level at which reply could be sent should be that of an Under Secretary and that too in letterform only.

Prompt response to letters received

1. Each communication received from Members of Parliament, a member of the Public, a recognised association or a public body will be replied to within 15 days.
2. Where (i) delay is anticipated in sending a final reply, or (ii) information has to be obtained from another ministry or another office, an interim reply will be sent within a fortnight indicating the possible date by which a final reply can be given.
3. If any such communication is wrongly addressed to a department, it will be transferred promptly (within three days) to the appropriate department under intimation to the party concerned.
4. Where the request of a member of the public cannot be acceded to for any reason, reasons for not acceding to such a request should be given.

5. As far as possible, requests from members of public, should be looked at from the user's point of view and not solely from the point of view of what may be administratively convenient.

Watch on disposal of communications received from Members of Parliament

The personal section of each Joint Secretary/Director (if the Director submits cases direct to Secretary/Additional Secretary) will maintain a separate register of communications received from Members of Parliament. The serial number at which a letter is entered in this register will be prominently marked on that letter together with its date of registration e.g., '125/JS/(P)/MP' 20.3.96.

2. To keep a special watch on speedy disposal of communications received from Members of Parliament, each section will;
 - a. maintain a register and
 - b. mark out prominently those communications finally disposed of by rounding off the serial number of the register in red ink.
3. If for any reason a letter is received by a section without being registered in the personal section of the Joint Secretary/Director, immediate steps will be taken to get it registered there.
4. On the 1st and 15th day of each month, each section will submit the register along with the report to the Under Secretary/Deputy Secretary. Particulars of communications pending for more than a fortnight will be given in the form at Appendix 48. The report, with the remarks of Under Secretary/Deputy Secretary, will be submitted to the Director/Joint Secretary and register will be returned to the section.
5. The personal section of the Joint Secretary/Director will check whether all the communications entered in its register figure in the reports sent by the sections. If any discrepancy is found, it should be reconciled. Thereafter, the report will be submitted to the Joint Secretary/Director for scrutiny and for such other action, as he may consider appropriate.

(Source: GOI AR & T website)

BEST PRACTICES

BACKGROUND

GENERAL CONTEXT AT THIS TURN OF THE CENTURY: IMPLICATIONS AND CONSTRAINTS

The end of the 20th century is marked by a number of major events through which some scholars believe they can discern the emergence of a new historical evolution. Without claiming to be exhaustive, we can mention:

➤ **At the economic and social level:**

- The generalization of the market economy, globalization, money marketing, and nations forming big regional or even sub-continental groupings;

- The mounting accumulation of wealth by the richest countries, the increased poverty in the poorest countries to the extent that 80% of the world's wealth is now owned by 20% of humanity;

• The risk of marginalizing nations with low output;

- Within States, the exclusion of major segments of the population, due to poverty and unemployment, as well as the consequent risk of breaking up social cohesion and making the promotion of a social security system an absolute necessity.

➤ **At the technological level:**

- The advent of biotechnologies, (which could have a great impact on agro-pastoral production), and the information revolution. This revolution should be viewed from the perspective of, among other things, the change brought about by the propagation of and progress in

electronics, data processing, and telecommunications ... the last generation of which has transformed the world into a "global village",

These changes, and many others, including those in areas, which have not been looked at here, have had many consequences and created new constraints in all nations of the world. While in countries of the North (the United States, Canada and the European Union especially), the private sector, represented by a few leading companies, was the first to start the process of rethinking and restructuring in order to better face these new challenges, governments wasted no time in following the trend.

Thus, almost everywhere, we have witnessed a transformation of power, which has encompassed the modalities of exercising it.

Developing countries have not been left behind. The imposition of conditionality by various donors, the deregulation and privatization trend, as well as a general awareness of the universality of human rights and the need for an impartial and upright State, have led to profound modifications in the role of the State, as well as in its relations with the private sector, the citizens, and a rapidly changing and self-restructuring civil society. In fact, we may criticize globalization and the other neo-liberal dogmas or deplore their consequences, but no one can ignore them.

Hence, the State, formerly interventionist, producer, seller... Is now called upon to be a facilitator, regulator, promoter, partner, arbiter, etc., much more concerned about performance, profitability and ethics.

This is clearly a new concept now known as **Governance**.

➤ **Governance: an all-embracing and dynamic concept**

Without attempting to define the term, it should, however, be recalled that governance can be understood by analyzing a certain number of factors, the major ones of which can be classified under the following five (5) categories:

- The nature of the political regime and the way authority is exercised in society;
- The quality of the direct or indirect management of public affairs by the State, as well as that of regulatory instruments and their implementation;
- The ways, means, mechanisms and processes through which State authority is exercised in all domains, especially in the

political, economic, social and cultural spheres, as well as the extent to which citizens are involved and given responsibility;

- The capacity of governments and public administrations to carry out their functions as effectively, adequately and efficiently as possible, as well as the quality of their services. This quality is generally assessed through the conception, formation, implementation and evaluation of policies and programmes;
- The place and role of the private sector, civil society and citizens of both sexes.

Evidently, therefore, this is an all-embracing, flexible and dynamic concept. In addition to the manner of organizing the exercise of authority, as mentioned above, the most significant indicators for assessing the concept are the decision-making processes, the inter-relationships among different partners, negotiation and defense mechanisms of diverse interests, ways and means of achieving the common good, as well as the role and place of man in the whole process. It is through this assessment that the notion of "good governance" comes into play.

In the light of the new constraints created by a changing world, and on the strength of their own experiences, developed countries and major international Organizations recommend the institution of good governance everywhere. Not only, because, *mutatis mutandis*, they themselves are compelled to respect its principles, but also because they are reassured by the results in developing countries, which have already embarked on this path.

On their own part, judging from the consequences of these new and stubborn constraints on their activities, many citizens, the private sector as well as entire segments of the civil society are longing for the rapid institution of good governance.

In everybody's opinion, this is a categorical imperative. Not only to improve competitiveness, but also in order that developing States, their people, their elected officials and governments may effectively manage the development process, institute a conducive atmosphere for individual creativity and an ever-increasing involvement of citizens, to consolidate democracy, stabilize their societies or peacefully resolve conflicts, and support the building of peace in a bid to accelerate progress.

(Source: Government of India, AR & T website)

RIGHT TO INFORMATION

INTRODUCTION:

Secrecy and lack of openness, in transactions is responsible for corruption in official dealings and is also contrary to the spirit of an accountable and democratic government. Consequently, there is a demand for introducing greater transparency in the functioning of government and public bodies. There is also a need to ensure easy access of the people to the information relating to government operations and government decisions, as well as the performance of the government except to the extent specifically excluded by law (Official Secrets Act, Privacy Laws, etc.)

There is widespread consensus on the need to assure freedom of information to the public and amend such laws and stipulates unnecessary restrictions on the free access of the public to information. Government decisions need not be clouded in secrecy, except in the interest of national security.

It is also important to improve access of the public to information from public offices, through streamlining of internal procedures, computerization, and by setting up **Public Facilitation Counters** in offices to:

- Provide information regarding services, schemes and procedures through brochures, booklets, reports, etc.
- Provide information regarding position of waiting list and applications through computers, screen updated everyday, and through computerised query to departmental database.
- Provide information regarding matter such as bill payment, registration land/house allotment payments, etc. on phone or personally to the public.
- Forms which are to be utilized for various procedures should be available at the facilitation centre, even if the processing is to be done elsewhere.
- Receive complaints, issue acknowledgement slips indicating the section dealing with the complaints.
- A sufficiently senior officer is to man the Facilitation Centres with appropriate orientation capable of speaking English and French language for handling customers and knowledge of the use of computers.

- Time limits and other details be notified through display boards at the Facilitation Centres for completion of various procedures and for disposal of cases.
- Ensure easy accessibility to Facilitation Centre for the customer and average citizen and publicity regarding the location and hours of access.
- Utilizing Interactive Voice System where feasible for inquiry response.

RIGHT TO INFORMATION (CANADA)

In the Canadian Government setting, right to information is widely known as Access to information. Under the current institutional arrangements in the Federal Government, the Treasury Board of Canada is the entity responsible for overseeing the administration of the Access to Information Act and the Privacy Act. Its role is primarily to ensure that federal departments, agencies and corporations comply with the provisions of the legislation.

Commissioners, operating under the authority of Parliament, have also been appointed to ensure that an arms-length, independent review and appeal process is in place to monitor the Canadian Government's compliance with the provisions of the two Acts.

Access to Information Act

The Access to Information Act was passed by Parliament in 1984. The purpose of this Act is to provide a right of access to information and records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exemptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government. The Access to Information Act gives Canadians, and other individuals and corporations present in Canada, the right to apply for and obtain copies of federal government records. "Records" include letters, memos, reports, photographs, films, microforms, plans, drawings, diagrams, maps, sound and video recordings, and machine-readable or computer files.

Information Commissioner

The Information Commissioner investigates complaints from people who believe they have been denied rights under the Access to Information Act. The Commissioner is an independent ombudsman who has strong investigative powers. He mediates between complainants and government institutions. The Commissioner can make recommendations to government institutions. He cannot issue binding orders. The Information Commissioner administers an annual budget of \$ 3 M (FY 1999-2000) and has a staff of about 40 employees. In addition, the Information Commissioner shares corporate management resources with the Privacy Commissioner.

Privacy Act

The Privacy Act took effect in 1983 and replaced some limited personal information rights set out in Part IV of the Canadian Human Rights Act. These rights were expanded in the Privacy Act to deal with the growing impact of information technologies on government record keeping. The Act increases the transparency and accountability of the process, and gives Canadians greater individual control over their personal data in government data Banks. The Act gives individuals greater control by providing everyone in Canada the right to examine information about them held by 110 federal government departments and agencies (subject to some specific exceptions). Individuals may also ask to have any errors corrected and, if the request is refused, require that a notation be attached to the information describing any corrections requested but not made.

These rights apply to the whole range of federal government records, for example: pension and unemployment insurance files; tax records, security clearances student loan applications and military records. The information may be recorded "in any form" and so includes video and audio tape and any electronic information medium.

The Act also makes the system more transparent and accountable by establishing a fair information code to regulate government handling of personal records. The code requires the federal government to: limit its collection of personal information to the minimum details needed to operate programs or activities; collect the information, whenever possible, directly from the person concerned; tell the person why the information is being collected and how it will be used; not use the information for other purposes, unless allowed by law; keep the information long enough to allow the person a reasonable opportunity to

obtain access; ensure the information is as accurate, up-to-date and complete as possible; not disclose personal information unless specifically allowed by the Privacy Act or another law.

Privacy Commissioner

The Privacy Commissioner is a specialist ombudsman, appointed by and accountable to Parliament, who monitors the federal government's collection, use and disclosure of its clients' and employees' personal information, and its handling of individuals' requests to see their records. The Privacy Act gives the Commissioner broad powers to investigate individuals' complaints, to launch his own complaint, and to audit federal agencies; compliance with the Act. He also conducts research on his own behalf or at the request of the Minister of Justice.

The Privacy Commissioner's mandate is to: (1) investigate complaints that a federal government agency has not responded properly to a person's request to see personal information; or that the federal government is collecting, handling or disclosing personal information in a way that offends the federal Privacy Act; (2) monitor compliance with the Privacy Act by examining the federal government's collection, use, disclosure and disposal of its clients; and employees' personal information; (3) conduct research by studying and reporting on emerging issues which could have an impact on Canadians' Privacy and, by acting as a privacy resource center, providing background materials, speakers and contacts on privacy subjects. The Privacy Commissioner administers an annual budget of about 3.6\$ M (FY 1998-1999) and has a staff of about 40 employees. As stated above, the Privacy Commissioner shares corporate management resources with the Information Commissioner.

On annual basis, the Privacy Commissioner handles over 3100 complaints while the Information Commissioner processes close to 1700 complaints annually.

RIGHT TO INFORMATION (NEWZEALAND)

Over the past two decades, New Zealand has sought to develop a climate of open and transparent government, within which, the availability of information is an important part. New Zealand citizens have extensive rights to most types of information, including personal information. Citizens are provided rights to information through the foundation of these rights in statute and through their application to a wide range of

organizations and contexts. All requests for information are confidential and access to requested information is prompt and efficient.

Statutory Rights to Information

Two statutes are the major instruments in providing citizens with rights to information. They are the Official Information Act 1982 (which provides access to all government-held information) and the Privacy Act 1993 (which gives particular attention to the rights of citizens to personal information). These Acts are discussed below:

Official Information Act 1982

The Official Information Act is the principal means by which the public accesses information about government and it is an important constitutional statute.

Introduced in 1982, the Act makes official information freely available and provides for proper access by each person to official information relating to that person. The Act's guiding presumption is that information shall be available unless there is good reason for withholding it, and this has had a profound impact on the style of government in New Zealand.

- Under the Act, all information held by government agencies is available to citizens unless there is good reason for withholding it.
- The Act applies to a very wide range of public bodies including Ministers, government departments, and other listed bodies established to carry out public functions (such as State Owned Enterprises and Crown Entities).
- Rather than define classes of information by source, the Act applies to all information held by organisations listed in the schedules to the Act, regardless of the type of document or record. No class of document or information is automatically protected from release. Rather, the approach of the Act is to define and delimit those public interests that do or may override the principle that information is to be available (for example, if the release of information prejudices the security or defence of New Zealand).
- Requests for information can be made to Ministers, departments or to any organization covered by the Act. A decision on any request should be made within twenty working days.

- By increasing the availability of official information, the Act furthers government's aim to enable citizen participation in the making and administration of laws and policies and to promote the accountability of Ministers and officials.

Successes

The widespread acceptance of the principle of open government in New Zealand is largely attributed to the Official Information Act, and since the Act's introduction there has been a fundamental change in attitudes to the availability of official information.

Ministers and officials have learned to live with much greater openness, and the assumption that policy advice will eventually be released under the Act has improved the quality and transparency of that advice.

Limitations

The Law Commission undertook a review of the Act in 1997, which identified some issues that require further attention. These issues include:

- The burden on agencies that can be caused by large and broadly defined requests for information;
- Agencies' tardiness in responding to requests, and in particular, resistance by agencies outside the core State sector; and
- The absence of a co-ordinated approach to supervision, compliance, policy advice and education regarding the Act. Initial training for public officials on the appropriate use of the Act was successful, but there is no on-going attention to training.

However, the review makes the strong point that these problems do not bring into question the underlying principles of the Act.

Privacy Act 1993

Until 1993, the Official Information Act covered personal information along with all other government-held information. Following the introduction of the Privacy Act in that year, New Zealand gives particular assurance about the treatment of personal information. Personal information held by all public and private organizations must be collected

stored and released according to strict guidelines. New Zealand citizens are assured of access to nearly all information held on or about them.

- The Privacy Act covers the collection, use and disclosure by public and private sector agencies, of information relating to individuals. Personal information cannot be collected unless it is for a lawful purpose, and unless the information is necessary for that purpose.
- Individuals have access to nearly all information about them that is held by public and private sector agencies (some information, such as evaluative material does not have to be released). Individuals also have the right to correct any inaccurate personal information. The individual concerned must be aware of the fact that information is being collected, as well as the purpose of collection, and any intended recipients.
- The agency is not to keep information for longer than necessary and there are strict limits on the use and disclosure of personal information.
- The Act has also established the Privacy Commissioner to whom citizens can complain if they have concerns in respect of their rights under the Act.

The right to information in New Zealand is thus extensive and is well founded in statute. The right to information is also characterized by the following:

Extent of Coverage

The range of organizations covered by the Official Information Act is wide. Since 1987, the Local Government Official Information and Meetings Act have extended the official information regime to local government.

Both the Official Information Act and the Privacy Act operate in a wider context of statutory and administrative provisions, which have further enhanced the principle of openness. The Public Finance Act, 1989 and the Fiscal Responsibility Act 1994, critical elements of New Zealand's State sector reform, ensure that significant information about public administration and the economy is made public as a matter of course, without recourse to the Official Information Act.

Cabinet's acceptance of a policy framework about government-held information in 1996 also reflects this openness. The policy framework contains a set of principles (such as availability, coverage, integrity and

privacy) to inform decisions about the release of information. This document suggests among other things that all government departments should make publicly accessible information available pro-actively (through means such as the internet) rather than waiting for it to be requested under the Official Information Act.¹

- **General Ethos**

Aside from officially requested means, departments and other agencies provide much information about the New Zealand government voluntarily. In particular, many agencies have Internet sites that provide instant access to information, documents and other publications. In the future, a single government access point, government on-line will build upon current initiatives.

- **Confidentiality and Prompt Response Ensured**

All requests for information are treated with confidence and according to stringent rules and procedures (although departments may consult with each other if the request is for information held by other departments). Standard procedures also ensure that requests for information are dealt with promptly.

- **Ongoing Work**

Reviews such as the Law Commission's 1997 review of the Official Information Act, and work by agencies such as the State Services Commission (on the policy framework for official information) ensure that any emerging issues are adequately dealt with and are reflected in future policy.

RIGHT TO INFORMATION (AUSTRALIA)

Freedom of Information Act 1982

Freedom of Information Act (FOI Act) 1982 came into effect on 1 December 1982. It extends the right of every person to access information in the possession of the Australian Government in two ways:

1. It requires Commonwealth¹ agencies to publish information about their operations and powers affecting members of the public as well as their manuals and other documents used in making decisions and recommendations affecting the public; and
2. It requires agencies to provide access to documents in their possession unless the document is within an exception or exemption specified in the legislation.

The Act made a fundamental change to the emphasis of the law prior to 1 December 1982 in the following ways:

1. The Act creates a right of access. Prior to 1 December 1982, the release of information held by agencies was, as a rule, a matter of discretion and the agency was entitled to withhold information without having to justify its actions unless there was a requirement to disclose the information;
2. The Act does not require a person to establish any special interest or "need to know" before he or she is entitled to seek or be granted access; and
3. The Act sets out the circumstances in which access can be denied as a matter of discretion.

A person whose request for access to documents is not dealt with promptly may either complain to the Ombudsman if it is thought there has been an undue delay even though the time limit has not expired, or appeal to the **Administrative Appeals Tribunal (AAT)** if no notice of a decision is received after 30 days.

The AAT can also review a decision to refuse access made by a Minister or principal officer. The decision of the AAT takes the form of a recommendation to the Minister. The recommendation is public. Whether the Minister acts on a recommendation is a matter for the Minister's discretion but an explanation must be made to Parliament if an AAT recommendation is rejected.

The Minister administering the Act (the Attorney-General) is required to report annually to the Parliament on the operation of the Act.

Privacy Act 1988

The Privacy Act contains eleven Information Privacy Principles, which apply to most Commonwealth agencies. In general agencies dealing

with national security, the Federal judicial process, and the commercial activities of agencies are exempt. The principles regulate the way in which agencies collect, store, use and disclose personal information about individuals. Information Privacy Principle (IPP) 6 gives individuals a right to access their own personal information held by agencies, and IPP 7 gives individuals the right to ask for those records to be corrected if they are wrong.

The access and correction rights contained in the Privacy Act are very similar to the access and correction rights that are contained in the FOI Act, except that under the Privacy Act, individuals can seek to have a record of Personal Information deleted from a file, whereas under the FOI Act the record can only be amended. In the case of a dispute between the individual and the agency about the accuracy of the record, the Privacy Act allows the individual to add a statement to the record that details the correction, deletion or addition that had been sought.

In relation to these access and correction rights, the Privacy Act is subject to any applicable Commonwealth law. This means that IPP 6 and 7 generally only apply once an individual has exhausted their rights under the FOI Act. However, the Privacy Commissioner does have a broad discretion to investigate a complaint in relation to access and correction even where the individual may not have first taken action under the FOI Act.

Generally, privacy complaints are resolved through negotiations with the agency, but the Privacy Commissioner does have a formal determination power to direct an agency to amend or delete records containing personal information. Such determinations of the Privacy Commissioner can be enforced through the Federal Court.

In relation to the various state jurisdictions, neither the FOI Act nor the Privacy Act applies. However, most state governments have enacted a FOI Act and they usually require their state government agencies to comply with the spirit of the Federal Information Privacy Principles through an administrative direction. Several state governments are in the process of enacting Privacy Acts in their jurisdictions.

RIGHT TO INFORMATION (INDIA)

The notion of Governance has undergone major changes involving shift from traditional regulatory framework of the State to responsive

administration, since the Second World War. In a large number of countries one aspect of this changing notion of governance is increasing realization that the State should act in a transparent and open manner and should share information with the citizens as a part of democratic process. Therefore the principle and practice of grant of freedom of information to the citizens is of a fairly recent origin with the exception of Sweden where it dates back from 1766. In the post Second World War, Finland enacted the first statutory system on these issues with the publication of Official Secrets Act 1951, followed by Denmark in 1964 and 1970, USA in 1966, Norway in 1970, France and Netherlands in 1978 and Canada, Australia and New Zealand in 1982. Some developed countries allow or restrict information on the basis of three separate statutes, namely, the Official Secrets Act which restricts/prohibits grant of classified information to unauthorized persons, privacy laws which protect the privacy of information relating to an individual which is in the possession of the State and freedom of information legislation which grants statutory right to the citizen in obtaining information collected by/or in the possession of the State, subject only to the exceptions listed in the relevant statute.

The basic reason for need to provide greater access to information in various countries is the realization that a more open and transparent system of administration promotes a more accountable and responsible democracy. The State today collects enormous amounts of information, which has utility not only for the public authorities but also for individuals and private institutions in an era where "knowledge is power". The whole process of allowing access to information in the possession of state is seen as enhancing the democratic system in as much as the citizen is able to exercise his vote on the basis of better knowledge of various alternatives and choices, which are available. Therefore, excessive secrecy is seen as leading to uninformed criticism by the media, NGOs and individuals and also as a system covering up misuse of authority for private gain in areas like award of contracts, lands and housing allotment, grant of subsidies, tax concessions etc. Therefore, access to information enables pressure groups to ensure that executive decisions are properly accountable to the legislature and general public. At a more elementary level, it allows a citizen to seek information about his rights, entitlements and concessions, which the law of the land grants to him but which may be denied to him due to ignorance on his part or misguidance by the bureaucrats dealing with such applications.

Consistent with this world wide trend and universal declaration of human rights recognizing the right to information, there is also trend to provide freedom of information through administrative or legislative measures in the South Asian countries. In India, the Prime Minister has assured the Parliament that Freedom of Information Bill will be introduced in the Parliament in the budget session starting in last week of February. Article 58 of Thai Constitution has also recognized right to access to public information in possession of Government agencies, State agencies, State enterprises or local administration unless the disclosure of such information adversely affects the secrecy of State public safety or interest of other persons who are protected as provided by law. More recently, Article 23 of the Constitution of South Africa also recognized this right through expressed provisions in favor of right to access to information held by State or any of its organs. The Supreme Court of India in the case of S.P. Gupta Vs. Union of India (AIR 1982 SC 149) has held that the right to know is a facet of fundamental right to freedom of speech and expression enshrined in Article 19(1) of the Constitution. In 1975, the Supreme Court highlighted the need for right to access of information as under:-

"In a government of responsibility like ours, where all the agents of the public must be responsible for their conduct, there can be but few secrets. The people of this country have a right to know every public act, everything that is done in a public way, by their public functionaries. They are entitled to know the particulars of every public transaction in all its bearing. The right to know, which is derived from the concept of freedom of speech, though not absolute, is a factor which should make one wary when secrecy is claimed for transactions which can, at any rate, have no repercussion on public security "(AIR 1975 SC 865,884)."

All Freedom of Information statutes provide for right to obtain information subject to the exceptions in regard to certain categories of information and a prescribed channel of redressal of grievances either through Courts (USA) or through departmental channels or through a Special "Information Commissioner"(Canada). There are considerable national differences only on tangential issues such as time limit for grant of information, permissible costs and channels of appeal etc. In India a Working Group under the Chairmanship of Shri H.D. Shourie, Chairman, Common Cause constituted in January, 1997 by Government of India. The Working Group under Shri Shourie has recommended that legislation for Freedom of Information is not only feasible but also widely necessary. After detailed study of legislation in various countries, the Working

Group recommended that the proposed legislation should be governed by the following broad principles: -

- a. Disclosure of information should be the rule and secrecy the exception.
- b. The exceptions should be clearly defined, and
- c. There should be an independent mechanism for adjudication between the citizen and the public authorities.

The proposed bill drafted by the Working Group seeks to cast an obligation on all "public authorities" which covers much wider areas as it covers not only the Central Government but also State Governments, local authorities, Parliament, State Legislatures, Judiciary and organizations wholly or substantially financed from Government funds even though they may be autonomous. The scope and coverage of various existing statutes in different countries shows a number of variations.

However, certain exemptions are common to every Freedom of Information statute such as defense and national security, policy advice, personal privacy and law enforcement. It is the nature and extent of exemptions, which primarily determine to extent to which public to obtain information can use the statute. Such exemptions may be mandatory or discretionary where no disclosure is permitted in exercise of certain circumstances. However, most of these exemptions are either in terms of class of documents (security classification) or contents. According to one study nine exceptions included in the American Act are discretionary and in common with Australia and Canada-(1) defense, security, and international relations; (2) internal discussion and advice, (3) law enforcement and legal proceedings, (4) effective management and operations of the public service; (5) privacy of an individual; (6) third party's commercial confidences; (7) information given in confidence; (8) statutory and other restrictions; (9) research, statistics, analysis; and effective management of the economy and collection of taxes (the last two are common in part). Australia and Canada, in addition, share (10) publication and pre-maturity in relation to publication as an exemption. Australia has two other exemptions in the form of (11) communications with royal households and (13) unreasonable, and vexatious or voluminous requests which are peculiar to it. All the 13 exemptions contained in the Freedom of Information Act of Australia are discretionary.

In India, while there is no specific constitutional provision for Freedom of Information, this right has been recognized as a general

right through pronouncements of the Apex Court subject to reasonable restrictions which implies that the information can be withheld on grounds of sovereignty and integrity of the country, security of the state, friendly relationship with foreign state, public order, decency, morality or relation to contempt of court, defamation or incitement to offence. Therefore, the proposed Indian law has to be consistent with these constitutional provisions.

The model chosen for appeal is a major factor in determining public confidence and in helping to change basic attitudes of the Government servants. Appeals against the decisions of the Departments in the USA are made straight to the Courts under the Act. The system does not allow for an Ombudsman like figure but does include an internal review stage. In the case of Australia, appeals are heard by the Ombudsman or, more commonly, by the Administrative Appeals Tribunal which can make binding orders for disclosure. A final right of appeal lies with the federal court. In Canada, the Freedom of Information Legislation was developed jointly with the 1983 access regime for personal information. Appeals under the two systems are administered separately by an information Commissioner and Privacy Commissioners respectively. The recommendations made by the Commissioners are not binding and a further right of appeal exists to the federal Court.

The availability of cheap and efficient information technology system provides excellent opportunity to collect and disseminate information at lower cost and higher efficiency particularly due to the double digit growth of Internet facilities in developing countries, which offer a viable opportunity to enable citizens to get information immediately. Therefore, the future access to information would largely depend on the extent to which online facilities and computers are made available to public authorities for specific purpose of imparting information.

The main constraint in free flow of information could be either legal or administrative arrangements, non-availability of adequate infrastructure to provide cheap and quick information at the grass roots level or the secretive work culture. In the developing countries a significant proportion of population live in villages and though there are country to country differences in the percentage of literacy in the rural and urban areas, in some countries the literacy levels are low particularly in rural areas and, therefore mere notification of a statutory right is not a sufficient condition for free flow of information. In addition adequate

arrangements have to be made particularly at the grass roots level for supply of information. Traditionally, civil service structures have been guided by the Official Secrets Act, which has promoted a culture of withholding information through excessive secrecy. Therefore, the more important aspect of freedom of information legislation is actual provision of cheap and efficient infrastructure at grass roots level and raising awareness about the rights conferred to the proposed legislation. Studies carried out in rural areas in India indicate that the farmers and artisans in rural India are not even aware about their entitlements, subsidies and benefits admissible to them with the result that they are not able to enforce their right in a meaningful manner. Extensive training at all levels with a view to promote a open culture is, therefore, a pre-condition for successful dissemination of information. In particular, information about land and water rights, entitlements, subsidies and concessions available to deprived sections of the society through state action need to be highlighted through media. In India while newspapers are available mostly in the rural areas the information is very limited in the rural, hilly and tribal areas. The official TV channel (Doordarshan) has achieved an impressive penetration rate of 80 p.a. of population, which allows provision of information through the Doordarshan. That apart the cost for obtaining information is also important in as much as the cost of obtaining information for the deprived sections in the rural, tribal and hilly areas should not be prohibitive as it will discourage release of the information. Therefore, in actual practice, viable and efficient means of imparting information to rural areas becomes a primary concern. In large number of cases legislation is not really required for allowing access to information because the information asked for should in any case have been given in the first instance with or without legislative provision.

In the initial years when the legislation is notified, there appears to be need for a watchdog body to ensure that the system is put in its place and information is not denied even when a statutory right is conferred by legislation to seek information. This watchdog committee would also keep an eye on the tendency amongst the bureaucrats to classify all information as confidential/secret even though that secrecy may not be required in public interest. Such a shift in classification after statute is notified could nullify the gains arising out of the legislation and, therefore, this tendency should be strongly discouraged.

Recent literature in regard to evolving Governance structure/stresses the important of replacing hierarchical decision making process with networking involving all this stake holders in decision

making. To the extent that various governance systems have achieved this openness, more information is not only available to the stake holders but there is a greater transparency between one Government department to another as experience suggests that there has been an enormous blockage of information from one department to another, let alone the general public. This pattern may not be a conscious blockage of information but nevertheless it is reality therefore while examining the governance structures in relation to freedom of information there is a need to look at the entire decision making process to make it more transparent especially in areas where secret of state etc. are to involve. (Source: Government of India, AR & T website)

INDIA'S FREEDOM OF INFORMATION BILL, 2000

(Excerpts)

FREEDOM OF INFORMATION AND OBLIGATIONS OF PUBLIC AUTHORITIES

Freedom of Information

Subject to the provisions of this Act, all citizens shall have freedom of information.

Obligations on public authorities

Every public authority shall

- (a) Maintain all its records, in such a manner and form as is consistent with its operational requirements duly cataloged and indexed;
- (b) Publish at such intervals as may be prescribed by the appropriate Government or competent authority-
 - (i) The particulars of its organization, functions and duties;
 - (ii) The powers and duties of its officers and employees and the procedure followed by them in the decision making process;
 - (iii) The norms set by the public authority for the discharge of its functions;

- (iv) Rules, regulations, instructions, manuals and other categories of records under its control used by its employees for discharging its functions;
 - (v) The details of facilities available to citizens for obtaining information; and
 - (vi) The name, designation and other particulars of the Public Information Officer.
-
- (c) Publish all relevant facts concerning important decisions and policies that affect the public while announcing such decisions and policies;
 - (d) Give reasons for its decisions, whether administrative or quasi judicial to those affected by such decisions;
 - (e) Before initiating any project publish or communicate to the public generally or to the persons affected or likely to be affected by the project in particular, the facts available to it or to which it has reasonable access which in its opinion should be known to them in the best interests of maintenance of democratic principles.

Appointment of Public Information Officers

Every Public Information Officer shall deal with requests for information and shall render reasonable assistance to any person seeking such information.

The Public Information Officer may seek the assistance of any other officer, as he considers necessary for the proper discharge of his duties. (4) Any officer whose assistance has been sought under subsection

shall render all assistance to the Public Information Officer seeking his assistance.

Requests for obtaining information

A person desirous of obtaining information shall make a request in writing, or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him.

Provided that where such request cannot be made in writing, the Public Information Officer shall, render all reasonable assistance to the person making the request orally to reduce it in writing.

Disposal of requests

On receipt of a request under section 6, the Public Information Officer shall, as expeditiously as possible, and in any case within thirty working days of the receipt of the request, either provide the information requested on payment of such fees as may be prescribed or reject the request for any of the reasons specified in section 8 and 10;

Provided that where it is decided to provide the information on payment of any further fee representing the cost of providing the information, he shall send an intimation to the person making the request, giving details of the fees determined by him, requesting him to deposit the fees and the period intervening between the dispatch of the said intimation and payment of fees shall be excluded for the purpose of calculating the period of thirty days referred to above.

Before taking any decision under section (1), the Public Information Officer shall take into consideration the representation made by a third party under section 11.

Where a request is rejected under sub-section (2), the Public Information Officer shall communicate to the person making the request,

-

- The reasons for such rejection;
- The period within which the appeal against such rejection may be preferred;
- The particulars of the appellate authority.

Information shall ordinarily be provided in the form in which it is sought unless it would disproportionately divert the resources of a public authority or would be detrimental to the safety or preservation of the record in question.

Exemption from disclosure of information

Notwithstanding anything hereinbefore but subject to the provisions of section 9 the following information shall be exempted from disclosure, namely: -

- (1) Information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, security of the

State, strategic scientific or economic interest of India or conduct of international relations.

(2) Information, the disclosure of which would prejudicially affect public safety and order, detection and investigation of an offence or which may lead to an incitement to commit an offence or prejudicially affect fair trial or adjudication of a pending case.

(3) Information, the disclosure of which would prejudicially affect the conduct of Center-State relations, including information exchanged in confidence between the Central and State Governments or any of their authorities or agencies.

(4) Cabinet papers including records of the deliberations of the Council of Ministers, Secretaries and other officers. minutes or records of advice including legal advice, opinions or

(5) Recommendations made by an officer of a public authority during the decision-making process prior to the executive decision or policy formulation

(6) Trade or commercial secrets protected by law or information, the disclosure of which would prejudicially affect the legitimate economic and commercial interests or the competitive position of a public authority; or would cause unfair gain or loss to any person.

(7) Information, the disclosure of which may result in the breach of privileges of Parliament or the Legislature of a State, contravention of a lawful order of a court.

Grounds for refusal of access in certain cases

Without prejudice to the provisions of section 8, a Public Information Officer may reject a request for information also where such request-

(a) is too general in nature or is of such a nature that, having regard to the volume of information required to be retrieved or processed would involve disproportionate diversion of the resources of a public authority or would adversely interfere with the functioning of such authority;

Provided that where such request is rejected on the ground that the request is too general, it would be the duty of the Public Information officer to render help as far as possible to the person making request to reframe his request in such a manner as may facilitate compliance with it;

(b) Relates to information that is required by law, rules, regulations or orders to be published at a particular time and such information is likely to be so published within thirty days of the receipt of such request; or

(c) Relates to information that is contained in published material available to public

(d) Relates to information which would cause unwarranted invasion of the privacy of any person.

Severability

If a request for access to information is rejected on the ground that it is in relation to information which is exempted from disclosure, then notwithstanding anything contained in this Act, access may be given to that part of the record which does not contain any information that is exempted from disclosure under this Act and which can reasonably be severed from any part that contains exempted information.

Third party information

Where a public authority intends to disclose information on a request made by a party which relates to, or has been supplied by a third party and has been treated as confidential by that third party, the Public Information Officer shall by notice to such third party invite representation against the proposed disclosure if any within fifteen days from the date of receipt of such notice:

Provided that except in the case of trade or commercial secrets protected by law, disclosure may be allowed if the public interest in disclosure outweighs in importance any possible harm or injury to the interest of such third party.

Appeals

(1) Any person aggrieved by a decision of the Public Information Officer may, within thirty days of receipt of such decision, prefer an appeal to such authority as may be prescribed: Provided that such authority may entertain the appeal after the expiry of the said period of thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) A second appeal against the decision under sub-section (1) shall lie within thirty days of such decision, to the Central Government or the State Government or the competent authority, as the case may be.

Provided that the Central Government or the State Government or the competent authority as the case may be may entertain the appeal after the expiry of the said period or thirty days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(3) The appeals referred to in sub-section (1) and (2) shall be disposed of within thirty days of the receipt of such appeals or within such extended period as the case may be for reasons to be recorded in writing.

(4) If the decision of the Public Information Officer against which the appeal is preferred under sub-section (1) or (2) also relates to information of third party, the appellate authority shall give a reasonable opportunity of being heard to that third party.

MISCELLANEOUS

Protection of action taken in good faith

.No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule made there under.

Act to have an overriding effect

The Official Secrets Act, 1923 and every other Act in force shall cease to be operative to the extent to which they are inconsistent with the provisions of this Act.

Bar of jurisdiction of Courts

No Court shall entertain any suit, application or other proceeding in respect of any order made under this Act and no such order shall be called in question otherwise than by way of an appeal under this Act.

Act not to apply to certain organizations

(1) Nothing contained in this Act:

- (a) Shall apply to the intelligence and security organizations, specified in the Schedule being organizations established by the Central or a State Government or any information furnished by such organizations to the respective Governments;
- (b) Shall until Part B of the Schedule is amended under sub-section (2) apply to the intelligence and security organizations by whatever name called discharging their functions as such under the State governments.

(2) The Central Government may, by notification in the Official Gazette, amend the Schedule by including therein any other intelligence or security organization established by the Central or a State Government or omitting there from any organization already specified therein and on the publication of such notification, such organizations shall be deemed to be included in or, as the case may be, omitted from the Schedule.

(3) Every notification issued under sub-section (2) shall be laid before each House of Parliament.

Power to make rules by Central Government

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) Intervals at which the matters referred to in the sub-clauses (i) to (vi) of clause of section 4 shall be published;
- (b) The fee payable under section 7;
- (c) The other authority before whom an appeal may be preferred under sub-section (1) of section 12;
- (d) Any other matter which is required to be, or may be prescribed.

Power to make rules by State Government

1. The State government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

2. In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:

- (a) The fee payable under section 7;
- (b) The other authority before which an appeal may be preferred under sub-section (1) of Section 12;
- (c) Any other matter, which is required to be, or maybe, prescribed; Provided that first rules shall be made by the Central Government by notification in the Official Gazette.

Rule making power by competent authority

(1) The competent authority may by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely: -

- (a) The fee payable under section 7;
- (b) The other authority before whom the appeal maybe preferred under subsection of section 12;
- (c) Any other matter, which is required to be, or maybe, prescribed.

Laying of rules

- (1) Every rule under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if, before the session or the successive sessions aforesaid, both Houses agree in making any modifications in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case maybe; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- (2) Every rule made under this Act by State Government shall be laid, as soon as maybe after it is notified, before the State Legislature.

Power to remove difficulties

(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removal of the difficulty: Provided that no such order shall be made after the expiry of a period of two years from the date of the commencement of this Act.

(2) Every order made under this section shall, as soon as maybe after it is made, be laid before the Houses of the Parliament.

(Source: Internet Search)

THE RIGHT TO INFORMATION: IS IT POSSIBLE FOR DEVELOPING COUNTRIES? -AN ANALYSIS

Abstract:

The right to information is one of the main human rights that protect and develop the human life. The use of the right to information will be able to contribute to solve the many social and cultural problems of the individual and the national level. But there are many pre-conditions, which are related to economical, social, cultural and political development for realizing the right to information in a country. Unless a country has solved the main problems like hunger, education, health, social security and political freedom, it is not possible to realize the right to information.

There is a strong relationship between the right to information and the development level of a country. The individuals who live in developed countries have many more possibilities in using the right to information than developing countries.

Four fifths of the world's population still lives in the least and developing countries. It seems that these countries that did not solve the main problems are far away from the right to information. In this study, we will try to evaluate the concept of the right to information in the base of the development difference between developed and developing countries.

Introduction

Information is power for development. For this reason, the right to information is an important human right. However, as many other rights, there are many pre-conditions, which are related to economical, social, cultural and political development for realising the right to information. While developed countries seem to have important opportunities for the right to information, least developed countries and developing countries are faraway from this right. In this paper we will try to examine the opportunities for the right to information in least developed and developing countries and reach a conclusion about the impact to librarians' efforts on these issues.

Democracy, Intellectual Freedom and the Right to Information

First of all, we have to discuss the ethical aspects of the library profession connected with the intellectual freedom and the right to information for understanding the primary reason for the existence of libraries. There is a strong relationship between intellectual freedom and the right to information. In other words, the concept of the right to information is based on the concept of the freedom of information. Freedom of information means intellectual freedom. Both intellectual freedom and the right to information are human rights, which protect the human life and human development. However, human rights, which protect our lives, need to be protected by a full democracy in the country. If there is not a full democracy, all members of the society can participate in the decision-making process and for this reason they need the right to information. Unless there is a true democracy in a country, the problem of the right to information cannot be solved, fully. We cannot say that there is full democracy in many developing countries despite they have become a bit more democratic since 1980. The index of democracy by World Bank (Diagram 1) indicates this situation clearly. In the majority of developing countries, democracy is not working completely. It is seen that only OECD (or developed) countries have established real democratic regimes. If we accept that a full democracy is a pre-condition for the right to information, it can be also said that developing countries do not have the chance to use the right to information wholly yet.

Human Development and the Right to Information

"Human poverty constitutes a denial of fundamental human rights. To promote social progress and raise the standard of living within the wider concept of freedom, international human rights law... recognizes economic and social rights with the aim of attacking poverty and its consequences. Among these rights are an adequate standard of living food, housing, education, health, work, social security and a share in the benefits of social progress" (1). These rights are "sine-non-quo" for using the right to information both on the national level and on the individual level. A man who does not have enough food, shelter, health, work, education and security does not need to use the right to information.

There are many countries, which have not ratified or acceded some major human rights conventions. It means that these countries face the problem of human rights, and consequently the right to information.

Two notions of human development can be discerned. One is on the level of the individual, the other on the national level. Only educated (literate) people can use the right to information. Illiterates cannot use this right even if they need it. Srikantiah and Dong point out that there is a definite correlation among the number of users of Internet and the GNP and the literacy rate. It can be said that there is also a definite correlation between the use of information and the literacy rate. Simply because that information user must be literate.

Ratio of enrolment by level of education by regions is a good parameter for the aspect of national level of the right to information. According to the combined 1st, 2nd and 3rd level gross enrolment ratios in 64 % of least developed countries' population and 44 % of developing countries' population are not educated. That means, these countries cannot use the right to information and do not have such a priority. So one has to conclude that the right to information-or in better terms: the right to access to sources of information-is related to an education aim, and put in a perspective of general education and human development.

Another negative situation is the relation of expenditures on education with %GNP. Though, least developed countries spend 3.1% of their GNP to education, this ratio is 3.8 for developing countries and 5.8 % for industrial countries. Unless developing (and least developed) countries increase their expenditures on education as much as industrial countries, perhaps much more, it is difficult to realize the right to information in these countries.

There is a meaningful difference in literacy rate between least developed/developing countries and developed countries. While the ratio of literacy is 98.5% for developed countries, it falls down to 69.7% for developing countries and 50.4% for least developed countries. That means half of the population of least developed countries and one third of population of developing countries cannot reach to written information. And it also means that the priority should be given to create the literate society in least developed and developing countries.

One of the basic rights for a person or nation in life is to live healthily. An ill person or a country, which has serious health problems on

the national level, does not need the right to information, as a priority. From the viewpoint of health there is a definite difference between developing and developed countries.

While the ratio of population with no access to health services in least developed countries is 51%, it is 20% in developing countries and less than 5% in industrial countries. These ratios show us that least developed and developing countries still have serious health problems. It will not be realistic to expect from a country which has health problems has to solve gives the priority to the problem of the right to information.

When we look at the communications profile of the developing countries and developed countries, it is seen that least developed and developing countries won't have the traditional media in the coming two years to 2000. 822 of 1000 persons do not have television. Book titles published per 100.00 is 7 for developing countries and 52 for industrial countries. Main telephone line per 100 is 0.3 for least developed countries, 3.3 for developing countries, but 40,1 for industrial countries. As of 1994 no daily newspapers were published in the 37 least developed and developing countries and their territories. The right to communicate is a base for the right to information. In this case, we can say that the right to information is still far away in the least developed and developing countries.

Population and the Right to Information

World population is about 5.629.635.000 and 68% of this population is in developing countries, 10 % in least developed countries and 21% in developed countries. These ratios show that only one fifth of the world's population generally have the positive conditions for the right to information, and four fifth have many important problems, which affect the solution of the right to information. For instance; while number of deaths at ages of 1-4 per 100.000 is 3128 in South Africa, it is 30 in Finland. The fundamental right for least developed and developing countries seem to be the right to live. Besides, over population in a country means many problems for it. The largest part of the world's population still lives with many problems in the developing countries.

Libraries and the Right to Information

Libraries, especially public libraries, as information and cultural centres have important responsibilities in safeguarding the publics right

to information. When we look at the distribution of the public libraries in the world, it can be seen that there is an inequality and unbalance.

The ratio of public library use is 0.2% in Uganda but 57.6% in the United Kingdom. While 1.145.611 people use only one public library in Uganda, there is a public library for every 2.851 person in Finland. According to the collections of public libraries, in the United Kingdom, 2.29 books are per person but one book per 3000 persons in Uganda. It is clearly seen that there is a strong relationship between the level of development and the use of public libraries. For the use of public libraries in a country there must be enough public libraries and educational facilities. Development is the foundation, which increase the public library use and consequently the right to information.

Library services, and of course the right to information can be thought as a part of the national information policy. However, most of the least developed and developing countries generally do not have national information policies. Lack of a national information policy in a country affects library services and the right to information negatively.

Conclusion

Human development can be described as a comprehensive economical, social, cultural and political process, which aims at the constant improvement of the well being of the entire population and of all individuals. The right to information as a human right is a result and/or product of the human development. The phrase of the right to information for a person who is hungry, who does not have enough money to live; who is not educated and who does not have freedom, does not have any meaning in either. In the same way, a country that has the problem of hunger, education, and economic and politic freedom cannot give the priority to the right to information. Of course, information is a power, which plays important role in solving these problems. But governments and individuals generally are not aware of this power, and say: first comes the right to eat, the right to work, the right to have a shelter, the right to have social security, in short the right to live and then the right to information.

We cannot realize the right to information unless we realize other rights we mentioned above. All thought as librarians there are many things we can do, as long as the inequality between developing and

developed countries, it won't be a realistic attitude to expect to solve the problem of the right to information only by ourselves.

As a conclusion, we can say that in the 21st century, the least developed and developing countries still won't reach their right to information.

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(Source: By **Bülent Yilmaz**, Hacettepe University Faculty of Letters, Department of Library Science, Beytepe-Ankara Turkey)

GOOD GOVERNANCE

The search for Good Governance seemingly is an endless one ensuring goodness in governance and raising its level intensity wise and coverage wise has been an aspiration of the people and a persistent demand of the articulate sections in any society. It has been an eternal challenge of rulers since the very dawn of state, irrespective of its nature, structure and form.

Originally, state and good governance may have been synonymous terms for as Hobbes, Locks, Rousseau, Paine, Mill, Marx, Gandhi, Rawls and many other thinkers held that after all, men in society conceded coercive power to state only in the hope for realizing good governance, and the final judgment in this regard was left to the subjects themselves. In fact, in years of yore through medieval times, conscientious kings, espousing keen empathy with their subjects, used to move about incognito to have first hand assessment of goodness or otherwise of their own rule. Many a tyrant had to pay dearly for acts of omissions and commission. Unscrupulous rulers, who let loose tyranny on their subjects and yet managed to get away, either because the people could not manage to muster enough strength to meet the brute force of the state or realize and assert in certain cases, individually and collectively, their sense of responsibility adequately enough. It is in this context that the concept of the authority and obligations of the rulers and the ruled was born. Associated with it was the thinking about enlightened citizenship and accountability. The political discourse of constitutional government, thus, assumed, significance.

In India, during the entire tortuous course of the freedom struggle, self government and good government became synonymous. After attainment of independence, our Constitution emerged out of the Constituent Assembly and was adopted by the people, which enshrined the aspirations and ideals of the freedom struggle.

Since independence, the search has been on for the seemingly elusive goal of good governance. It started with securing rights of common man in the constitution through the provision of Fundamental rights and Directive principles of state policy. The guiding star, of course, is the preamble of the constitution. The concern for this persists in attempts to revitalize public administration at various levels and stages through recommendations of various committees/ commissions on administrative reforms and its allied areas; constitution of several statutory and non statutory bodies at different levels--like committees of legislatures, vigilance commission planning commission, proposed ombudsmen, PRIs, and special efforts like positive intervention of judiciary (By way of Public Interest Litigation) establishment of consumer fora, roll back of government and its substitution by voluntary and cooperative bodies, attempts at mobilizing public opinion as a direct action (such as public hearings on feasibility of big dams or irrigation projects), and indirect action. However, despite all these efforts, we

have failed to make a significant impact on public psyche due to our slide down the slope as is evident in different spheres since independence. It is widely felt that the pace has gathered alarming momentum since late 60s and early 70s in view of many unhealthy developments in politics which deeply affect other segments of society. Since then, nothing seems to arrest the institutional deterioration and decline of values in general.

Good Governance, however, is not a finished product. It is a dynamic concept. It encompasses fast changing political, social and economic milieu, along with international environment and conditions of operational governance. Hence, the need for periodical rethinking on and even remodeling of the concept and institutions of governance. The search for good governance has to be a continuing exercise.

CONCEPT OF COMMON GOOD AND GOOD GOVERNANCE

The word 'good' derives from the word 'God', and carries an innate sense of judgment. And the word 'common' suggests "ordinary occurrence", "objects or values shared by the group of a community", or "the whole" rather than particular or "the good of the whole in which the parts share". "the greatest good of the greatest number", "the commonweal" or "the universal happiness". Perhaps in earlier times, the term might have meant to embrace "all and everyone" but presently in the western thinking, the term rarely encompasses universality. On the contrary, the Hindu concept of common good emphasizes on "sarva" (all and every one) instead of "Bahu" (the greatest number). From the Indian perspective, when we speak of this term, it means an action or a deed which is beneficial to all and everyone although such benefits or privileges may not be immediately attainable or available, including whether or not everyone realizes it. It should also be noted that while the benefits may be available to all, it does not mean that all the people are entitled to the same benefits, instead the concept means that everyone should receive their individual and collective due share. Also be appreciated is the Hindu concept of the common good which include both receiving from others, (including the community, State or other entities) as well as rendering to others whatever be their due share. Thus, both sides of the coin, the common good encompass receiving and giving help.

KAUTILYAN INDICATORS OF GOOD GOVERNANCE

Good Governance (Conceptualized in the past as ideal state or Ram Rajya) has been a romantic ideal of political thinkers round the ages, but the end of good governance has changed from the strength of the state or king and his cohorts and men on the horse-back to protect its citizens and provide security to them and thereby justify ruler ship to a limited, controlled and constitutional state serving by being subservient to the public or publics or the masses in general.

Indicators of Good Governance

The indicators of good governance , however, have not changed so much as it may appear at least in India.

The ten indicators of good governance from kautilya's Arthasashtra are:

1. ***King Must Merge His Individuality with Duties:*** The first indicator of good governance is that the ruler should surrender his individuality in the interest of his duties.
2. ***A Properly Guided Administration:*** The second indicator is that in order to ensure peoples' welfare, there must be a properly guided administration. Proper guidance excludes commitment to an individual , his family or his whims and caprices
3. ***Avoiding Extremes Without Missing the Good:*** The third indicator is that the good governance must avoid the extremes(as Buddha preached) but not miss the goal.
4. ***Disciplined Life with Code of Conduct for King and Ministers:*** The fourth indicator is that a ruler is to be subjected to a rigorously disciplined life and an elaborate code of conduct.
5. ***Fixed Salaries and Allowances to the King and Public Servants:*** The fifth indicator is that salaries and allowances of all public servants including the top, should be fixed and reasonable. The king s salary was fixed and he was not entitled to draw a penny more than that.
6. ***Law and order chief duty of king theft losses to be made from good from kings salary:*** The sixth indicator is that the king gets salary for rendering services to the

people and his chief duty was to maintain law and order, that is to protect life and liberty. The king will have to pay from his own pocket if he is found guilty of dereliction of duty on this score.

7. *Carrying out Preventive/Punitive Measures Against Corrupt Officials:* The 8th indicator of the good governance is the carrying out of preventive and punitive measures to punish corrupt officials.

8. *Replacement of Ministers by Good Ones by the King*

9. *Emulation of Administrative Qualities:* Certain administrative qualities worth emulation in modern day administration are emphasized by Kautilya. Some of them are uniformity in administrative practice, competent ministers, and the king possessing qualities of leadership, intellect, energy, good moral conduct and physical powers. Above all, he must not be dilatory in his decision making and allow things to drift.

10. *Pursuing Good Governance Even Amidst Instability:* There is no doubt that we are in an age of democracy, where rulers are supposed to be **responsive, responsible, accountable, removable, recallable.**

The end of good governance is happiness and welfare of people but unlike Bentham's utilitarianism, in India we have not approved Charvaka. We believe that it is better to be a Gandhi or Socrates dissatisfied than a pig-satisfied. The means for good governance is promotion of rational will and moral power of people. Elites have to be austere and they must throw their consumer goods out of the window as they had done in case of western clothes and wine under Swadeshi Movement. Only when elites will do so and only when elites will learn to keep away from unbridled materialism, legitimized under globalization, then and only then a moral man and a moral democrat will emerge to proper good governance.

GOOD GOVERNANCE; NEW PUBLIC MANAGEMENT PERSPECTIVE

Determinants of Good Governance:

Determinants of good governance can be related to the basic goals of a society as enshrined in its constitution and other policy and plan documents. Apart from creation of institutions and framework for maintenance of law and order, the state and its authorities formulate rules by which the politico administrative system governs itself. For some societies., the state plays a catalytic role to establish basic infrastructure for economic development and provide such services which may lead to social justice. The degree of involvement of politico administrative system, however, differ from society to society.

The factors deal with political and administrative aspects are:

1. Political accountability, including the acceptability of political system by the people and regular elections to legitimate the exercise of political power
2. Freedom of association and participation by various religious, social, economic, cultural and professional groups in the process of governance
3. An established legal framework based on the rule of law and independence of judiciary to protect human rights, secure social justice and guard against exploitation and abuse of power
4. Bureaucratic accountability ensuring a system to monitor and control the performance of government offices and officials in relation to quality of service, inefficiency and abuse of discretionary power. The related determinants include openness and transparency in administration.
5. Freedom of information and expression needed for formulation of public policies, decision making, monitoring and evaluation of governance performance.
6. A sound administrative system leading to efficiency and effectiveness This, in turn, means the value for money and cost effectiveness. The effectiveness includes the degree of global achievement as per the stated objectives .
7. Cooperation between the government and civil society organization.

Thus, it is clear that good governance is not simply something that government can achieve or do by itself. Good Governance depends on the cooperation and an involvement of a large number of citizens and organizations. These requirements are considered not only essential for

good governance but are also important for sustainable human development.

REINVENTING GOVERNMENT FOR GOOD GOVERNANCE

The term governance has wider meaning and implication than those of the term government. Government refers to the machinery and institutional arrangements of exercising the sovereign power for serving the internal and external interests of the political community, whereas governance means the process as well as the result of making authoritative decisions for the benefit of the society. In its simple dictionary meaning, the expression good governance commends itself to all well meaning people. But its conceptual difficulties begin when it is found that the term is being touted in recent years.

The World Bank has identified three distinct aspects of governance: (a) the form of political regime, (b) the process by which authority is exercised for managing a country economic and social resources for development and (c) the capacity of government to design, formulate and implement policies and discharge functions.

The concept of good governance derives its relevance in the context of mis-governance which includes non-feasance, over-feasance and mal-feasance. In many countries, the democratic form of government has appeared to be ineffective for checking swindling of public funds for private gains by the elected leaders.

The overall balance of different views and arguments leads to one conclusion of good governance should basically mean balanced governance. Government, private sector, non government organizations and cooperatives should harmoniously share the responsibility of governance by protecting the interests and meeting the needs of the people. Private sector can learn from government no less than government can learn from business, and both have a good deal to learn from cooperative and voluntary organization.

The challenge of good governance would certainly require government to be reinvented, bureaucracy to be re-positioned, on government business sectors to be re-invigorated with a social motive.

GOOD GOVERNANCE- HUMAN RIGHTS PERSPECTIVE

A discussion on governance from a human rights perspective cannot carry much meaning without asking three basic questions; what is governance? Why governance and how does one govern This interrogation is necessary because there are varied view points on this whole question which are, in certain cases, diametrically opposite. These positions are based not only on the concrete realities of life but also on the moral positions of the individuals concerned. This is partly mediated through legality. Therefore, discussion on governance involves three dimensions, real, legal and moral. The prefix good to governance involves all these three dimensions. In that sense, the whole debate is value laden. This is more so when it is discussed from a human rights perspective.

CONCEPT OF GOVERNMENT AND GOVERNANCE:

In the most common sense, government consists of a group of individuals who share a defined responsibility for exercising power. In this sense, the definition refers to the cases where government is sovereign as well as to the cases where it is not so, but in case of the sovereign government with a defined responsibility taking the shape of its legitimacy in the sense of the sanctified right to exercise power on behalf of others by means of decision making. The concept turns out to be a government being a group of individuals exercising legitimate authority, and maintaining, protecting and adapting the society by making and carrying out decisions along with exercising a practical monopoly of coercive powers.

Governance is the manner in which authority, control and power of government is exercised in mobilizing a society economic and social resources to address the issues of public interest, It is the art of governing associated with the exercise of authority within specific jurisdiction, and is embedded in the structure of authority. Good governance is Epitomized by among other things, predictable, open and enlightened policy making. It can be secured by sound, responsive and competent administration, respect to basic human rights and values, strengthened democratic institutions and effective institutional as well as structural framework to ensure accountability and transparency,

MEANING OF GOOD GOVERNANCE

A cold systemic definition of governance is found in the Oxford Dictionary . It is the act or manner of governing or the way of control. Good Governance is, therefore, that system which is accepted as good. peter Drucker draws our attention to his concept that governing is not doing. It could be inducing or making it easy for other to do.

DEFINING GOOD GOVERNANCE

Good Governance being an adjective expressions, connotes certain value assumptions, whereas governance as a process denotes a value-free dispensation. Concise Oxford Dictionary defines it as act or manner of governing and the office or function of governing while govern is inter alia defined as rule or control with authority, conduct the policy and affairs of an organization. Which means, governance refers to a process or the act or function of exercising (usually legitimate) authority to regulate affairs of men in a given territory, generally a state. In effect it is the conduct of business of policy or society. Again because of a generally implied orientation of people in favor of a democracy, defined as a government of the people, by the people and so far the people, the good or welfare or interest of people is assumed to be the necessary and sufficient condition of governance and its legitimacy.

DIFFERING QUALITATIVE CONNOTATIONS

Thus, governance also varies in relation to the typology we are considering: its character, characteristics, criteria and styles all undergo episodic change, often fundamental. Governance also takes different qualitative connotations, if the basic functions that the state must perform are either not done at all or done perfunctorily.

Good Governance , is, thus, a function of installation of positive virtues of administration and elimination of voices of dysfunctional ties. In short, it must have the attributes of an effective, credible and legitimate administrative system citizen friendly, value caring and people sharing.

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1. Editorial
2. Common Good and Good Governance by O.P Dwivedi

3. Kautilyan Indicators of Good Governance by L.N. Sharma & Susmita Sharma
4. Good Governance : New Public Management Perspective by O.P. Minocha
5. Reinventing Government for Good Governance by Asok Mukhopadhyay
6. Good Governance: Human Rights Perspective by G. Haragopal
7. Defining Good Governance by Bata K. Dey
8. Perspectives on HRD measures for effective Governance by Bharati Sharma

DEVELOPMENT DIVIDEND OF GOOD GOVERNANCE **(WORLD BANK)**

There is a growing consensus among academics and practitioners that good governance is a key ingredient for economic development. Recent research at the World Bank by Daniel Kaufmann, Aart Kraay, and Pablo Zoido-Lobaton provides new empirical evidence on the causal impact of better governance on better development outcomes—the "development dividend" of good governance.

Kaufmann, Kraay, and Zoido-Lobaton define governance as the traditions and institutions by which authority in a country is exercised for the common good. This includes the process by which governments are selected and replaced, the capacity of the government to effectively formulate and implement sound policies, and the respect of citizens and the state for the institutions that govern economic and social interactions among them. Using this definition as a guide, the authors:

- Gathered several hundred indicators of governance produced by 13 different organizations, including commercial risk rating agencies, think tanks and other NGOs, and multilateral organizations including the World Bank, covering more than 170 countries.
- Developed and implemented a new methodology to combine related governance measures from these many sources into six composite governance indicators that measure fundamental aspects of governance, namely *voice and accountability, political instability and violence, government effectiveness, regulatory burden, rule of law, and corruption*.
- Provided new empirical evidence of a strong causal link from better governance to better development outcomes.

Their research points to three broad conclusions: governance matters for development outcomes, existing governance indicators are not very precise, and there is a need to focus on real reform and better measures of governance.

Good Governance Fosters Development

An improvement in governance—such as an improvement in rule of law from that in Russia to that in the Czech Republic, or a reduction in corruption from that in Indonesia to that in the Republic of Korea—leads to a two- to four-fold improvement in per capita incomes, a comparable decrease in infant mortality, and about a 20 percent improvement in literacy. Figure 1 illustrates the "development dividend" of better governance, using several measures of governance and several development outcomes. It is worth stressing that these results are not just simple correlations between better governance and better development outcomes. Rather, their techniques allow them to identify a causal effect *from* better governance *to* better development outcomes.

Ranking and Precision

While the composite governance indicators developed for this research are very useful for understanding the broad cross-country relationships between governance and development, not being very precise, they are less informative about the quality of governance in individual countries. Yet, a novelty of their methodology for constructing aggregate governance indicators is that it produces statistically sound margins of error around the estimates of governance for individual countries. In other words, there is some precision about the imprecision of the country estimate. This allows users of the indices to be relatively certain about the substantial uncertainty associated with estimates of governance for individual countries. In light of these margins of error, it is misleading to offer precise rankings of countries according to their level of governance. Small differences in country rankings are unlikely to be statistically—let alone practically—significant.

Diagnosing Causes of Mis-Governance and Focusing on Real Reform

Composite governance indicators based on existing sources of governance data are powerful tools for drawing attention to governance issues. They are also indispensable for cross-country research into the causes and consequences of mis-governance. But they are a blunt tool for providing the basis for policy advice: they only provide an initial benchmark of where countries stand relative to each other on governance issues. Most countries, for any of the six previously mentioned governance indicators, could be placed into *crisis*, *high risk*, or *low risk* categories depending on the extent of systemic mis-governance risks. No further fine-tuning in rankings is warranted.

To help countries improve their governance, much more needs to be known about the country-specific policy and institutional failures that are reflected in perceptions of mis-governance in the existing data. In-depth country governance diagnostics are an essential tool to helping countries understand and design their own solutions to improve governance. Monitoring progress should focus on real institutional reform and rigorous, in-depth, country-specific, and locally owned diagnostics.

(This article is based on two recent World Bank Policy Research Working Papers of Daniel Kaufmann, Aart Kraay, and Pablo Zoido-Lobaton : "Aggregating Governance Indicators" and "Governance Matters"). The details of the research paper are given below.

Introduction

The objective of this short paper is to present updated estimates of six dimensions of governance for 175 countries in 2000-01. We draw on 17 separate sources of subjective data on perceptions of governance constructed by 15 different organizations, and use the unobserved components methodology described in our previous work (Kaufmann, Kraay and Zoido-Lobaton (1999)) to construct updates of our governance indicators covering the period 1997-98. This paper reports on both the 1997-98 and the 2000-01 indicators.

In our previous work, we constructed aggregate governance indicators for six broad concepts of governance, using an unobserved components methodology that permitted us to also report measures of the precision of governance estimates for each country. One of the main findings of this previous research was the margins of error associated with the composite estimates of governance for each country are typically quite large relative to the units in which governance is measured.

This implies that cross-country comparisons of the quality of governance based on this type of data need to be made with considerable caution: many of the small measured differences in governance perceptions are too small to be statistically - or practically - significant, and only large differences are likely to be statistically meaningful.

The updated governance indicators in this paper display the same substantial margins of error as in our previous work - although by drawing on a slightly larger set of underlying sources of governance data, the average precision of the governance indicators is slightly higher. As a result, the same caution about the robustness of cross-country governance rankings stressed in our previous work continues to apply here. Using the updated governance indicators, we can now also for the first time compare changes over time in point estimates of governance with measures of precision of these estimates. For the majority of countries, changes in governance perceptions over the four-year period we consider are small relative to the margins of error associated with levels of governance. This points to the importance of treating many of the small observed changes over time in governance with the same caution as the many small differences in the level of governance across countries at a given point in time.

Nevertheless, we do find that for some countries, changes over time in governance perceptions even over the fairly short four-year period we consider are large relative to associated margins of error, and point to possibly significant governance trends for these countries. The rest of this paper proceeds as follows. In the following section, we describe the updated governance database on which the 2000-01 indicators are based. In the course of the research we also briefly review the concepts of governance corresponding to our six aggregate indicators, and the methodology used to construct them. There is a section that describes the levels and changes over time in our new estimates of governance.

An Expanded Governance Database

In this section we describe the expanded set of measures of governance we have used to construct our six composite governance indicators for 2000/01. In this round, we rely on 194 different measures drawn from 17 different sources of subjective governance data constructed by 15 different organizations. These sources include

international organizations, political and business risk rating agencies, think tanks, and non-governmental organizations. Four of these sources are included in the 2000/01 index for the first time, and the remaining are updates of sources included in the 1997/98 indicators.' In this section, we provide an overview of some of the key features of these sources.

A detailed description of each of these sources is also made available for any reference.

Two of the sources we refer to as **"updates of existing sources"** are in fact new surveys which included questions similar to those in their previous incarnations. These are the World Bank's World Business Environment Survey which is a follow-up in the 1997 World Development Report Survey, and the Gallup Millenium Survey which we treat as a follow-up of the Gallup 50h Anniversary Survey included in our previous paper. There is also some overlap between sources. A portion of the World Bank's Business and Enterprise Environment Survey was used in the World Business Environment Survey, and we refer to the former as a distinct source only when we use questions that appeared only in the former. Also, in 1997 we used data from the Global Competitiveness Survey for Africa as a separate source. In 2000, with the exception of the questions on state capture for transition economies, its questionnaire coincided with that of the World Business Environment Survey, and we include it in the latter source. Finally, one source we used in 1997/98 is no longer published (Central European Economic Review), and so we are unable to update this source.

As in our previous work, we continue to distinguish sources according to:

- (1) Whether they are polls of experts, or surveys of businesspeople or citizens in general, and
- (2) the extent to which the sample of countries included in the sources is representative of the world as a whole

In the 1997/98 version of the governance database, our sources consisted of eight polls of experts and seven surveys, and five of our sources were classified as representative. In the 2000/01 version, we have added two new surveys (the World Bank's Business Environment and Enterprise Performance Survey of firms in transition economies (BPS),

and Latinobarometro (LBO), a private survey conducted in 17 Latin American countries), and two new polls of experts (the Columbia University State Capacity Study (CUD) covering 109 countries worldwide, and the Price Waterhouse Coopers Opacity Index (PWC) covering 35 countries).

The advantages and disadvantages of polls of experts relative to surveys of market participants are well-known, and are discussed in our previous paper. Briefly, the choice among these two types of governance data involves tradeoffs in terms of cross-country comparability versus first-hand knowledge of local conditions. Polls of experts in general are explicitly designed to provide comparable results across countries, through elaborate benchmarking procedures. However, their reliability depends greatly on the ability of the small group of experts involved to provide objective and accurate assessments of the governance dimensions being measured. In contrast, surveys typically draw on the responses of large numbers of local respondents with direct first-hand knowledge of local conditions. However, to the extent that ostensibly identical survey questions are interpreted differently by respondents with different cultural and/or socioeconomic backgrounds, it can be difficult to make cross-country comparisons using survey responses.

Sources of governance data also vary with respect to the sample of countries they cover. A number of sources cover a very large sample of developed and developing countries, while others cover very narrowly-focused samples of countries. Also, many of the poorest and/or smallest countries in the world tend not to be covered by many commercially-oriented polls because they are relatively unattractive to foreign investors.

For example, it is easy to see how responses to a question on the prevalence of **"improper practices"** can be affected by country-specific perceptions of what such practices might be. On various approaches to address differences in country-specific perceptions. Since there is a strong positive association across countries between governance and per capita incomes, this difference between sources makes it difficult to compare indicators from sources which cover sets of countries with very different income levels. Similarly, there may be regional differences in governance which hamper comparisons across sources. For example, it is not clear how to compare a governance rating based only on transition economies with one based on a broad set of countries. As discussed in a

previous paper the methodology we use to construct aggregate governance indicators takes these differences in country coverage into account as the data from individual sources are transformed into common units for aggregation across sources.

Although several of the sources we use have somewhat expanded their country coverage, this does not alter our previous classification of sources as representative and non-representative in the earlier version of the indicators. We use the same criteria of representativeness according to geographical location and income levels in order to identify one of our new sources as representative (CUD), and the remainder as non-representative (PWC, LBO, and BPS), for a total of seven representative sources and ten non-representative sources.

Methodology

In this section, summarizing our work we first describe how we organize the available governance data described above into **six clusters** corresponding to **six basic aspects of governance**, and describe how we combine these indicators into aggregate governance indicators.

Governance Clusters

We construct the same six aggregate governance indicators as in our previous work, motivated by the same definition of governance that we used before. We **defined governance as the traditions and institutions by which authority in a country is exercised**. This includes (1) **the process by which governments are selected, monitored and replaced**, (2) **the capacity of the government to effectively formulate and implement sound policies**, and (3) **the respect of citizens and the state for the institutions that govern economic and social interactions among them**. We stress at the outset that the classification of indicators into clusters corresponding to this definition of governance is not intended to be definitive. Rather, it reflects our own views of what constitutes a useful and interesting organization of the data that is consistent with prevailing notions of governance.

The first two governance clusters are intended to capture the first part of our definition of governance: the process by which those in authority are selected and replaced. We refer to the first of these as

'Voice and Accountability', and include in it a number of indicators measuring various aspects of the political process, civil liberties and political rights. These indicators measure the extent to which citizens of a country are able to participate in the selection of governments. We also include in this category indicators measuring the independence of the media, which serves an important role in holding monitoring those in authority and holding them accountable for their actions.

The second governance cluster is labeled **"Political Stability"**. In this index we combine several indicators which measure perceptions of the likelihood that the government in power will be destabilized or overthrown by possibly unconstitutional and/or violent means, including terrorism. This index captures the idea that the quality of governance in a country is compromised by the likelihood of wrenching changes in government, which not only has a direct effect on the continuity of policies, but also at a deeper level undermines the ability of all citizens to peacefully select and replace those in power.

The next two clusters summarize various indicators of the ability of the government to formulate and implement sound policies. In **"Government Effectiveness"** we combine perceptions of the quality of public service provision, the quality of the bureaucracy, the competence of civil servants, the independence of the civil service from political pressures, and the credibility of the government's commitment to policies into a single grouping. The main focus of this index is on **"inputs"** required for the government to be able to produce and implement good policies and deliver public goods. The second cluster, which we refer to as **"Regulatory Quality"**, is more focused on the policies themselves. It includes measures of the incidence of market-unfriendly policies such as price controls or inadequate bank supervision, as well as perceptions of the burdens imposed by excessive regulation in areas such as foreign trade and business development.

The last two clusters summarize in broad terms the respect of citizens and the state for the institutions which govern their interactions. In **"Rule of Law"** we include several indicators which measure the extent to which agents have confidence in and abide by the rules of society. These include perceptions of the incidence of both violent and non-violent crime, the effectiveness and predictability of the judiciary, and the enforceability of contracts. Together, these indicators

measure the success of a society in developing an environment in which fair and predictable rules form the basis for economic and social interactions. The final cluster, which we refer to as "**Control of Corruption**", measures perceptions of corruption, conventionally defined as the exercise of public power for private gain. Despite this straightforward focus, the particular aspect of corruption measured by the various sources differs somewhat, ranging from the frequency of "**additional payments to get things done,**" to the effects of corruption on the business environment, to measuring "**grand corruption**" in the political arena or in the tendency of elite forms to engage in "**state capture**". The presence of corruption is often a manifestation of a lack of respect of both the corrupter (typically a private citizen or firm) and the corrupted (typically a public official) for the rules which govern their interactions, and hence represents a failure of governance according to our definition.

Aggregating Governance Indicators

Implicit in our organization of the data is the view that, within each cluster, each of these indicators measures a similar underlying basic concept of governance. Given this view, there are considerable benefits from combining these related indicators into an aggregate governance indicator for each cluster. First, the aggregate indicators span a much larger set of countries than any individual source, permitting comparisons of governance across a broader set of countries than would be possible using any single source. Second, aggregate indicators can provide more precise measures of governance than individual indicators. Third, it is possible to construct quantitative measures of the precision of both the aggregate governance estimates for each country, as well as their components. This allows formal testing of hypotheses regarding cross-country differences in governance. For each of these clusters, we combine the component indicators into an aggregate governance indicator using the same methodology used to calculate our first set of indicators, as documented earlier. We use an unobserved components model which expresses the observed data in each cluster as a linear function of the unobserved common component of governance, plus a disturbance term capturing perception errors and/or sampling variation in each indicator. In particular, we assume that we can write the observed score of country j on indicator k , $y(j,k)$, as a linear function of unobserved governance, $g(j)$, and a disturbance term, $E(j,k)$, as follows:

$$(1) \quad y(j,k) = a(k) + P(k) (g(j) + s(j,k))$$

where $\alpha(k)$ and $\beta(k)$ are unknown parameters which map unobserved governance $g(j)$ into the observed data $y(j,k)$. As a choice of units, we assume that $g(j)$ is a random variable with mean zero and variance one. We assume that the error term has zero mean and a variance is the same across countries, but differs across indicators, i.e. $E[s(j,k)^2] = \sigma^2(k)$.

Given estimates of the parameters of the model, $\hat{\alpha}(k)$, $\hat{\beta}(k)$, and $\hat{\sigma}^2(k)$, we can compute estimates of governance for each country, as well as measures of the precision of these estimates. Formally, the estimate of governance for a country produced by the unobserved components model is the mean of the distribution of unobserved governance conditional on the $\alpha(k)$ observed data points for that country. This conditional mean is the following weighted average of appropriately-rescaled scores of each of the component indicators:

$$K(j) \quad y(j,k) - \alpha(k)$$

$$(2) \quad E[g(j) | y(j,1), \dots, y(j,K(j))] = \sum_{k=1}^{K(j)} w(k) \frac{y(j,k) - \alpha(k)}{\sigma(k)}$$

where the weights applied to each source k , $w(k) = \frac{1/\sigma^2(k)}{\sum_{k=1}^{K(j)} 1/\sigma^2(k)}$, are inversely proportional to the variance of the error term of that source. We also report the **standard deviation** of this estimate, which is:

Estimation of this model requires some non-standard techniques to take into account the likely differences in the unobserved distribution of governance across the different samples of countries covered by representative and non-representative sources. These are documented in detail in earlier reports. Deviation of this conditional distribution as an indicator of the confidence we can have in this estimate, which is:

$$(3) \quad SD[g(j) | y(j,1), \dots, y(j, K(j))] = \frac{1}{\sqrt{\sum_{k=1}^{K(j)} \frac{1}{\sigma^2(k)}}}$$

This standard deviation is declining in the number of individual indicators in which a particular country appears, and is increasing in the variance of the disturbance term on each of these indicators. The assumptions of the unobserved components model ensure that the distribution of governance in each country is normal, conditional on the data for that country. Therefore, these conditional means and standard deviations for each country have a natural interpretation. For example, a

useful interpretation of the reported estimates and standard deviations for each country is to note that **there is a 90% probability that the "true" level of governance in a country is in an interval of plus or minus 1.64 times the reported standard deviation centered on the point estimate itself. We refer to such a range as a 90% confidence interval around the estimate of governance for a country.**

Our choice of units for governance ensures that the estimates of governance have a mean of zero, a standard deviation of one, and range from around **-2.5** to around **2.5**. Moreover, since we adopt the same choice of units for governance in each period, the indicators are not informative about a worldwide average trend in governance. However, they are informative about how countries' relative positions change over time, as discussed further below. The aggregate indicators are oriented such that higher values correspond to better outcomes.

This is a slight abuse of terminology, as these are not confidence intervals in the usual frequenters sense of a stochastically varying interval centered around a fixed unknown parameter. Rather, **we treat governance as a random variable, and the 90% confidence interval is simply the 5th and 95th percentiles of the conditional distribution of governance given the observed data.**

Results

In this section we first describe the updated governance indicators for 2000/01, and then discuss changes in these governance indicators relative to the 1997/98 version of the indicators. Cross-Country Differences in Governance in 2000/01 / The Table reports the point estimates of governance, the estimated standard errors, and the number of sources by country, for each of six governance indicators, for 2000/01. For reference, the corresponding information for the 1997/98 indicators are reported as well in the same table. The next Table summarizes the number of countries and sources included in each indicator. For our indicators, the addition of new sources of governance data results in only a small increase in the number of countries covered.

As emphasized in our previous work, we find that the six dimensions of governance are not very precisely measured, in the sense that the measured standard deviations are large relative to the units in which governance is measured. We illustrate this point Figuratively. In

each panel, we order countries in ascending order according to their point estimates of governance on the horizontal axis, and on the vertical axis we plot the estimate of governance and the associated 90% confidence interval described above. The size of these confidence intervals varies across countries, as different countries appear in different numbers of sources with different variances. The resulting confidence intervals are large relative to the units in which governance is measured. To emphasize this key point, the horizontal Figurative lines delineate the quartiles of the distribution of governance estimates. Relatively few countries have 90% confidence intervals that lie entirely within a given quartile. From these figures, it is also clearly observed, that, many of the small differences in estimates of governance across countries are not likely to be statistically significant, mirroring the reality that it is in fact difficult to distinguish small differences among countries using this type of data on governance. For many applications, it is therefore more useful to focus on the range of possible governance for each country as summarized in the 90% confidence intervals. For two countries at opposite ends of the scale of governance, whose 90% confidence intervals do not overlap, it is clear that there are in fact significant differences in governance between these two countries. For pairs of countries that are closer together and whose 90% confidence intervals overlap, one should be much more circumspect about the significance of estimated differences in governance between two such countries.

An important consequence of this imprecision is that it is difficult to use only the point estimates of governance to sort countries into even relatively broad governance categories. Rather, it seems more appropriate to identify groups of countries with extreme governance outcomes by explicitly taking into account not only the point estimates of governance, but also the substantial margins of error associated with individual governance scores. For example, it seems more plausible to identify countries with clear governance failures as those for which the associated 90% confidence interval lies entirely within the bottom third of the point estimates of governance, and countries with a clear absence of governance problems as those for which the associated 90% confidence interval lies entirely within the top third of the point estimates of governance.

Another Table reports the number of countries falling into each of these groups, and the fraction of all countries that they represent, for each of the six measures of governance. This table shows that

slightly under half of the countries with point estimates of governance in the bottom third of countries also have 90% confidence intervals that fall entirely within this bottom tercile, for each of the six governance indicators. In addition, somewhat more than half of the countries in the top tercile also have 90% confidence intervals entirely within the top tercile. The fraction of countries significantly in the top tercile is slightly larger than that in the bottom quintile because these countries tend to appear in more of our sources of governance data, and so typically have smaller standard errors.

Despite the imprecision of these aggregate indicators, we argue that they are still useful, for several reasons. First, since each of these aggregate indicators spans a much larger set of countries than any individual indicator, it is possible to make. Another way of segmenting the data also suggests that identifying groups of countries with extreme governance outcomes can be statistically meaningful: over 85% of the countries in the bottom quartile have 90% confidence intervals entirely within the bottom 40 percent of the distribution of governance estimates; for the top quartile the share of countries (in the top 40 percentile) exceed 95 percent.

Comparisons - however imprecise -- across a much larger set of countries than would be possible with any single indicator.⁶ Second, although imprecise, each aggregate indicator provides a more precise signal of its corresponding broader governance concept than do any of its component indicators, and moreover provides a convenient and consistent summary of the available evidence. Third, the measures of precision for each country are useful because they enable formal statistical tests of cross-country differences in governance instead of arbitrary comparisons. Fourth, and finally, it is worth noting explicitly that the measurement error we have documented in these governance indicators need not make them unsuitable for cross-country econometric analysis. Rather, one possible advantage of these indicators is that one can use information in the estimates of the precision of each aggregate to quantify the effect of measurement error in regression analyses that use governance indicators as right-hand side variables.

Finally, the last Table reports our point estimates of the parameters of the unobserved components model, for each of the six governance indicators in 1997/98 and in 2000/01. The most interesting of these are the estimates of the standard deviation of the error term of

the individual sources, since as discussed above the weights used to combine individual sources into aggregate indicators are inversely proportional to the squares of these standard deviations. Another Figure presents a visual summary of how the weights applied to individual sources vary across sources, indicators, and time periods. For now, we simply note that there are some non-trivial differences between the 1997/98 and the 2000/01 exercise in how individual sources are weighted, reflecting changes over time in the estimated precision of such individual sources. In the next subsection, we discuss more systematically the contribution of these changes in weights to changes over time in the aggregate indicators.

Changes in Governance 1997-1998 to 2000/01

We now turn to changes over time within countries in our estimates of the six dimensions of governance. Two observations on these are noteworthy. First, the correlations across countries between the 1997/98 and 2000/01 indicators are quite high, as evidenced by the strong upward trend in the heavy dots moving from right to left across countries sorted by their 2000/01 scores, which are all greater than 0.9. Second, despite these strong correlations reflecting a high degree of persistence in perceptions of countries' relative governance quality, there are substantial changes for some countries. By substantial, we mean that the change in a country's estimate of governance between 1997/98 and 2000/01 is large relative to its margin of error for 2000/01. While the exact definition of what constitutes "**large**" is of course arbitrary, one standard is to look at countries for which the 1997/98 estimate of governance falls outside the 90% confidence interval for the 2000- 2001 score.

We find a number of substantial changes for each governance cluster. For instance, Croatia, Bosnia, Nigeria, Indonesia, Peru, Slovakia and Ghana are some of the countries exhibiting significant improvements in Voice and Accountability during the period, while by contrast the data suggests that Ivory Coast, Venezuela, Congo, Belarus and Pakistan have deteriorated in this particular dimension. Improved regulatory regimes are apparent in countries like Singapore, Azerbaijan, Albania, Thailand, Botswana and Estonia, in contrast with countries such as Zimbabwe, Indonesia, Belarus, Congo Democratic Republic (ex- Zaire), Argentina, Russia and Venezuela. On Government Effectiveness, countries like Estonia, Tunisia, Botswana, Bulgaria, Mauritius, Namibia, Dominican

Republic, and Ireland are shown to be improving in their government effectiveness dimension, contrasting with countries like Sierra Leone, Peru, Mali, Ivory Coast and Ecuador.

For Political Stability, Brazil, Haiti, Libya, Algeria and Nicaragua illustrate improvements, in contrast with countries like Ivory Coast, Tanzania and Zimbabwe. On Rule of Law, Belgium, Bosnia, Mozambique, Estonia, Uruguay, Latvia and Slovakia exemplify improvements, contrasting the evidence on deteriorating rule of law aggregate indicator in countries like Zimbabwe, Moldova, Malaysia, and Philippines. Finally, on control of corruption, improvements are exemplified by Namibia, Tunisia, Croatia, Dominican Republic, Chile and Costa Rica, in contrast with countries like Zimbabwe, Malaysia, Kenya, Russia, and the Ivory Coast.

From these examples, it is apparent that changes in the various governance components do tend to move together on average, i.e. there is a positive correlation across changes for a country across components. A country like Zimbabwe, with across-the-board deterioration in governance, illustrates such a correlation across indicators. Yet for the worldwide country sample such correlation, while positive, is far from perfect, because for many countries the various governance indicators do not move in tandem: a country can exhibit improvement in one dimension and deterioration in another. For instance, Indonesia exhibits major improvement in Voice while Regulatory Burden, Political Stability, and Control of Corruption have deteriorated, while in Nigeria Voice has improved but Political Stability has worsened.

What accounts for the observed changes in estimates of governance for individual countries between 1997/98 and 2000/01 ? Mechanically, changes over time in the governance indicators are due to a combination of three factors:

- (i) Changes in governance perceptions as reported by the individual underlying sources;
- (ii) Changes in the weights the aggregation procedure assigns to the individual underlying sources; and In reviewing which countries have undergone a significant change over the period, we note that some large positive changes take place from an initially low level, and vice-versa regarding some large negative changes. Any in-

depth trend analysis for a country ought to also take into account its initial level estimates.

It is worth noting that while overall the data appear to make sense when confronted by what we know about the level and trends in governance in most settings, at the same time it ought to be noted that not all the changes that the data exhibits would necessarily concord with one's priors. In part this is a reminder that oddities in the data can take place even with aggregate indicators, which in turn is a reminder of the potential pitfalls of relying excessively on any individual indicator. It is also important to note that the aggregate indicators are obtained on the basis of data collected in 2000-01, with the cutoff having been in August 2001. Thus, while the data is relatively recent, these indicators do not capture the most recent developments in governance.

- (iii) Changes in the set of underlying sources used to construct the aggregate governance indicators. We now provide a systematic accounting of the relative importance of each of these three factors. To do so, note that we can write the change between period t and period $t-1$ in country j 's score on each of our governance indicators as:

$$(4) \quad g_{jt} - g_{j,t-1} = \Delta g_{jt} + \Delta g_{jt}^{\text{unbalanced}}$$

where g_{jt} denotes the estimate of governance in country j in period t , and $g_{jt}^{\text{unbalanced}}$ denotes the estimate of governance in country j in period t based using data only from a "balanced" set of sources and countries for which data is available in both periods. The first term in square brackets on the right-hand side of Equation (4) therefore represents the change over time in estimated governance using only data from the same countries and same sources in both periods. The second term represents the contribution of changes in underlying sources and country coverage to the change in the governance indicator, i.e. item (iii) above, which consists of the change in the difference between country j 's score using all available data and using only data available in both periods.

The first term in Equation (4) above can be further decomposed to isolate the effect of changes over time in the weights assigned by the aggregation procedure, as follows:

$$\Delta g_{j,t} = \Delta g_{j,t}^{old} + \Delta g_{j,t}^{new}$$

$$(5) \quad \Delta g_{j,t} = \Delta g_{j,t}^{old} + \Delta g_{j,t}^{new}$$

Where $g_{j,t}^{old}$ denotes an estimate of governance in period t using only the "balanced" data as before, but also using the "old" weights used in the base period to aggregate sources. The first term on the right-hand side of Equation (5) therefore reflects the change in governance estimates attributable solely to changes in the country's score on each of the underlying individual indicators, i.e. item (i) above, while the second term reflects the change due to the re-weighting of the individual sources, i.e. item (ii) above.

Clearly the contribution of each of these three factors to changes in estimates of governance over time will be different for each country. However, we can summarize the overall importance of each of these three considerations with the help of a simple variance decomposition. We report the standard deviation across countries of changes in our governance indicators, for each of the six dimensions of governance we consider. We also report the share of the variance of changes in governance that is attributable to the first term in Equation (4) above, i.e. the fraction of the variance of changes over time due to changes in the "balanced" indicator which uses only data from the same sources and countries in both periods.

We further report the share of the variance of changes in the "balanced" governance indicators that is due to the first term in Equation (5) above, i.e. the fraction of the variance of changes over time in the "balanced" indicator due only to changes over time in the assessments of individual sources. The product of the results of the previous reports can be interpreted as the fraction of the variance of changes in the overall governance indicator that is due only to changes over time in the assessments of individual sources.

For most of our indicators, we find that over three-quarters of the variance in changes in scores over time can be attributed to changes in scores on individual sources (with the exception of Rule of Law (0.57),

and Control of Corruption (0.43). For these last two indicators, changes in weights and the addition of new sources accounts for a substantial fraction of the variation in changes in governance over time. In this table, we follow the convention of assigning half of the covariance between the two terms to the share of the variance attributable to the first term for a justification of this convention). A disadvantage of this rule of thumb is that it is possible for the fraction of the variance attributable to the first term to exceed one. Note also that the covariance terms in each case are typically an order of magnitude smaller than the variance terms, so the precise convention for assigning the covariance matters little for the overall conclusions.

Conclusions

In this short note, we have constructed aggregate governance indicators for six dimensions of governance, spanning 175 countries in 2000/01. These new indicators update our previous governance indicators for 1997/98. By drawing on a larger set of sources, we have been able to slightly expand country coverage and slightly improve the precision of the aggregate indicators. Nevertheless, we find that - as emphasized in our previous work - margins of error associated with estimates of governance remain substantial. This points to the importance of caution in making comparisons across countries and over time along these various dimensions of governance. Nevertheless, we do find that the indicators are sufficiently informative that we can confidently identify broad groupings of countries with extremes of governance. We also find that for a number of countries, changes in governance perceptions even over the relatively short four-year period we consider are large relative to measures of imprecision, pointing to possibly significant governance trends in these countries. This in turn opens the possibility of future cross-country empirical work to understand the causes and consequences of these changes in governance overtime.

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GOVERNANCE AND REFORM IN INDIA

ABSTRACT

This paper reviews the background, rationale, and **prospects for India's recent reforms in the structures of local government**. It begins by commenting on some dimensions of governance, and why it is useful to focus on **decentralization**, especially in the current Indian context. Then some of the theoretical arguments on federalism as an important mechanism for decentralization, as well as India's overall situation in this dimension, are discussed. India's experience with federalism in general and with local government more particularly, is summarized. The paper focuses particularly on the 1992 constitutional amendments: their history, rationale, and outcomes to date. It also discusses what still needs attention, including complementary institutional reforms in the legal system and judiciary.

Introduction

Indian economic reform since the 1991 balance of payments crisis has included external liberalization, as well as a freeing up of domestic

markets from a variety of government controls. This paper examines a parallel set of reforms that have been taking place in governance in the same period. In particular, I discuss the major initiatives towards decentralization of government that have occurred, their theoretical rationale, their possible outcome, and areas that need attention. While the impetus for these changes in governance has been somewhat independent of the factors that precipitated the current economic reforms, the two sets of reforms are related, both broadly in terms of the general spirit of decentralization of control over economic activity, and more specifically in the area of government finances, which have been of concern from a macroeconomic perspective, and which will be a crucial aspect to ensure the success of the decentralization of governance.

The reforms I refer to are the 73rd and 74th amendments to the Constitution of India, which give local governments, rural and urban, a legal status that they formerly lacked. While the reforms, as embodied in the amendments, are imperfect and incomplete, they mark potentially the most significant step towards decentralization of governance in India, and are possibly the first step towards a more federal structure than has prevailed until now. If these institutional reforms do support the more efficient provision of public goods to the majority of Indians, they will be as significant as the decentralization of the provision of private goods through the relaxation of industrial controls.

At this point, it is useful to explain what I mean by "governance". I shall use this term somewhat broadly, since it seems hard to pin down. Williamson (1994), following Davis and North (1971), for example, distinguishes between the institutional environment ("the set of fundamental political, social, and legal ground rules") and institutions of governance ("arrangements between economic units that govern the ways in which these units can cooperate and/or compete"). I think this distinction is hard to draw in practice. Therefore I prefer the definition of Lewis (1995): "the politics, but, even more, the texture and machinery of government, the bureaucracy, and its interactions with politicians and interests". At the same time, my scope is somewhat narrower than Williamson's definition, in that I will have less to say directly about aspects such as corporate governance or forms of what Williamson calls "private ordering", though I think it will be useful to examine certain kinds of voluntary collective action outside formal government, but impinging on it.

The plan of the paper is as follows. In section 2, I briefly comment on some dimensions of governance, and why it is useful to focus on decentralization, especially in the current Indian context. In section 3, I briefly review some of the theoretical arguments on federalism as an important mechanism for decentralization, as well as India's overall situation in this dimension. This section goes on to summarize India's experience with federalism in general and with local government more particularly. Section 4 examines the attempts to reform the structure of Indian local government, focusing particularly on the 1992 constitutional amendments. I review the history and rationale of the reforms, and what the outcomes have been. In section 5, I discuss what still needs attention, including complementary institutional reforms in the legal system and judiciary. I also comment on the role of nongovernmental organizations. Section 6 returns to the connection between the broader economic reforms and the specific issues considered in the paper, and also provides a brief summary conclusion.

Dimensions of Governance

From an economist's point of view, the role of government is that of a provider of public goods and corrector of externalities. Even the role of the government as a guarantor of civil and political rights, "valued mainly on non instrumental grounds" (Elster, 1994, p. 217), has an instrumental component, and we may think of rights or equity as public goods in some sense. As an organizing principle, it is useful to think about governance along three dimensions: (1) the degree of commitment or durability of laws and rules, (2) the degree of enforcement of these laws, and (3) the degree of decentralization of jurisdictions with respect to providing public goods.

Durability

By their nature, laws are meant to be somewhat durable, that is, to last for some time. In practice, of course, informal social norms may have greater durability. Here I focus on codified laws. Within this category, there are different degrees of durability. Constitutions are obviously meant to be more durable than most laws, being made relatively difficult to amend. Within the particular constitutional framework, more specific laws may be changed more easily, by legislative action. Administrative rules and ordinances are the least durable. The rationale for durability is twofold, involving the usual economist's dichotomy of equity and efficiency. The kind of durability built into constitutions involves both. There are protections of individual and - in the case of India and many

other countries - group rights against future attack. This may be justified on ethical grounds, rooted in equity considerations. Provisions to protect property rights, such as requiring government compensation for takings, may be seen as enhancing efficiency by reducing investment-inhibiting uncertainty. In practice, any constitutional aspect can have implications for both equity, quality and efficiency. The efficiency rationale for durability may also be seen in terms of the benefits of pre-commitment to avoid the problem of "time inconsistency" (Kydland and Prescott, 1977). This term refers to the problem that a government or other economic actor may announce a policy, but then have incentives to modify it once others have responded to the policy. In practice, however, issues of renegotiation imply that the optimal degree of durability is impossible to prescribe in general. Perhaps the only possible, rough generalization is that there should be a tradeoff in practice between specificity of laws and their durability, as measured by the difficulty of changing them. This is the conclusion of Singh (1995), with respect to Indian experience. For protecting individual rights and freedoms, the Indian Constitution seems to have been too easy to amend. But the efficiency consequences of that lack of durability are only indirect, through the effects of conflict. In other contexts, everyday laws and regulations, things have been often too hard to change, owing to the creation of rents, and interests in protecting those rents. This connects the issue of durability to the public choice position of James Buchanan, Gordon Tullock, and others, who stress the need to constrain government in certain ways. Their answer to the problem of Leviathan - large, monopolistic government, unresponsive to constituents - is political competition, both through decentralization, and through effective democracy.

Enforceability

Laws do not make sense without enforcement. Much recent work has focused on endogenizing enforcement, and analyzing different enforcement mechanisms and institutions. Ultimately, enforcement is the responsibility of the police and judiciary, acting in complementary fashion. The police monitors, investigates and prevents immediate violation where possible. The judiciary examines evidence and it rules on innocence, guilt and punishments. It is this possibility of punishment that acts as a deterrent to violating the law. In practice, in many cases, the police and judiciary do not directly control or enter into the above process. Several examples of alternative enforcement structures exist in India. The most important has been the bureaucracy, which has enforced myriad

regulations in the realm of industry and trade, simply by its power to say "no". The police and judiciary remain important, of course, as a back-up, if decisions of administrators are not respected. There has also been a significant overlap between the bureaucracy and the judiciary, in the magistrate's role accorded to members of the Indian Administrative Service. This has been particularly important in rural areas. Also in rural areas, traditional local councils (panchayats) have had some limited judicial authority. The existence of multiple layers and levels of judicial authority is not unique to India, nor are the problems associated with its particular structures: inefficient organization, inconsistent enforcement, and delays. In Singh (1995), I have discussed the workings of the judiciary, police and bureaucracy. The conclusion I reach there is straightforward: more consistent and swifter enforcement of laws in India would have favorable economic consequences. In the case of enforcement, also, one can argue that greater efficiency at the local level would be particularly beneficial, again raising the issue of decentralization.

Decentralization

One can make a case for decentralization purely on political grounds, that it permits more democratic participation, and increases accountability. Clearly, this argument can not be taken to an extreme, because otherwise there would be no government at all in the conventional sense. The limits are placed by economic criteria of efficiency, particularly the need to take advantage of economies of scale and scope. I will return to issues of efficiency in more detail in the next section. In the European Union this tradeoff between efficiency and democracy is recognized in the principle of subsidiarity, which requires that decisions be taken at the lowest governmental level possible. This makes sense in a stable political environment, with existing national entities within the larger, looser union. Indian history has dictated a somewhat different emphasis. One of the centralizing forces in India at independence in 1947 was the circumstance of partition, and the fear of further conflict and break up. One can see this as an argument on political or economic grounds, for central control to protect people's lives and property at a basic level. Another argument in favor of more centralization in India has been on equity grounds, since the central government can, in theory, be more effective in redistributing income or wealth to each goals of equity. Decentralizing in India, given its local structures of power, especially at the village level, was typically perceived as inimical to the welfare of the majority. For example, B.R. Ambedkar, one of the chief architects of

India's Constitution, made this oft-quoted statement: "What is a village but a sink of localism, a den of ignorance, narrow mindedness and communalism...?"

The economic argument for decentralization recognizes the redistribute role of central government, but suggests that diversity of preferences for public goods requires that these be provided at the lowest level possible that is compatible with efficiency of provision, both in terms of costs (economies of scale once again) and demand (allowing for spillover benefits). This approach to decentralization of course focuses on the government's allocative role, as a provider of public goods. The efficiency/diversity argument for decentralization is buttressed by the Tiebout (1956) model, which stresses the benefits of competition among local governments for mobile residents: this competition is lost with centralized government provision of public goods. Recently, Cremer et al (1995) have summarized the possible criticisms of this conventional wisdom on decentralization.

They note that centralized government can also provide diversity in the nature and levels of public goods, for example, through local agents, unless it has worse information on preferences than lower level governments. This assumption must then be justified, and becomes the focus of the decentralization argument. They also list the shortcomings of the Tiebout model, including the fact that mobility of residents is often very costly, and that spillovers may be significant (and exacerbated by mobility). Cremer et al go on to outline an incomplete contracts model of decentralization, very much along the lines of the theory of the firm that has been built on the foundation of general principal-agent and bargaining models. One of the important points they make is that the broad scope of government means that decentralization can have many dimensions. This is an issue that will be especially important in discussing India's reforms decentralizing the polity.

The conclusion is that economic theory does not unequivocally favor decentralization, nor does it necessarily suggest that India has been too centralized. Yet casual empiricism suggests that Indian government has not been effective in providing the basic local amenities, such as drinking water or roads, that local governments are suited to in theory. Some cross-sectional evidence for developing countries suggests that greater decentralization is associated with higher levels of infrastructure spending . Finally, India's size and population growth do seem to favor

greater decentralization. India has embarked on potentially major reforms in this dimension, and this alone make decentralization important. Before I turn to these reforms, however, it is useful to provide some further discussion of federalism, that is, the structure within which decentralization is realized.

Federalism and Decentralization: Concepts and India's Experience

Concepts

Federalism can be described as the principle of organization of political units under a central authority, but with residuary powers at the decentralized level. Inman and Rubinfeld (1994) identify two federalist dimensions of a constitution: representation of the constituent subordinate units to the central government, and the assignment of governmental tasks to either the central or the lower level governments. Efficient federal institutions can be viewed as having a preferred combination of representation and assignment. Representation in this framework can be measured simply by the number and size of the constituent units of the federation. For example, a greater number of smaller units, all of equal size, say, will increase the degree of representation at the center, since there is greater potential for diversity of choices across units. However, it is important to recognize that representation is a multi-dimensional concept, and reducing it to one dimension involves some simplification and abstraction.

Whether the potential for greater diversity of choices is realized depends, of course, on the assignment of fiscal functions. The impact of representation also depends on the institutions that govern the central legislature, since this is where much business will be transacted. For example, committee structures, agenda rules, and social norms may affect decisions on levels of public goods or interest group subsidies. Thus the choice of legislative form affects the outcome of any particular combination of representation and assignment. With any legislative form there is a trade-off between increased representation, with its democratic advantages, and economic efficiency, which is impaired by the overspending that accompanies more extensive political representation. The institutional dimension of the assignment of economic tasks to the different levels of government may provide a way of softening this trade-off. How should tasks be assigned? Based on economic efficiency considerations, the brief answer is that where spillovers are significant

and/or the goods provided are national, the central government should decide, otherwise lower level governments should be assigned the task of provision. However, the extent of spillovers has been contentious in practice. In particular, as Inman and Rubinfeld point out, "If the central legislature assumes responsibility for deciding assignment, then assignment no longer stands as a feasible control to limit legislative inefficiencies."

Given a clear assignment of tasks, a level of representation, and legislative institutions one can compare the economic efficiency of different combinations of these three institutional variables. Building on the work of Breton and Scott (1978), Inman and Rubinfeld make this comparison based on an assessment of different types of transactions costs, reaching the straightforward conclusion that choosing the level of national public goods should be assigned to the center, while lower level public goods should be provided by state or other lower level governments. However, like the concept of representation, that of assignment is not as straightforward as it might seem. In particular, the existence of intergovernmental transfers, particularly with conditions attached, can make de facto assignment different from its ostensible manifestation in the constitution or other law. I therefore discuss assignment in more detail.

The classic treatment of the assignment of expenditure functions was provided by Musgrave (1959), who based his principles for such assignment on his threefold division of the public sector, into allocation, distribution and stabilization branches. He argued that the latter two were the primary responsibility of the center. The "heart of fiscal federalism", according to Musgrave, lies in the allocation branch. The Tiebout model, mentioned in the previous section, is a good illustration of this: individuals shop among different jurisdictions that are themselves optimally created. As noted above, the Tiebout assumptions may fail, and to the extent that they do so, the case for decentralized expenditure is weakened. However, Oates (1991) quotes empirical studies to suggest that the efficiency losses from centralized provision of state or local public goods may be quite high in some practical cases.

The assignment of responsibilities for taxes poses a somewhat different set of issues from the case of expenditure functions. Again, Musgrave (1983) provides a systematic treatment. He suggests that highly progressive taxes (especially for redistribution) and taxes on highly mobile tax bases should be centralized. The logic of this is clear, in

terms of incentives and efficiency. The central government is also better suited to having authority over those tax bases that are distributed unequally across jurisdictions, for equity as well as efficiency reasons. Finally, benefit taxes such as user charges and fees are very suitable for lower levels of government. In the context of efficiency and incentives, there is a clear connection between the vertical structure of the revenue system and the assignment of fiscal functions. Taxes which distort prices will affect public expenditures. In practice, Musgrave's prescriptions are most clear-cut in comparing national with local governments. This is reflected in empirical experience, cited in Oates (1991). Large, intermediate units such as states and provinces, on the other hand, have features in common with both extreme levels, and tax assignment is also more complex.

The optimal assignment of expenditure functions and tax instruments does not imply that each government at each level must be in balance. Even if we abstract from intertemporal issues in government finance by requiring balance for the public sector as a whole in each time period, individual government units do not have to be in balance. In fact, it is typical for lower level governments to receive transfers from higher level ones. For example, transfers from the center to the state governments are a strong feature of Indian fiscal federalism. A vertical imbalance may arise simply from differing abilities or efficiencies in tax collection. Similar issues arise in the Indian context as well, in that it has been suggested that the central government is less interested in raising tax revenue from sources where the proceeds largely go to the states. In such cases, the practical assignment of tax instruments is not clear-cut.

More generally, intergovernmental grants may be rationalized as serving three main objectives : subsidization of specific programs where there are spillovers across jurisdictions; greater equity in tax incidence; and equalization of fiscal capacity across sub central jurisdictions. Conceptually, a designer of a fiscal constitution could optimize social welfare by simultaneously assigning revenue instruments, and expenditure functions, taking account of how individual governments, given this assignment, would maximize the social welfare of their constituents by picking levels of expenditure and taxation and of intergovernmental grants. In practice, the determination of intergovernmental grants, in particular, is often the result of political considerations. Inman (1988) provides evidence for this conclusion for the United States, and Kletzer and Singh (1995) suggest that this is true in India as well. Furthermore,

the ability of the central government to make significant categorical grants allows it to substantially affect the direction of lower level government expenditures. Thus, de facto assignment on the expenditure side becomes endogenous, since it is influenced by central government decisions. This discussion indicates that the question of how federal structures may best be constructed is basically a question of the optimal degree of decentralization of government. Hence, the reform of local government in India must be examined in the context of India's federal structures. We next discuss India's experience with federalism more closely, particularly with respect to local government.

Indian Federalism and Local-Self Governance

The theories discussed above provide some guidelines for fiscal federal structures, in terms of representation, and assignment of tax and expenditure functions. The Indian case is one where these guidelines are not well followed. Tax assignments are not clear-cut in India, even without considering the issues of intergovernmental tax sharing. The central, state and local governments have overlapping tax assignments which are uncoordinated. Tax rates across commodities are not set at economically rational levels. There are multiple taxes on commodities with cascading effects. Some taxes act as internal tariffs, reducing the advantages of size in India's internal market. These issues have been recognized and analyzed in detail elsewhere, and will not be further examined here . However, I will note that some progress has been made in introducing a value added tax, to overcome some of the problems in the tax structure.

The assignment of expenditure functions has not been subject to criticisms as severe as those on tax assignment, but the vertical fiscal imbalance, where states rely considerably on central transfers, either statutory or discretionary, has been a source of problems. Kletzer and Singh (1995) have emphasized the political economy of central-state fiscal relations, and suggested that the increased use of discretionary transfers permits greater rent-seeking, or, in the terminology of Milgrom and Roberts (1990), increases influence costs within the system. Another effect of the ascendancy of discretion over rules in intergovernmental transfers has been the failure to advance equity goals through such transfers , with discretionary transfers counteracting the equalizing effects of formulaic ones made through the Finance Commission . Since

equity is a major reason for centralization (internalizing externalities being the other), this is an undesirable aspect of the Indian federal fiscal system. Strengthening the Finance Commission, as suggested by Rao (1995) in his conclusion, would be one possibility. This is in the spirit of the "checks and balances" approach to governance. More specifically, it can reduce the problem of assignment becoming endogenously determined by the center.

While most discussion of Indian fiscal federalism has been at the level of center-state relations, similar issues arise at the level of state-local interactions. Local government institutions are quite varied. Each state is divided into districts, with further subdivisions (tehsils or talukas), for administrative purposes. Each subdivision contains a varying number of villages, which form the base of the panchayat system: village, "block", and district, each with representative councils at that level. Urban municipalities form a separate system, with four grades, based primarily on size. The creation or extension of representative democracy at these decentralized levels in the 1950 Constitution continued a trend begun under the British. However, state governments retained statutory control over all local governments. In practice, this often meant that state governments superseded elected local bodies, and managed local administration directly. I next briefly discuss, in turn, the experience with rural and urban local governments in India.

Efforts by the British to reorganize rural local governments began as early as 1870, and continued till independence. By 1947, elected panchayats, as a creation of the central government, were common, combining judicial with municipal/administrative functions. As noted above, the Indian Constitution of 1950 emphasized the role of central government. State governments were given extensive responsibilities, but village self-rule was not emphasized in the document, except in Article 40, in the Directive Principles, which requires the government to "take steps to reorganize village panchayats and endow them with such powers and functions as may be necessary to enable them to function as units of self-government". Central and state government initiatives to implement this objective continued throughout the subsequent four decades.

While the central government could form committees and make recommendations, the constitutional structure (Article 246 (3)) requires states to pass legislation regarding local government. The diversity of initial conditions and subsequent experiences led to considerable variation in the institutions of rural local government across the states of India.

This makes generalizations difficult, but several broad observations are possible. While direct or indirect elections for the three tiers of rural local government were part of the legal structure, in practice, it was easy and common for state governments to postpone elections or suspend local governing bodies. Another fairly common feature of the panchayat system as it evolved in independent India was the close involvement of politicians from the state level, in particular, Members of the Legislative Assemblies (MLAs). This was in keeping with the dominance and direct control of the state government over the local level. Central and state bureaucrats also exercised considerable control over local decision-making.

A major reason for this lack of effective autonomy of the panchayat structure was the lack of independent fiscal capacity at this level. While rural bodies have had the notional power to tax, and assess fees and penalties, in practice their tax base was severely circumscribed, and they often lacked authority to enforce collection. Thus, funds chiefly came from higher levels of government, with the tiers of local government acting as lobbyists for funds, and conduits for money received. The soft budget constraint (perceived and actual) further reduced incentives for local resource mobilization. This picture fits the view of center-state fiscal relations presented above, without any state level counterpart of the central Finance Commission, making formulaic transfers as an alternative channel for funds.

While before independence the observation of traditional panchayats suggested that their primary role was as petty courts, with limited administrative functions as providers of public goods, there was a continual effort to incorporate the tiers of rural local governments in the process of development planning and implementation after independence. However, the administrative structures of planning in India tended to reinforce the role of bureaucrats and higher level politicians, at the expense of local government. Of course, standard pork-barrel politics was operational, with powerful MLAs or central Members of Parliament (MPs) able to deliver local amenities to garner votes. The judicial role of panchayats was also given some attention. Since Article 50 of the Constitution requires separation of the judiciary and the executive, an attempt was made, especially after 1959, to create separate nyaya or adalati panchayats (NPs) to handle judicial matters. This would also serve to avoid overburdening panchayat institutions, since they now were expected to perform a wider range of developmental functions. In

practice, the NPs saw a decline in their activity, at the same time state courts' workload was rising. Despite the informality and flexibility of procedures in the NPs, there were considerable delays and arrears at that level. This can be attributed to the lack of training of personnel, of institution building in general, and ultimately to a lack of adequate funding of the NPs. Overall, then the NP system came to be seen as a failure, and became effectively moribund .

It is not surprising that rural governance structures have received massive attention in India, given the location of the bulk of its population. However, a considerable amount has also been written on municipal and urban governments . As was the case for rural local governments, municipal or other urban governments in India derived their status and powers solely from state level legislation . Therefore, laws and practice have varied substantially across states, but I will try and summarize some common patterns. As is the case with rural governments, urban governments are relatively restricted in the scope of their activities. In particular, police functions are often effectively controlled at the state level, rather than locally. Unlike rural governments, urban bodies are relatively more fiscally self-reliant. Only about 25% of their funds came from outside sources, chiefly state grants, in 1979-80. However, urban governments have had difficulty in raising revenues from their own sources. Overall, municipal revenues grew much more slowly (at less than half the rate) than did central and state level receipts in the 1960s and 70s.

One of the reasons for difficulty in municipal revenue generation in some states has been the abolition of octroi in those states. Municipal governments in some states traditionally relied very heavily on octroi and other relatively inefficient trade and transport taxes. Octroi provided as much as half of municipal tax revenue in some cases . Property taxes, while significant, have also been subject to problems. A property tax is theoretically the least distortionary for local government, which must be especially sensitive to the mobility of factors. However, municipal authorities have been reluctant to use or enforce such taxes effectively . Some of the problems seem to be managerial, being the use of outdated procedures for assessment and collection of such taxes . One of the consequences of the constraints imposed by lack of effective revenue raising is that, even in prosperous parts of Indian cities, the level of provision of local public goods and services such as water, electricity, garbage collection, and roads is strikingly low. There is also a great deal of inefficiency in provision, though this may not be that different from

other cases of monopoly provision. Finally, as is the case with rural governments, state governments have sometimes used their powers to supersede urban bodies, and administer municipalities or cities directly, reducing direct accountability, and effective decentralization.

To summarize, India's experience with local government has been mixed. While there have been repeated efforts to decentralize, particularly in the rural sphere, state and central governments - the latter through the bureaucracy - have retained substantial control of functions. Local governments have had limited fiscal autonomy, and often little incentive to develop fiscal capacity. While federalism at the level of center-state interactions has received considerable attention, decentralization of governance beyond that has been limited in practice. Having said this, it should be noted that local government in India is no worse, and often better than, that in other developing countries: its problems are far from unique.

Reform of Local Government in India

I briefly outline the genesis of the recent reform of local government, sketch its basic features, and provide an evaluation in terms of the possible positive impacts.

History

Throughout the period after independence, state and central governments in India appointed a series of committees to examine the functioning of local government, and recommend improvements. In addition, various Finance Commissions made recommendations on this subject. The Central Council of Local Self-Government was created in 1954, under Article 263 of the Constitution, to coordinate urban development issues between the center and states. Rural issues remained separate from urban at the state level, but received even greater attention, and states repeatedly passed legislation dealing with the structures of Panchayati Raj. This legislation was often the result of recommendations made by centrally constituted committees.

The genesis of the latest reforms was in the report of the Asoka Mehta committee in 1978. This committee was asked to suggest measures to strengthen Panchayati Raj institutions, allowing them to support more decentralized planning for development. Several states, including West Bengal, Karnataka, and Andhra Pradesh, modified their legislation along the lines of the committee's recommendations, shifting emphasis

somewhat from bureaucratic to political control, and generally strengthening rural local government. However, other states continued to have relatively weak Panchayati Raj institutions. Lack of regular elections was a major problem in some states, reducing accountability of local government.

In 1988, another central committee recommended that Panchayati Raj bodies should be given constitutional status. Draft legislation to achieve this had been appended to the Asoka Mehta committee report, and this formed the basis for a constitutional amendment bill introduced in 1989. The motivation for this bill has been called into question, as an attempt to curtail the power of state governments relative to the center. While political considerations no doubt mattered (it would be exceptional if they did not), it is clear from the historical experience that the bill was the culmination of a long series of steps, and the implementation of an ideology that had been evolving since independence. Another criticism of the bill was its imposition of a uniform pattern of local government (for example, three tiers of rural local government) on all the major states, whatever their size, experience, or prevailing institutions. The bill ultimately failed to get the requisite majority in the upper house of parliament.

A new government in 1990 introduced a revised version of the 1989 bill, dealing with municipalities as well as Panchayati Raj institutions. The government fell before it could be discussed in parliament, but the next government pursued the issue. Finally, in 1991, two separate amendment bills were introduced, covering Panchayats and municipalities respectively. These were passed by both houses of parliament towards the end of 1992, ratified by more than half the state assemblies, and brought into force as the 73rd and 74th amendments to the Constitution of India in 1993. These amendments required individual states to pass appropriate legislation, since local government remained a state subject under the constitution, and individual states have proceeded to do so.

Basic features

What were the key features of the change brought about by the amendments? With regard to rural local governments, the uniformity of the number of tiers, criticized in earlier versions of the bills, was retained, with an exception only for the smallest states, those with populations below 2 million. This imposes a three tier structure (village, intermediate block/taluk, and district) on the larger states, including

those such as Kerala, which, after much experimentation and debate, had chosen to have two tiers of local government prior to the amendment. However, this seems to be a relatively minor issue, as will be discussed below. The crucial change is the reduction of state government discretion in the holding of elections to local government bodies. Under the new laws, elections to panchayats must be held every five years. Elections to constitute new bodies must be completed before the term expires. If a panchayat is dissolved prematurely, elections must be compulsorily held within six months, the new body to serve out the remainder of the five year term. These provisions will presumably prevent situations such as that in Tamil Nadu, where at one stage panchayat elections were not held for fifteen years, being repeatedly announced and then postponed by successive state governments. With regard to urban local governments, there is a similar strengthening of the electoral requirements, preventing lengthy suppressions of local powers by the state government, and replacing appointed posts with elected ones.

The 73rd amendment gives considerable attention to the nature of elections for the three levels of panchayats. Direct elections are specified for seats at all levels. Seats are reserved for scheduled castes and scheduled tribes in proportion to their population, and offices of chairpersons at all three levels are also reserved in proportion to their population in the state. One third of the seats and of offices of chairpersons are reserved for women. Chairpersons at the intermediate and district levels are to be elected by the panchayat membership, while either direct or indirect elections of chairpersons are permitted at the village level. State level election commissions are to be created to supervise and manage the electoral processes. At the intermediate and district levels, chairpersons of panchayats one level below can be made members, as can MPs, MLAs and MLCs (Members of Legislative Councils).

The act provides for one additional potential avenue of representation and accountability of local government. Each village or group of villages will have a gram sabha, comprising all registered voters in the area. The functions of the gram sabha are left up to the states, and are not further specified, but the Karnataka panchayat act of 1983 provides some indication of how these may function . This act (now, of course, superseded) provided for periodic meetings of gram sabhas, to consider the report of the panchayat, proposals for new programs for village development, implementation of sanitation and drainage schemes through voluntary labor, programs of adult education, and similar issues.

Another vital feature of the reform is its attention to the financial resources of local government. State governments are expected to provide adequate funds for local governments, through grants, the assignment of tax revenues, and authority to collect taxes, tolls and fees. This will not be entirely discretionary, since in each state a finance commission must be established (with five year terms, as is the case with the central finance commission) which will determine the principles for providing local governments with adequate resources. This creation of state level finance commissions is particularly significant, since it has the potential to enhance the independence of local governments. The envisaged structure parallels that of the central finance commission, as well as being similar to the provisions of the Karnataka panchayat act of 1983. States will retain considerable discretion and control, but the experience at the center-state level suggests that state finance commissions, though advisory in nature, will have an important role. States will also be responsible for making provisions with respect to the maintenance and auditing of lower level government accounts.

Other aspects of the reform include the creation of a new (eleventh) schedule in the Constitution, of 29 subjects (including agriculture, animal husbandry, land and water management, irrigation, roads, education, electricity, and welfare programs) as panchayat responsibilities; specific responsibilities for preparing development plans; the creation of district planning committees to consolidate the plans prepared by panchayats and municipalities; and additional provisions concerning eligibility for and composition of rural local governments. All of these provisions have been debated, and often criticized, in some detail . Below, I will try to evaluate some of the salient issues, drawing on the theoretical discussion of previous sections where possible.

The 74th Amendment, known as the Nagarpalika Act , provides a parallel set of reforms for urban and transitional areas. For areas in transition from rural to urban, nagar panchayats are to be constituted, and, for most purposes, are combined with municipalities. The composition of municipalities remains under the guidelines of the states, subject to the population categories outlined in the amendment (5,000 to 10,000 for a nagar panchayat, 10,000 to 20,000 for a municipal council, etc.). A noteworthy feature is the legislative creation of tiers within larger municipalities, in the form of wards and zones, with their own committees. As noted above, a key feature of the legislation is the strengthening of

local election procedures, with members at the ward and municipal level being chosen by direct elections. The zonal committees are more of an intermediate level, their composition being the chairpersons of the ward committees in the zone.

Many of the provisions of the Panchayat Act, including composition, reservations, duration, and the role of state finance commissions, are directly applied to municipalities in the Nagarpalika Act. Paralleling the creation of the eleventh schedule in the Constitution, the legislation also creates a twelfth schedule for municipalities, including public health and sanitation, communications, and various welfare services. Law and order are not on this list. Finally, the act requires the constitution of planning committees at the level of districts and metropolitan areas.

Evaluation

It seems that the strengthening of local government can do two things in the direction of greater decentralization, greater responsiveness to local preferences, and, hence, greater efficiency, despite the argument that it strengthens the center by weakening state government control. First, it provides an easier route for channeling central funds directly to the local level. While this may not seem to get away from the "top-down-ism" decried by some (for example, Lewis, 1995), it can have two positive effects, from the Kletzer and Singh (1995) perspective. It reduces the possibility of "skimming" of funds as they pass through multiple levels of politicians and bureaucrats; and, furthermore, the political influence equation is different between the center and a locality, versus the center and a medium-sized or large state: no single locality or district matters politically in the way a large entity such as a state can. Thus two types of rent-seeking might be reduced. In addition, in terms of the Inman and Rubinfeld framework discussed in section 3, a direct responsiveness of the center to local government increases the degree of representation. It is important to note that the latest Finance Commission report (Finance Commission, 1994) already devotes a section to local government finance, and makes recommendations for grants to rural and urban local bodies over the period 1995-2000, in advance of the setting up and functioning of the state finance commissions. Finally, it should be noted that state governments retain considerable power over local government: for example, MLAs can simultaneously be members of panchayats, and states will set the terms of reference for their finance commissions. Thus, the perception of the 73rd and 74th amendments as weakening the states

vis-à-vis the center is, in my view, of limited consequence. It may also be noted that the more general economic reforms have increased the power of the states, for example, by freeing them to attract private investment, and reducing central control over the location of industrial activity.

The second positive consequence of stronger local government, one that may be more important from the perspective of genuine decentralization and responsiveness, is that such governments may be able to raise funds more effectively. While there are always potential economies of scale in raising revenue, the Indian fiscal system has been marked by a greater degree of centralization of revenue relative to expenditure than in other federations. At the center-state level, this has meant that states rely heavily on transfers from the central government. This is less true at the state-local level, with 10-25% of urban local governments' funding coming from grants and other transfers. However, while local governments do not rely heavily on external funding, it has often been noted that the level of services that they provide is quite low on average. Expanding the authority of local governments, by giving them a firmer legal status and more certain terms of office, may help in opening up avenues of raising revenue. This will complement the potentially firmer position of fiscal transfers to local government bodies through the working of state finance commissions. In the long run, and if financial markets continue to develop as one would expect, based on the ongoing and proposed reforms in the financial sector, local authorities may also be able to borrow from the market for capital expenditures. I return to this point in the concluding section. It is true that expanding fiscal capacity is by itself not sufficient. Fiscal effort also matters. For example, the issues of tax enforcement, of incentives to restructure taxes, and of user charges are extremely important. Will local governments be any better at this than they have been, and better than state governments in the past? Three things should help. First, the firmer political footing for local government should increase accountability to local constituencies. This will increase the pressure to deliver public goods and services more effectively, and to raise the resources to do so. Second, local governments may now have greater freedom to access and manage their funds: even a seemingly small change such as the ability to maintain funds in local banks instead of the state treasury can provide considerably more effective control, and increase the incentive to raise funds. Third, the small size of local constituencies, relative to the size of states, makes it easier to impose hard budget

constraints on local governments, forcing them to look to internal sources of funds . None of this is going to be automatic. In section 3, I noted problems in the administration of urban local taxes, both political and managerial: these will take time to overcome. In the case of rural areas, in many cases the panchayats will be starting from scratch in developing revenue sources. Again, this will not be easy, but there are successful examples, such as those presented by Wade (1988), who notes that villages sustain a high level of corporate organization when there are net material benefits to be obtained from such organization. To aid this kind of outcome, several complementary aspects of reform, in addition to political responsiveness and managerial efficiency, will need attention. I address these in the next section

Before turning to what needs to be done, I take a brief look at equity concerns. A major fear since independence has been that pushing decisions below the level of the central or state government would be problematic for equity, in view of the danger of capture of local government by "traditional rural oligarchs" . Not only has this danger lessened over the decades since independence, but in many cases coalitions of such oligarchs at the state government level have been equally problematic. What has helped to reduce this concern at the local level is people's experience of democracy at the national and state levels, where they have realized the power of numbers. The existence of a free press, the spread of the media in general, and explicit efforts by some state governments have also been important in safeguarding the interests of the disadvantaged. Furthermore, there may be genuine possibilities for encompassing coalitions at the local level, particularly where the institutions of democracy shift the balance of power . This has already happened to some extent at the state government level, where coalitions of relatively disadvantaged groups have emerged in some cases. These should provide a check on the problem of inequities at the local, particularly rural, level. Finally, in terms of the provisions of the amendments, if the new state finance commissions use formulas which weight equity in deciding their levels of transfers, this may be at least as good as the existing system of discretionary grants. The discussion of central-state transfers in section 3 noted that discretionary transfers there had tended to counteract the equalizing effects of central Finance Commission transfers. Thus, while India is far from any rural idyll, it does seem that the new decentralized structures need not be inimical to equity.

I close this section with a conceptual remark. The public choice perspective on decentralization (e.g., Brennan and Buchanan, 1980) is that it provides a check on government power through competition among governments. But this is not the only rationale: responsiveness and efficiency may be promoted by decentralization even without this aspect being salient, through an increase in accountability, and an improvement in the incentives of local decision-makers. The strengthening of local government in India has the potential to do this, and this is the aspect I stress here.

What Remains to be Done

I begin with a discussion of some areas of concern with respect to the reforms as enacted by the center and implemented by the states, specifically in the context of local government as a representative body. Then I turn to issues involving other dimensions of governance, particularly the law and the bureaucracy. Finally, I discuss more broadly the question of governance, including the role of non-government organizations (NGOs) and the private sector in the context of the reform of local government.

As I have suggested above, the issues of too much uniformity and too much reduction of state power seem to be relatively unimportant in practice. States have each passed their own legislation to implement the provisions of the constitutional amendments, and in some cases, for example Karnataka, it has been suggested that they have used the occasion to enhance state power at the expense of lower level governments. Karnataka is a particularly striking case, because it had effectively and quite successfully decentralized on its own, prior to the amendments. Several other states are perceived as having been reluctant to devolve any real power. This may be related to controlling funds from the central government, and rent seeking in general. These initial developments suggest that true decentralization may be a slow process. This was perhaps to be expected: passing laws does not guarantee their implementation or enforcement. However, it remains the case that a constitutional amendment creates a potential that might not exist otherwise: higher level governments have had their discretion reduced by the existence of lower tiers. Just as the Finance Commission has over the years, and despite its weaknesses, provided a rule-bound institutional mechanism for making transfers to state governments, one can anticipate that state finance commissions will also develop in ways that support local government.

Another aspect of the reforms, the ability of MPs and MLAs to be members of some levels of rural local government, also raises some related concerns. It suggests that local government may still remain a political tool of state or central politicians, rather than being responsive to local constituencies. This, too, may not matter in the long run, if local coalitions can outweigh interests of individual politicians. One has seen this process go through cycles at the level of center and state as well. The current situation certainly seems to involve state level coalitions having the balance of power. What will be crucial in possible bargaining situations is who controls what resources. Again, genuine fiscal decentralization will be vital, as stressed by the Tenth Finance Commission in its report.

Turning to the broader scope of governance, another set of potential problems may be the narrow scope of local government as specified in the amendments. While a long list of local government responsibilities has been created in the new Eleventh Schedule of the Constitution, law and order are not among them. This issue came up in discussions of the Karnataka reforms of 1983 , and the idea of devolving law and order to the district level was mooted, but was completely absent from the constitutional amendments. The discussion there was in terms of the police only, but the same concerns arise with respect to the bureaucracy and the judiciary. Local government cannot mean only increased responsibilities. Adequate financial resources are needed to carry out those responsibilities. To the extent that government provides public goods, and taxes its own constituents to finance that provision to overcome free rider problems, it must have the authority to implement and to enforce. Decentralization of administrative functions without complementary decentralization along other dimensions of governance, particularly enforcement, is less likely to be successful. This includes not just classic law and order (the lathi mentioned in footnote 45) but also tax enforcement and enforcement of contracts.

In section 3, I noted the failure of nyaya panchayats. The lesson from that experience is not that decentralization of judicial processes will not work, but that the existing structures of the judicial components of government must be decentralized with adequate resources provided for its success. The problems of delay and arrears are pervasive at all levels of the Indian judicial system. In the context of the bureaucracy, the incentives of the central and state bureaucrats in their interactions with local government need to be considered more carefully. Clearly, this

was not something for constitutional legislation, but it will require the development of new modes of administrative organization, with locally chosen administrators and managers becoming more important. An important issue must be how the central planning apparatus, whose language still permeates the administrative approach in India, and which provided some of the original motivation for the reform of local government (through the desire to have more effective local implementation of centrally conceived economic plans), will adapt to allow local provision of what ought to be local public goods. To some extent, one is tempted to suggest, in the light of the direction taken by economic reforms in trade and industry, that the idea of central planning has outlived its usefulness in India, and local governments should not be shackled by its constraints.

So far, in this paper, I have focused exclusively on the structures of government. Yet self-governance and civil society are ideas with great currency. If I interpret civil society to be the entire gamut of nongovernmental organizations (NGOs) and collective institutions, I do not necessarily see any lack in India. Volunteer organizations, interest groups and social welfare associations seem to be multiplying, alongside and overlapping with traditional occupational and religious groupings or organizations. To some extent, these can be substitutes for lack of effective government: in Delhi, middle class neighborhood residents' associations form to finance and carry out the provision of basic local services such as garbage collection, that are supposed to be performed by local government, but are not, or not effectively. One can view this as an improvement over nothing at all. However, it is important to remember that the rationale of government comes from the public-ness of public goods, and the sub-optimality of voluntary provision due to free rider problems. Voluntary membership in neighborhood associations at rates of 40%, with minimal dues, may be less efficient than more effective taxation and public provision of some services: economies of scale and scope also matter.

A counter argument may be that if government is ineffective, self-governance is better. This also seems to be the tenor of detailed studies of self-governance in areas such as local irrigation institutions (Ostrom, 1992, Tang, 1992). However, even here, it is recognized that such institutions are ultimately feasible only in a system where laws and rules at a broader level are enforced clearly and consistently by government. In a wider perspective, any collective action on a large scale will involve some specialization and delegation of functions. Government is just one

aspect of this fact. In a democracy, individuals agree to be ruled by laws made by elected representatives, who are themselves subject to those laws. Voting is only one of several ways that constituent preferences can be articulated. While self-help and voluntary collective action to achieve certain ends are extremely important at the micro level, ultimately, government is the main institution of governance. It must be shaped to serve this role effectively.

The last point is made effectively by Lewis (1995). He describes "pluralism", or "delegating sideways" as a "logical companion theme to decentralization" , and supports this strongly. He explains these terms as the delegation of authority to agencies outside the official hierarchy, including private enterprises, cooperatives, development corporations, voluntary public associations. He notes the boom in recent years of NGOs, and their frequent virtues, but goes on to point out that "NGOs, whether externally based or indigenous, are often incomplete or awkward substitutes for legitimate official bodies" . For Lewis, the danger is one of persistent dependence on external benefactors, whether official or not. This brings him back to the need for local self-government. In this context, one may also note that the relative ineffectiveness in India of specific purpose urban authorities - such as housing boards, water supply boards, and pollution control boards - stems from their lack of incentives and responsiveness, rather than with the concept itself. To return to the analogy with the theory of the firm, discussed in section 2, effective delegation by local governments of specific tasks may make sense, just as a firm may create subsidiaries or divisions to handle specific products.

Lewis's final point in his discussion of this topic is the need for accountability of local government to its citizenry. I would summarize these issues as follows, by relating them to the discussion in previous sections. Effective rules or laws, with a reasonable degree of durability and enforceability, are essential whatever the degree of decentralization of government. Therefore, decentralization must be accompanied by more efficient organization of the primary institutions that make, interpret and enforce laws. Of these, the judicial system may be the immediate place to start. Given a smoothly operating and independent judiciary , democracy - which gives constituents the ability to replace their representatives routinely and easily - will be more effective than if it is only a revolving door for opportunism. Accountability requires the law and democracy to work together.

In this framework, the role of NGOs and other nonofficial institutions is twofold. First, any collective group, whether a firm or a volunteer organization, may be engaged in producing something of value, ranging from purely private to purely public goods. For each such institution there are issues of efficient internal organization. These include taking advantage of any economies of scale or scope, having a system of corporate governance, and providing incentives to individual organization members. The second aspect of any such group (and in some cases the primary, or even only role) is its interaction with government in pursuing its goals. This is typically thought of as lobbying. It can be hidden and corrupt, trying to circumvent laws or rules, or it can be open and beneficial, trying to enforce existing laws, or change them to make them better. Political action by consumer or other public groups of the latter form, outside the electoral process is, therefore, an additional means for achieving accountability of government . In this sense, the different forms of collective action are complementary, and reducing the size of constituencies increases representation in this way also, by making it easier for public interest groups to operate.

There is more that can be said about issues of efficient implementation of services that have traditionally been undertaken by the government . The trend in many countries is towards privatizing as much as possible to gain efficiency of delivery and pricing of local public goods. However, where basic needs and equity remain concerns, this course may be undertaken hesitantly, or with some regulation. It may be, however, that even regulated competition is better than local government monopoly provision. Just as the central and the state governments, after economic liberalization, have been able to begin turning to the private sector for the provision of some goods and services, such as telecommunications and electricity, local governments, once they are established as credible entities, may be able to contract out local functions, such as sanitation, where benefits are local and user fees can be collected, to private organizations. Again, these kinds of developments are not automatic, but the creation of independent local bodies creates the potential for them to take place, and for decisions about what to contract out to be taken more efficiently.

Conclusion

Reform of local government in India has had a different impetus and history than the changes put in motion by the 1991 balance of payments crisis. However, they are closely connected by the issue of reducing fiscal deficits, and the management of government finances in

general. This connection may not be positive. For example, it is now well recognized that the structure of fiscal federalism in India has contributed to the overall problem of government deficits . The states, used to operating with soft budget constraints, have seen their finances deteriorate, and the post-reform squeeze has tended to reduce their spending on social and economic services such as education and health . In this climate, there are real concerns about the fiscal impact of local government reform. For example, the recent World Bank country study, in discussing tax reform, tax sharing and the disincentives for lower level resource mobilization, offers the following caution:

The 73rd Amendment...is an important and welcome change, aimed at increasing the autonomy of local governments. However, it may accentuate fiscal indiscipline by establishing between states and local governments a system of transfers similar to the one in place between the central and state governments.

Related concerns, that the center will ultimately have to channel resources to local governments, directly and through the states, are expressed in the Tenth Finance Commission report (Finance Commission, 1994, Chapters 10 and 15).

While there is a danger of increased fiscal deficits as a result of decentralization (something of that nature occurred in Brazil, for example), I think the Indian case offers some positive prospects, for the following reasons. First, the decentralization is down to the local level, unlike the Brazilian case, which gave the states more fiscal autonomy. As noted earlier, smaller constituencies make it easier to impose hard budget constraints . Second, the quote from the World Bank seems to neglect the fact that the central Finance Commission has done a relatively good job, within its constraints: greater problems have arisen with more discretionary transfers, including categorical grants and loans. This has been the only system operating between the state and local levels. The creation of state finance commissions has the potential to reduce such discretionary transfers from the states to local governments, and to increase the transparency and efficiency of such transfers . My conclusion is that the reform of local government may actually support the goal of reducing overall government deficits.

While making intergovernmental transfers more efficient will help, raising resources more effectively is crucial. Here also, the broader set

of reforms may turn out to be complementary to the reform of local government. One may think of the underlying goal of economic reforms in India as the achievement of a more efficient use of capital, to support higher growth. Reforms of trade, industry and financial markets are all, in some way, driven by this basic objective. Relying on smoothly functioning (and well-regulated) financial markets to allocate capital, in this view, is crucial for government as well as for the private sector. Historically, state and local governments have not been able to engage in market borrowings. Instead, they have relied on trickle-down funding through the central planning process, which has often not been responsive to the wants of local residents. Since many municipal service projects involve long-lasting capital and equipment, the building up of local capital has been hindered. The creation of urban local governments with independent status, legal authority and regularly elected officials, raises the possibility that local governments may eventually be able to borrow money in the financial markets for local sanitation, roads and schools. For this to work, of course, hard budget constraints must exist: state governments must not too easily bail out municipalities in trouble. Clearly, this development will take time, but it should be noted that the central government has taken the first steps towards market borrowing itself, representing a major break with past practice

Ultimately, of course, the question is whether decentralization will permit the more efficient use of the funds now to be put in the hands of local governments. Greater responsiveness to constituents as a result of democratic decentralization should certainly help. But it will also require the transfer of existing staff from central and state government to local government, and the reorganization of administration at all levels . This is among the complementary reforms that still await attention.

This paper has attempted to examine recent Indian reforms, which provide local governments with a constitutional and legal status they had previously lacked, in the context of issues of governance, decentralization, and federalism more generally. These reforms have the potential to lead to changes that will be as significant as the deregulation of the private sector in India. However, decentralization as conceived and implemented so far will not be enough, without attention to the other aspects of governance highlighted in this paper. Decentralization of authority and enforceability of laws are complementary aspects of governance. Therefore, the functioning of the judiciary, bureaucracy and police at the local level particularly deserve attention. Creating effective

local governmental and judicial structures, with an efficient assignment of tasks, and the power to raise resources and enforce laws at the local level, is likely to make a significant difference to India's economic performance.

(Source: Nirvikar Singh Department of Economics, University of California, Santa Cruz Santa Cruz, CA 95064, USA)

PROMOTING GOOD GOVERNANCE

I am very grateful to the Indian Medical Association, particularly Dr. Badrinath for conferring on me the distinction of the Governor of Tamil Nadu, Late Dr. M. Chenna Reddy Award for Outstanding Service for promoting Good governance. I accept this distinction conferred on me with very high sense of gratitude and humility. I also consider that this distinction is a reminder to me that I must continue to work for the cause of promoting good governance and should not rest on this laurel.

Good governance is essential for the progress of any society. When the government of a state performs its function of administering a country, the function is called governance. After all, governance is what a government does. But the word 'governance' is also being used in the corporate sector especially after the crisis in 1997 of the South East Asian economies. These days, we have a popular buzzword in management circles which is 'corporate governance'. Corporate governance means the moral framework, the value framework and the ethical framework under which an organization takes business decisions. We may therefore call what the Government does as public governance to distinguish the Governance from Corporate Governance.

Good governance is supposed to exist if three objectives are achieved. The first is there should be equality of law and effective

implementation of laws. Secondly, there should be opportunity for every individual to realize his full human potential and thirdly, there should be effective productivity and no waste in every sector.

Corporate governance became important because in the context of globalization and the collapse of the South East Asian tiger economies, it was realized that if there was corruption and crony capitalism in the financial sector, it will lead to disasters in terms of complete loss of investments made in companies and capital markets which do not have corporate governance. Corporate governance essentially consists of three aspects. The first is transparency in operations. Greater the transparency in operation, less the scope for corrupt practices or mischief as the risks and the benefits will be clearly understood by all who are investing in a capital market or an enterprise. The second aspect is accountability. In a transparent process, everybody knows how a decision is taken and it is easy to identify those who are guilty and take action against them. The third aspect of good corporate governance is giving value to the investors in terms of creation of wealth, reasonable returns and good market capitalization. When we explore the theme of good governance, we can examine both public governance and corporate governance. In fact, both are inter related.

Public governance describes the way a country is governed. Every country has a system of governance operated through a framework of laws. For example, India is a democracy. According to the Constitution, there are three main pillars of governance. These are: (i) the legislature which makes the law, (ii) the judiciary which interprets the law, and (iii) the executive which consists of both the permanent bureaucracy as well as the elected political executive which implements the law.

Public administration is the process by which a country is governed. We can consider public governance as a result of public administration. Ultimately public governance depends on the values behind it. This depends on the history and culture of a country. A quick look at the cultural roots of Indian governance will not be out of place here.

Indian culture has had a head start in understanding the fascinating aspects of human life. The Vedanta and the Upanishads represent our ancient seers' continuous search for knowledge guided by logic. They also achieved great leaps forward in perception because of their mystic powers. We are the fortunate inheritors of a great

tradition, the vedantic tradition, which looks at life in this world and tries to find its underlying meaning. The quintessence of Vedanta has a dual dimension. The Rig-Veda lays down the dual purpose of human life. Atmano mokshartham jagat hitayacha. We look forward for the emancipation of our souls and also the welfare of the world.

Another concept which has been cherished through the long history of our cultural and spiritual existence is the concept of welfare of all human beings. Bahujana sukhaya bahujana hitayacha - the welfare of the many and the happiness of the many. In fact, this concept of the happiness of the many has also been transformed into the area of public administration as the basic principle. Kautilya says in his Arthashastra: "In the happiness of his subject lies the king's happiness, in their welfare his welfare. He shall not consider as good only that which pleases him but treat as beneficial to him whatever pleases his subject".

Praja sukhe sukham rajyaha prajanamcha hitehitam natma priyam hitam rajnaha prajanam cha hitam priyam. Arthashastra

This ancient wisdom is also reflected in other parts of the country and in literature in other languages also. 2000 years ago, Tiruvalluvar, in Tamilnadu spelt out in 1330 verses the three purusharthas of existence, dharma, artha and kama. In his chapter on artha, like Kautilya's Arthashastra, he also dealt with the characteristics of a well-run administration or shall we say the ethics of good administration. For instance when talking about the responsibility of a king, Tiruvalluvar says: Murai saithu kapatrum mannavan makkalkku iraiyentru vaikkapadum. The king who administers justice and protects his people would be considered as God. The responsibilities of running administration have also been spelt out by others who have looked into the concept of good administration.

If there is one principle that is fundamental to ethics in administration in India, it is the principle of dharma, the principle of doing the right things, the principle of justice. The Brihadarany Upanishad points out the basic principle that the responsibility of the king is to protect dharma. This is because it is only by protecting dharma all citizens get equal opportunities and the weak will not be exploited and harassed by the strong.

"Tadetat kshatrasya kshatram yaddharmaha tasmaddharamatparam nasti atho abliyan baliyamsamanshamsate dharmena yatha ragna evam"

Justice M Rama Jois in his Shri Bhau Rao Deoras Lecture Series gave a talk entitled "Reforming our polity on the basis of Dharma". In this talk he has provided valuable insights into the concept of Dharma. This is what he says:

From most ancient times, as a part of Dharma, one of the ideals placed before individuals was that for a higher or greater interest, lower or personal interest should be subordinated. This idealism is incorporated in a verse in Hitopadesha; It reads "Sub ordinate the interest of an individual for the sake of the family, of the family to sub-serve the interest of the village, of the village in the interest of the state, of all worldly interest in order to attain eternal bliss".

Tyajedekam kulasyarthe gramasyarthe kulam tyajet gramam janapadasyarthe aatmarthe prithivim tyajet Mitralabha 150

Replacing the last which is concerned with the other world by the words, "Rashtrathe Swartham Tyajet" brings forth the ideas to be followed in the nation's interest.

It is most difficult to define Dharma. Dharma has been explained to be that which helps the upliftment of living beings. Therefore, that which ensures welfare (of living beings) is surely Dharma. The learned rishis have declared: that which sustains is Dharma.

Karna Parva Ch 59, Verse 58 eulogises Dharma in the following words: Dharanat dharma mityahu dharmo dharayate prajaha Yat syad dharanasamyuktam sa dharma iti nischayaha

Dharma Sustains the society, Dharma maintains social order, Dharma ensures well being and progress of humanity, Dharma is surely that which fulfils these objectives.

The Upanishads say very clearly that there is nothing beyond dharma. The same concept of dharma is also reflected by Tiruvalluvar. Irai kakkum vayyakam ellam avanai murai kakkum muttacheyim. The king protects the world and if he acts according to justice or dharma, then the justice itself will protect him. Dharmo rakshati rakshitaha again reflects the same principle that if a person rules according to dharma, that dharma itself will protect him.

If we explore the roots of ethics in public administration, we find that we have a rich tradition. From our literature we find that there is a harmony between the individual and social goals in our tradition. It is this harmony that provides a meaningful basis for ethics in public administration. Every individual has to strive to achieve moksha. *Aatmano mokshartham*. But at the same his other responsibility is the well being of the many - *Jagat hitayacha*. In fact the goal in life for the individual as well as society has been ultimately distilled in the concept of dharma through thousands of years of our rich cultural tradition.

The Bhagawad Gita is in fact the quintessence of Indian thinking on the spiritual front. It also is an eminently practical guide for our secular life. The centrality of the dharma is also emphasized by Lord Krishna in his famous observation in the third chapter of the Gita. *Swadharme nidhanam shreya para dharmo bhayapaha*. Each person has his own dharma and he has to live up to his dharma. It is better to die rather than give up one's dharma. If everybody practices the concept of dharma, then that in itself brings a sense of self-discipline. In a society where there is self-discipline, automatically there will be peace and prosperity. Unfortunately this is an ideal situation and does not exist. There are people who are bad and we have to punish the bad people if we want to maintain the peace and prosperity of the society.

Manu is very clear on this subject. Everybody has a tendency to enjoy the material goods in life. It is only the fear of punishment that ensures order. There is hardly an individual in this world who on his own is pure in his conduct. The King (Sovereign)'s power to punish and teach the people in the righteous path, and the fear of punishment by the king yields worldly happiness and enjoyment. *Sarvo dandajitho lokohdurlabho hi suchirjanaha Dandasya hi bhayat bheetobhoghayaiva pravartate Manu VII-22*

Tiruvalluvar has also described the same concept of punishment beautifully. The process of the King removing the bad elements from the society, is like the farmer removing the weeds from the field to protect the crops. *Kolayil kodiyarai venduruthal pain kuzh kalai kathathanodu ther*. The concepts of dharma as the foundation for public administration is obvious.

Before we proceed further, it is worthwhile to have a look at the dynamics of ethics in public administration. This will help us to identify the basic elements that shape the ethics in public administration. We can then appreciate how while changes may be taking place in society due to various factors from time to time over centuries the values remain constant. As values remain constant, the principle of ethics also remain constant. As they remain constant, we all stand to gain by looking at the classical insights on ethics in public administration so that we can improve our current practice. In short that is the theme of this lecture.

As a society evolves, it is realized that the behavior of people have to be regulated if the society as a whole as to survive. The welfare of a society is the result of co-operation between its members. No man is an island. The Ten Commandments evolved because if everybody was indulging in stealing or murdering or coveting his neighbor's wife, no orderly society is possible. The Ten Commandments reflect the values which a society cherishes so that they become guidelines for action. The values are the fundamental principles which are essential for a good orderly society. Practicing those values in terms of code of conducts gets translated into morals or ethics. As the values of society remain the same, the ethics also in principle remain constant. This is the underlying dynamism of ethics in public administration.

We have seen how values lead to evolution of codes of ethical conduct. In the context of public administration what will be these values? The first of course is the concept of dharma or righteous behavior. When the British came and we inherited the British system of administration, we became familiar with the concept of the rule of law. The rule of law is nothing but the rule of dharma. As Brihadaranyaka Upanishad says, the law is above the king himself. In fact, it is necessary that we realize this and try to shape our system in such a way that the principle of dharma or law is re-established. In the Indian context where today we have a democracy, we will be able to establish the rule of law only if we ensure the law makers do not become law breakers or law breakers do not become law makers in the first instance.

I would like you to consider the following ideas in the context of current practices which have made our country a highly corrupt country. We are looking at the issue only from the point of view of how rule of law can be established with the help of right type of law makers. The law makers in our country are Members of Parliament and Legislature. They

can play a very important role in promoting a corruption free government. Even in government, while the bureaucratic executive implements the law, it is also supervised by the political executive in the form of Chief Ministers, Prime Minister and the Cabinet. The political executive is also responsible to the legislature. The role of the law makers therefore can be seen from two different angles. The first relates to the enactment of the law and the second relates to the implementation of the law.

The minimum requirement for ensuring that our law makers are able to promote a corruption free government is that the law makers should not themselves be law breakers. The Vohra Committee Report had highlighted one negative aspect of our politics namely the criminalisation of politics. So if we want to start a process by which we will be able to achieve corruption free government, where the law makers play a very effective role in achieving this objective, it is necessary that we should first take steps to ensure that the law breakers and criminals do not become law makers.

As CVC my jurisdiction does not cover the judiciary and the legislature. Nevertheless, as a citizen of the country and as CVC who is concerned with the impact of criminalisation of politics and corruption in the executive, I have taken up the issue with the Chief Election Commissioner to see how we can amend the electoral law, particularly Representation of People's Act, to see that the law breakers do not become law makers. I have made the following suggestions for consideration:

No political party must be permitted to contest the elections unless it has got the latest annual accounts duly audited by an auditor as may be prescribed by a notified agency like the Election Commission, the CAG or the Supreme Court etc.

Ø No political party must be permitted to contest the elections unless it has cleared its income tax dues and has got the requisite certificate from the income tax authorities

Complaints regarding corrupt practices during elections can be looked into by the Election Commission even before the date of polling. The Election Commission has an excellent communication system to receive complaints of this type and can immediately take action so that there will be a healthy check and deterrent effect on corrupt practices during elections. Prevention is always better than cure.

The explanation 1 below Section 77 of the Representation of People Act, which reads as follows, should be deleted.

Account of election expenses and maximum thereof. - (1) Every candidate at an election shall, either by himself or by his election agent, keep a separate and correct account of all expenditure in connection with the election incurred or authorized by him or by his election agent between [the date on which he has been nominated] and the date of declaration of the result thereof, both dates inclusive.

Explanation 1. - Notwithstanding any judgment, order or decision of any court to the contrary, any expenditure incurred or authorized in connection with the election of candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be, and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorized by the candidate or by his election agent for the purposes of this sub-section :

Provided that nothing contained in this Explanation shall affect - any judgment, order or decision of the Supreme Court whereby the election of a candidate to the House of the People or to the Legislative Assembly of a State has been declared void or set aside before the commencement of the Representation of the People (Amendment) Ordinance, 1974 (14 of 1974) :

any judgment, order of decision of a High Court whereby the election of any such candidate has been declared void or set aside before the commencement of the said Ordinance if no appeal has been preferred to the Supreme Court against such judgment, order or decision of the High Court before such commencement and the period of limitation for filing such appeal has expired before such commencement.

A person who has been accused of an offence involving moral turpitude or other criminal offences should not be permitted to contest the elections. The Election Commission may identify these offences. In stead of going only by the gravity of the offence and FIR being filed, the critical test for applying the ban on the candidate contesting the election should be that the concerned judicial authority like a magistrate should

have examined the FIRs and the data and gone to the stage of framing charge sheet.

If a person who has been charge sheeted in cases involving grave offences and moral turpitude as identified and notified by the Election Commission, is banned from fighting the elections, it will ensure that criminals do not enter politics and become representatives of the people. The responsibility can be cast on the candidate who must be asked to certify that he has not been charge sheeted or if he has been, give details. He must also give details of the past punishment awarded to him by the court. We do not know what action the Election Commission would take. Nevertheless, I think it is necessary to have a nation-wide debate on this issue so that appropriate action is taken to tackle the issue of corruption at the political level.

One of the reasons for corruption in government is that there are too many complicated and obsolete laws. The greater the number of laws, greater is the scope for red tape. Greater the scope of red tape, greater the temptation for corruption. It will be good if the law makers can have a look at the existing laws in the statute book and see how many of them can be done away with. In fact when Shri IK Gujral was the Prime Minister, the Government of India started an exercise and set up the Jain Committee to identify the administrative laws which were obsolete. If I remember rightly, the committee identified about 3500 laws of which about 1/3 rd could be done away with. So in order to promote a corruption free government, we should start with a systematic campaign to remove from the statute book, obsolete laws.

In addition to removal of obsolete laws, there is need to introduce a system which will ensure that no law remains on the statute book forever and thereby become another source for corruption. We should therefore bring in a concept like the sunset principle as in the United States. No law remains on the statute book for ever and has a life of say 5 or 10 years at the end of which period, unless it is consciously reviewed and re-promulgated, it will not remain on the statute book. This will automatically ensure that we do not have laws cluttering the statute book.

We find that good governance is supposed to exist if three factors are achieved. One is there should be equality of law and effective implementation of laws. Secondly, there should be opportunity for every

individual to realize its full human potential and thirdly, there should be effective productivity and waste of an effort.

Zulfikar Ali Bhutto wrote a book called IF I AM ASSASINATED. In that book he pointed out that India was a united country because of its boisterous democracy. If one distinction of India is that it is a democracy, it is so because of the active role played by the press and the media. It is the freedom of the press which is enjoyed in India today that has kept our democracy vigorous. During the period of the emergency when the press was muscled, there was a set back. Ultimately the democratic instincts asserted themselves and today we find that the press is quite vigorous not only in the print but also in the electronic media. The expose by Tehalka.com on 13 th March 2001 which helped to focus attention on the basic issue of corruption in our system, especially in defense deals is a recent example of a vigorous innovative and technology savvy media.

The basic structure of our state rests on the three pillars of the legislature, executive and the judiciary. The press is the fourth pillar. It is also called the fourth estate. In the Indian context of today where we not only have a democracy but a very corrupt democracy, the freedom of press must be utilised to fight corruption. Tehalka.com and the other exposes in the media are performing an useful function to highlight the issue of corruption. There is need for a long-term solution must be found for improving the probity in public life. This is possible only if we are able to bring greater transparency in public life. For bringing transparency, we should have a culture which will be promoting freedom of information.

Accountability is necessary for good governance. This is possible through transparency in operations. Transparency in government is possible if there is freedom of information and the citizens have access to information. Recently in different parts of the country like Rajasthan, Maharashtra and elsewhere leaders like Anna Hazare have taken up the issue of making information available to the public.

The government also has been considering for some time the Freedom of Information Bill. The question is do we have to wait for the Freedom of Information Act to achieve greater accountability and transparency in administration? In fact, there is no need for waiting for the Freedom of Information Act. The situation today, as the Tamil proverb says, is like having butter in hand and looking for ghee. In our

system there are sufficient opportunities already available to make the administration more accountable by providing greater access to information.

The Central Vigilance Commission is going to be made into a statutory authority based on the Supreme Court judgment in the Vineet Narain Case popularly known as Hawala Case. The CVC Bill is also before the Parliament. Even before the bill is passed, because of Para 56 of the Supreme Court judgment, the judgment itself has the force of law under Article 141 of the Constitution.

One of the powers given to the CVC even under the Department of Personnel's notification of 4.4.99 under which the CVC is functioning now is exercising the superintendence over the vigilance administration of government of India organizations. The power of superintendence means that CVC can give directives, which are expected to be complied with by the organizations within the purview of the CVC.

If in any organization there are practices which lead to corruption due to lack of transparency by denying access to public of information, the CVC can issue a directive. In fact on 18.11.98 the CVC has issued a directive as follows.

One major source of corruption arises because of lack of transparency. There is a scope for patronage and corruption especially in matters relating to tenders, cases where exercise of discretion relating to out of turn conferment of facilities/ privileges etc. Each Organization may identify such items which provide scope for corruption and where greater transparency would be useful. There is a necessity to maintain secrecy in matters where discretion has to be exercised. But once the discretion has been exercised or as in matters of tenders, once the tender has been finalized, there is no need for the secrecy. A practice, therefore, must be adopted with immediate effect by all organizations within the purview of the CVC that they will publish on the notice board and in the organization's regular publication the details of all such cases regarding tenders or out of turn allotments or discretion exercised in favor of an employee/party. The very process of publication of this information will provide an automatic check for corruption induced decisions or undue favors which go against the principles of healthy vigilance administration.

A fourth option is available through the judiciary. If there are blatant cases where access to information leads to corrupt practices, the courts can issue order and bring in greater transparency in the system. The problem is that it may take a long time before the courts dispose off the case, but that option is still available. Finally, being a democracy, we have parliament and legislative assemblies where questions can be asked. Government is bound to provide information based on codes of parliamentary practice. Mao Tse Tung said that a banquet could be eaten only mouthful by mouthful. It is only necessary that enlightened citizens realize this principle and then start nibbling at the opportunities that already exist in our system to bring in greater transparency and accountability in administration. The watchword must be: Act, do not wait for the Act.

The second role of the press is that they must be able to use the latest technology to expose the facts which otherwise would not come to light. The use of spy cameras by Tehalka.com group was one example of use of technology. In addition, Internet can be useful as a source of information and also spreading information. The modern technology, especially in the age of information, should be fully exploited if in a country like India the media has to become even more effective.

Along with the need for bringing transparency and using of technology is also a question of sense of responsibility. The freedom of the press can also be misused to become an instrument of blackmail or yellow journalism. There could also be hidden agendas and the individual agendas may be pursued using the media. But in a democracy like United States, there are organizations which have single point agendas and they may use the media for this purpose. Perhaps this is true of any democracy. The sense of responsibility to improve the well being of the people will go a long way to improve credibility. Government have declared the year as the year of e-governance. E-governance means using information technology widely in government systems would result in hopefully better transparency and better service to the citizen. The press must be able to use initiatives like e-governance of the government to see how even greater transparency and responsibility can be brought into the system. E-governance is also called SMART government (Small, Moral, Accountable, Responsive and Transparent government). The press can also act in a smart manner to ensure that the real object of SMART governance is achieved.

The issue of corporate governance has become increasingly important especially in the context of globalization. Globalization involves the movement of four elements of the economy across national border. These are:

- physical capital in terms of plant and machinery
- financial capital in terms of money invested in emerging market
- technology, and
- labor

This investment of financial capital in emerging markets calls for the ethical dimension apart from the purely efficiency dimension in enterprises. Investors globally want to be sure that the enterprise in which they are investing are not only run competently but are also run ethically. Hence, the focus on corporate governance. At this stage, it will be worthwhile to have a look at what the Kenneth Blanchard and Norman Vincent Peale say in their book, THE POWER OF ETHICAL MANAGEMENT about the concept of ethics in the business context. The authors have articulated what has been called the three way ethical check. The ethical check questions are as follows:

Is it legal? Will it be violating either civil or company policy?

Is it balanced? Is it fair to all concerned in the short term as well as in long term? Does it promote win-win relationship?

How will it make me feel about myself? Will it make me proud? Would I feel good if my decision was published in the newspaper? Would I feel good if my family knew about it?

These ethical check questions provide a good reference point to decide on ethical issues, which arise in the contemporary Indian management. The authors have also provided the following five principles of ethical power for organizations.

Purpose: The mission of our organization is communicated from the top. Our organization is guided by the values, hopes and a vision that helps us to determine what is acceptable and unacceptable behavior.

Pride: We feel proud of ourselves and of our organization. We know that when we feel this way, we can resist temptations to behave unethically.

Patience: We believe that holding to our ethical values will lead us to success in the long term. This involves maintaining a balance between obtaining results and caring how we achieve these results.

Persistence: We have commitment to live by ethical principles. We are committed to our commitment. We make sure our actions are consistent with our purpose.

Perspective: Our managers and employees take time to pause and reflect, take stock of where we are, evaluate where we are going and determine how we are going to get there.

I think the experience of excellent companies and visionary companies shows that in the ultimate analysis values do matter, ethics does matter. In their book, "In Search Of Excellence" by Peters and Waterman, the authors pointed out how one of the characteristics of excellent companies was "hands on value driven". While the managements are hands on and decide on day to day matters, they have also not forgotten their values. Similarly in their book, "Built To Last", Jeremy Porrass and James Collins pointed out that ultimately the visionary companies, the companies which lasted much longer 50 to 100 years compared to the normal lifetime of 15-20 years of the standard companies, one main characteristic was their core values which irretrievably linked with their company practices and procedures. In other words, the long term basis for success appears to be internalization of ethical values and ensuring that these are woven irretrievably into the company policies and practices.

We may now examine the nexus between public governance and corporate governance. Corporate governance depends upon two factors namely, the attitude and the values cherished by the management of the business enterprise and the external environment in which the business operates. The external environment in which the business operates would include the legislation relating to the functioning of business enterprises, covering the entire spectrum from registration of companies, their structure, and settlement of disputes, laws relating to the capital market and punishment for bad practices like insider trading and so on.

Public governance on the other hand is broadly connected with the running of the government of a country and ensuring that the rule of law prevails. There has to be fairness and transparency in the system of justice. If the public governance is not conducted on healthy lines and if there is corruption, then there is no fairness. Corruption, as the World Bank defines, is the use of public office for private gain. If the public servants are going to exploit their position for private gain then the quality of public governance suffers. If the quality of public governance suffers, corporate governance then becomes more difficult. It can definitely be said that while the management of an enterprise can still be ethical and try to maintain its internal corporate governance. If the environment in which it operates is not clean then it may not be successful or even if successful, it will find it very difficult to operate.

The issue of corporate governance has its own dynamism. This will be obvious from the fact that, thanks to globalization there are many multinational companies that have their own internal sense of values. One of the most vocal and articulate leaders in business has been Jack Welch. This is what Jack Welch says about integrity.

"Excellence and competitiveness are totally compatible with honesty and integrity. The A student, the four-minute miler, the high-jump record holder – all strong winners – can achieve those results without resorting to cheating. People who cheat are simply weak".

"A professor gave a hypothetical case to his business school students. He said, 'If you were running a business for a larger company and were about to book a \$50 million order, but to do so, you had to deposit \$1 million in a Swiss bank account to an agent, would you do it? Approximately 40 per cent to 50 per cent said they would. I was shocked! Shocked! I told the students someone was teaching them the wrong things. This was not one of those cases where you had to interpret the law; this was a simple bribery case".

"In the end, your integrity is all you've got".

In India, there have been excellent business leaders like Shri Narayana Murthy of Infosys and Shri Ajim Premji of Wipro who have built world-class enterprises. Both these business leaders are also placing a very high value on the principles of business ethics. What Shri

Narayana Murthy said in a talk to the Students at Wharton School of Business is worth noting.

“The Infosys value system can be captured in one line – the softest pillow is a clear conscience. A company's value system is the guiding light in its hours of darkness. It builds confidence, peace of mind, and enhances enthusiasm during tough times. The importance you attach to your value system is reflected in the cost you are willing to incur for your beliefs and convictions. At Infosys, we have stood firm whenever our value system was tested. We knew that talking short cuts that compromise our values would be detrimental.”

One of my strongest beliefs is that corporations have an important duty to contribute to society. No corporation can sustain its progress unless it makes a difference to its context”.

It is therefore obvious that even if public governance is not up to the mark in a country, managements of the business enterprise can try to maintain the best corporate governance and stick to certain values in their own system. In fact, companies that observe good corporate governance or maintain values seem to be doing better in the business area also.

Public governance can also bring in greater discipline for better corporate governance by nurturing the appropriate external environment in which an enterprise operates. Right now in India we have the Stock Exchange Board of India (SEBI), to regulate the stock exchanges. We also have the Companies' Act for governing the operations of business enterprises. Based on the experience gained, the rules and regulations relating to business are being constantly revised. In this year, there have been a series of scams relating to the stock exchange and a Joint Parliamentary Committee is going into this. Based on the past experience, corrections have to be made. In the stock exchanges of United States in the 80s and 90s, there were series of scams like insider's trading, junk bond schemes and savings and loan scandals. Corrective measures have been taken to build systems to ensure that malpractices do not flourish in the capital market and the business world. The role of the public governance therefore as the watchdog of corporate governance and as the agency primarily responsible for laying down the rules of the game is therefore obvious.

The increasing globalization and removal of trade barriers, thanks to agencies like WTO, is also adding one more dimension to better corporate governance through introduction of uniform standards. For instance, in India we are examining the issue of GAAP - Adoption of Globally Accepted Accounting Practices. Perhaps acceptance of such standards will bring in, in course of time, a uniform set of practices for corporate governance.

The thrust for greater uniform standards has got a boost, thanks to the increasing use of information technology. The internet and increasing use of information technology are opening new horizons for business. Simultaneously, the potential for cyber crimes which can be committed internationally, is also being realized. To tackle cyber crimes, it becomes necessary to have international standards and international cooperation. This is also going to contribute significantly to evolution of systems and procedures, principles and regulation to see that healthy corporate governance practices prevail. One can hope that this, in turn, will have an impact on the public governance in different countries and this may happen to be a healthy impact.

Development of organizations like the WTO is also another step that is trying to bring in a set of uniform standards and approaches so far as treatment of the behavior of business enterprises is concerned. To the extent, common standards evolve, either due to the operational needs, dictating adoption of uniform standards or the necessity for fighting common enemies like cyber crime promoting cooperation or the legal commitment entered into internationally by members of the organization, WTO, all point to a state where the public governance and the corporate governance are becoming increasingly inter-related. To the extent a country is more globally and closely linked with the global economy, this inter-connection also becomes stronger.

The judicial system has an important role to play ultimately in ensuring better public governance and corporate governance. There may be so many regulations, rules and procedures but ultimately when disputes arise, they have to be settled in a court of law. There could be, of course, alternative dispute resolution mechanism like arbitration but in countries like India it is the judiciary that has to step in and ensure that healthy practices prevail. The Information Technology Act, 2000 of India has the following interesting position regarding its jurisdiction.

75. Act to apply for offence or contravention committed outside India

(1) Subject to the provisions of sub-section (2), the provisions of this Act shall apply also to any offence or contravention committed outside India by any person irrespective of his nationality.

(2) For the purposes of sub-section (1), this Act shall apply to an offence or contravention committed outside India by any person if the act or conduct constituting the offence or contravention involves a computer, computer system or computer network located in India.

We have already seen how the basic framework of the Constitution in India depends on the three main pillars namely, judiciary, executive and the legislature. The basic structure of the Constitution is not to be tampered with. One of the areas in which the judiciary has been very active is in pointing out whether in terms of any legislation that is passed or practices, principles and laws enacted to test whether they are in tune with the basic structure of the constitution. This is an important provision and to that extent the judiciary is clean and effective. It can be a guarantee for better public governance and better corporate governance.

Ultimately, both better public governance and corporate governance are an exercise in continuous learning. We learn from experience and try to avoid the mistakes. But when it comes to new types of crimes or new types of frauds, it is better to remember what Oscar Wilde said: "The thief is an artist and the policeman is only a critic". It does not mean that we should stop devising systems which will be as effective as possible in ensuring that the better governance prevails. Ultimately, there are two elements for better governance. First is the individual values of the people who are in running the enterprise and the second is the external framework of rules, regulations, organizations and systems. Perhaps a continuous effort at sensitizing the people about the need for good corporate governance is required because, however, good may be the operational systems and procedures, if the people who are operating systems do not have the right values, we will not succeed.

Perhaps the best technique to learn is to act on the advice of the Taitreya Upanishad. Let us come together, let us enjoy together, let our strengths come together, let us move from darkness to light, let us avoid the poison of misunderstanding or hatred, that way lies progress. *Sahana vavatu sahanau bhunaktu sahaviryam karavavahai tejasvinam vaditamastu madvid visha vahai om shanti shanti shantihi.*

(Source: Talk delivered at the IMA Seminar on 13.03.2002, in Chennai By Sri. N. Vittal, Central Vigilance Commissioner)

ACCOUNTABILITY IN ADMINISTRATION

Accountability means responsibility for performance. Administration is the function of implementing policies and programmes so that objectives behind the policies and programmes are achieved. In our country, we find that we have perhaps the best articulated policies and programmes. When it comes to implementation, we generally find that (a) policies are not implemented at all, (b) if they are implemented, they have totally counterproductive results, (c) even if they are implemented, there is great inefficiency and grace in implementation.

An example of the first type is the Benami Transaction Prohibition Act, which was enacted in September 1988. Section 5 of the Act says that benami property will be confiscated by the Government Section 8

says that Government will prescribe the rules under which the confiscation of benami property can take place. You will be surprised to know that more than 13 years have passed and still the Government have not issued instructions! As the Central Vigilance Commissioner, I was very keen on implementing this law because bulk of the ill-gotten wealth of the people who are corrupt is in the form of benami property or benami bank accounts. On 3rd January 1999, I wrote to the Secretary of the Department of Revenue requesting that rules under Section 8 may be framed and the power of confiscation entrusted to the CVC. There was no reply. There was a press report sometime later that the Government wanted to withdraw the Act. This was at the time when the Prime Minister had given a clarion call in his address to the nation on 16th October 1999 that there should be zero tolerance of corruption. I wrote back to the government to find out whether zero tolerance of corruption probably meant zero action in implementation. Then I got the standard reply that the matter was under consideration. Well, it is still under consideration.

Examples of the second type of implementation of policies may be seen in the many anti-poverty programmes launched by the government with great vigour. In fact, it has become almost a ritual every year for the Prime Minister to announce from the ramparts of the Red Fort a string of new anti-poverty programmes. Many a time they are also called as Prime Minister's programme for roads or whatever. The result is that only a small fraction of the benefit in these programmes accrues to the target population. Rajiv Gandhi observed that for every rupee meant for the poor, hardly 15 paise reached the beneficiary. Out of remaining 85 paise, 40 paise may be spent on administration overheads but 45 paise definitely is corruption.

Here is another case of inefficiency in implementing the programmes because of corruption. The Chairman of the Food Corporation of India (FCI) was mentioning to me sometime back that in the context of people dying of hunger and starvation in Orissa, a few lakh tonnes of food grains have been made available free to the State Government of Orissa but in stead of the food grains reaching the poor, these were being cornered by middlemen and sold back to the Food Corporation of India as a part of its procurement programme in Orissa. 2001 was a bad year and hardly 30% of the area was planted with paddy. Nevertheless, the FCI has been able to procure almost the same quantity

of food grains under the procurement programme in the year 2000, which was a normal year.

The Statesman dated 29th October 2001 reported another example of how corruption makes implementation of the so-called pro-poor or pro-tribal programmes totally meaningless if not counter productive. Under the headline, 'Corruption reverses aims of government's anti-poverty drive' this is what the Statesman said:

In Chitrakut district of Uttar Pradesh there are hundreds of "victims of development programmes" – people who became indebted and whose livelihood deteriorated because of faulty implementation of development programmes based on subsidized loans.

Some years ago, a spate in loan-cum-subsidy schemes was sent to this area (at that time this was a part of Banda district) mainly to improve the livelihood of Kol tribals and other weaker sections. The intentions may have been good because there is poverty in this region but senior officials who sent these schemes ignored some crucial realities. At that time, hundreds of Kol tribals and other poor families were in the grip of big landlords/feudal interests. Once these landlords came to know that a chunk of money was coming to the area for the Kols they wanted to grab a substantial share.

Many gram sevaks and other petty officials became a link between these landlords and bank officials (or officials of departments concerned). Other dubious characters also worked as middlemen. It was the landlord and middleman's job to approach unsuspecting Kols, take them to the bank, get their photographs, obtain their thumb impressions or signatures. They accomplished this by telling the Kols that they were getting dole.

What they were not told was the fact that a much bigger loan had been entered in their name. They were given a small amount, while the rest was kept by the landlord after giving a substantial share to the officials, including gram sevaks. Another ploy was telling the Kols that a pump set or something else had been sanctioned for him, and later explaining that the scheme had been cancelled. In either case, the poor tribal either got no money or little compared to the loan entered in the accounts in his name. In most cases, whatever they got was not enough to start any new income-earning activity and was spent in day to day living.

The Kols soon forgot about the so called doles but the debt for the loans and the interest accrued in their names. After some years, notice for loan recovery with interest was forwarded to the Kols. Some Kol women were promised doles if they got themselves sterilized. These also turned out to be loans and they began receiving recovery notices.

The Kol tribals live hand to mouth with meager savings. So in most cases, there was no question of paying back the loans and their only response was to run from pillar to post to plead against the injustice done to them. Their visits to offices cost them more money, apart from the loss of daily earnings. In some cases these people received threats that their land could be auctioned if they did not pay back the loan promptly. Their only stable means of livelihood was also threatened.

As a result of these loans, they are threatened with further improvement if their land is auctioned or other means of forcible loan recovery are adopted. Most of these victims of fraud in the name of development are the poorest of poor because according to rules, only those classified below the poverty line are qualified for these loans. After being listed below the poverty line, a poor household becomes more exposed to fraud. Some Kols who were released from bonded labor have also become victims of fraud. They may be pushed back into bondage.

The anti-poor implementation of pro-poor policies is a perverse and a unique feature of the Indian administration. Dr. N.C. Saxena, Secretary of the Planning Commission made a study some years back and pointed out how practically in every state many anti-poverty elimination or pro-poor programmes have been implemented in such a way that they are in effect anti-poor. For example, in Orissa, the policy was that the forest produce would be processed only by the State Forest Corporation. In the process, the tribals were deprived of their means of livelihood. Even when it was decided, they could be given forest produce like bamboo making them into baskets or other useful products which can be value added products which will bring them income was checked because of the monopoly enjoyed by the State Forest Corporation.

Another example of how laws originally enacted with certain objectives are finally implemented in such a way to totally defeat not only the objective but prove counter productive is the fate of the SICA - Sick Industries Companies Act - and the agency BIFR - Bureau of Industrial Finance Reconstruction - set up under SICA. In the 80s this

was enacted based on a similar law in Germany where if the capital of a company is wiped out then it becomes virtually the property of the creditors. But gradually in our country, SICA became an instrument by which the labor aristocracy can use it as an instrument to protect the employment of those who are employed even in loss making companies.

The first factor what comes in the way of effective implementation of policies is the failure of the system of checks and balances, which our constitution provides. The judiciary, executive and the legislature have their role to play. If the agencies, which are designed to play their respective roles do not function effectively, then we see the operation of the Aristotle principle. Aristotle said that the nature abhors a vacuum. Whenever any agency is not effective, other agencies get into their turf and thereby a new balance and equilibrium is established. For example, we have seen in the 50 years of independence, the bureaucracy gradually surrendering its normal function of implementing the policies and ensuring effective administration. When I joined IAS in 1960, I was told that the policies would be made by the political leadership and implementation was the responsibility of the bureaucracy. But in practice we find in many cases, there is a reversal of the roles. The political leadership in many places takes interest in the transfers and postings and the policy is given the go by. I have even been advocating that perhaps in this vacuum again as one more example of the Aristotle principle, the bureaucracy, in particular the IAS, must be able to make a positive contribution in the articulation of the policy options and also helping in the process of policy formulation.

The issue of political interference in administration has been raised by many as one of the reasons why implementation of policies do not take place. At one level even the implementation of government orders themselves many a time may affect one or other political interests and the issue becomes political. If only the civil servants were to remember what I call, the Vittal amendment to the Franklin principle, perhaps we may be able to resist political pressures and set up a new tradition. Benjamin Franklin said: "Nothing is more certain in life than death and taxes. For a civil servant, nothing is more certain than death, taxes, transfer and retirement". If the civil servants start internalising this policy then it will be possible to resist the political pressures and ensure that the policies are effectively implemented.

There can also be an argument that in a democracy, the decision-making finally is political. If this is so, how can one say that there is political interference at all? Is not the political leader within his rights to make his view known? For example, we have a rule generally in many government organizations that the public servant should not approach MLAs and MPs for redressal of his grievances. But I have also heard years ago when I was Director of Accounts and Treasuries in Gujarat, an MLA coming and telling me that she represented all people in her constituency including the government servants who happen to live in the constituency. How can she be prevented from taking up the grievance of the government servant concerned?

The politicisation of the bureaucracy is one of the important features of our administration today after nearly five decades of independence. In theory we have the British system of a permanent bureaucracy but what we have in practice is the spoil system of the American administration. In certain states, the issues relating to affirmative action, caste etc. have become so acute that perhaps officers also get branded even if they are neutral, as belonging to this or that group of political leaders. My own perception is that in any state cadre, there will be, at least about 20% of the officers who may not align themselves with any political party. Probably these become more valuable especially when the dominance of single parties is replaced by the emergence of number of political parties in the case of coalition politics. There could also be a view that because of the coalition politics, there is an uncertainty about the career prospects and the civil servants may align themselves with one or other party. In the long run all public servants retire if not die. So why not make hay when the sun shines? The relationship between the political leadership and bureaucracy therefore is a very important factor when it comes to implementation of policies and better governance.

In building this culture of inefficiency and non-implementation of policies, the role played by judiciary also needs to be taken note of. In his book 'Courts and their Judgments', Shri Arun Shourie has made certain incisive observations, which are worth noting. After discussing the judgment of the Supreme Court especially in the context of emergency and the ex-post changes in the electoral laws made by the Parliament during the emergency, he observes:

In a word, just as the Supreme Court was a legitimize of ex-post changes in electoral laws to overturn an electoral judgment against the ruler, just as it was a legitimize of cruel arbitrariness in ADM, Jabalpur, it became just as much a goad to, just as culpable a legitimize of the socialist rhetoric, of the tax regimes and other regulations whose consequences we rue to this day. As far as administration is concerned, the consequences have been two-fold, each fatal even by itself.

In practice, all those admonitions for ensuring "fairness", "non-discrimination", for eschewing "arbitrariness" have reinforced the tendency in the civil service to play safe. They have led the administration to tie itself firmly to rules of thumb. Pay increase? "Parity across the board." Promotions go strictly by years the man has put in - the consequence was put to me graphically by a person who has himself held senior positions in Government. "This is the only place in which by the sheer efflux of time an ass becomes a horse." Even when evidence is staring you in the face that the bidder will not be able to complete the contract within the artificially low rate he has quoted in his tender document, go by H1, L1 rules of thumb - lest someone take you to court, lest someone put the CBI on your tail.

Once again, the point is not that the judiciary has been solely responsible for bringing administration to this pass; courts have not interfered with allocations that the Planning Commission makes to the States for their Annual Plans; yet, more than 95 per cent of the amounts allocated each year are formula-based. The point is that the courts, instead of helping lift a weak political class out of the morass of mechanical rules, have contributed to pushing it deeper into the swamp.

Second, the courts have helped drive merit completely out of governance. By straining so much in favor of "equality", "fairness", "non-discrimination", courts, as much as our politicians and intellectuals, have helped make mediocrity - indeed, non-performance - the norm. Merit, excellence have become dirty words - words that prove that the interlocutor is an elitist, one who has no sympathy for the downtrodden, one who is bent upon perpetuating privilege and inequity.

The consequence of this denigration of merit and excellence, as of rights-mongering, the consequence of reducing administrators to regurgitating rules of thumb has been to paralyze governance, to induce

administrators to spend their days going through the motions of doing things rather than actually doing them.

Many a time the implementation especially of policies relating to maintenance of law and order lead to very bizarre consequences. In his book 'Courts and their Judgments' Shri Arun Shourie has drawn attention to this aspect.

Mr. Jagmohan, who saved the Valley for India at a critical time, was soon put in the dock. In Assam, the Army is repeatedly asked to step in as the negligence and worse of politicians give the terrorists the upper hand. The situation has but to be brought in hand, and that very Army is made the butt of condemnation by the politicians. A policeman in that state who is killed by the terrorists is soon forgotten, his family is packed off with a compensation of Rs.25,000, while the terrorists who have killed that very policeman are given a lakh each if they "surrender", they are given a Maruti each, they are assured jobs, they are allowed to retain their weapons.

And where our forces have defeated the terrorists most decisively, the Punjab, the situation is the worst. Mr. K.P.S. Gill, who rebuilt a shattered and infiltrated Punjab Police and who, by personal example as much as by anything else, led that force to defeat terrorism in Punjab and thereby saved Punjab for the country, is today beleaguered and set upon. The Punjab Police itself, rather the officers and men in that force who fought the terrorists, are just as much in the dock; almost 1500 cases and writs are being heard against them; about 50 of them are in jail or have been suspended from service - not because they have been convicted, but because investigations are yet to be completed and their trials are yet to begin; scores of them have to troop every other day offering explanations to courts where authorities scold them, and hurl pejoratives at them.

Do you remember the young officer who was gunned down in the stadium in Patiala when he was out for his morning run? What were these assassinations - "genuine encounters" as distinct from the "false encounters" in which terrorists are alleged to have been killed? But not one "human rights organization" talks of the killings of those officers. Not one "human rights organization" files a writ requesting the courts to direct the CBI to trace the murderers of these officers and men, and have been prosecuted. No court does in this regards what courts do so

routinely on other matters – that is, take cognizance of these killings suo moto.

But there is more than just double standards, much more than mere forgetfulness. There is a hankering to forget, an induced amnesia. When the country was faced with terrorism, so many were prepared to countenance anything anyone did: “Just get rid of them,” they said, “Do whatever you have to.” Now that the forces have made the place safe for us, they have erased from their minds every memory of the beast that they had clamored the forces vanquish. They have erased from their minds what these brave men have done for the country at the risk, nay the cost of their very lives.

There are several reasons for this induced amnesia. First of course is our addiction – to money, to goods and the rest; now that the danger has been pushed aside, we again have no time from our pursuits. Next, we exorcise memory of the sacrifices of these valiant men so that we may not have to do anything for them in return. Most of all, we erase their sacrifices and the risks they have borne so that we do not have to do anything comparable for the country. In fact, to ensure that we do not have to follow their example we convince ourselves that what they did was actually wrong, that it ought not to have been done. The writs and all, the readiness with which sections of the media and others believe everything that even the most questionable source puts out so long as it is against the persons who saved our country, the fact that we accept as normal a policy under which, while the family of the policeman who has been killed should get Rs.25,000, the ones who have killed him should get a lakh each – all this fits a pattern.

The paralysis in administration sometimes is also encouraged by the decisions of courts. When I was Additional Chief Secretary (Home) in Gujarat, one of the peculiar situations I faced was in the Nadiad Police Station. There were two SHOs, one who was considered to be pro-Muslim and one pro-Hindu in one police station. This came about because the government transferred one of SHOs and he went and got a stay. The government posted another person against the same post. As a result the whole discipline suffers and when discipline suffers, implementation becomes the first casualty. Shri Arun Shourie has also drawn attention in his book ‘Courts and their Judgments’ to this aspect.

Delays in courts, as well as the punctilious standards that the courts have laid down for natural justice, etc., for what is required in obedience to Articles 14 and 21 disable governments just as much. As is the case on matters we have encountered earlier, the courts are not the only ones that are responsible for the resultant torpor. They are not even primarily responsible. The Executive is. But I do wonder whether judges today are even aware of what the cumulative effects of their progressive rulings has been on the functioning of the governmental apparatus - there is just one word that describes it precisely paralysis. That cases in which governments get entangled take as long as the generality of cases is just a part of the problem. Over the years judgments have added one requirement after another that must be fulfilled while doing something. Each requirement can be justified in itself, I have little doubt. But the cumulative result has to be lived to be realized. Nor has the result come about only from specific criteria that the courts have prescribed. The general tenor of rulings, and their tilt have helped create an environment in which it is safer to pass files around than to take a decision, in which it is prudent to go through the motions of doing things than to actually do them. It is almost impossible to describe how palsied the structure has become. Only when one is thrown into the process does one realize the state to which affairs have fallen.

The Central Administrative Tribunal and its Benches were meant to be a substitute for the courts. Appeals from their decisions were to lie only to the Supreme Court. They were not to be bound by the Code of Civil Procedure; they were to be guided by the general principles of natural justice. The idea was that government servants and governments would swiftly settle the matter, that both would shun lawyers and legalistic stratagems and dodges: the petitioner was given the freedom to appear in person, governments were given freedom to be represented by officers rather than legal counsel. The Tribunals were specifically given the authority to decline requests for that plague of Indian courts - adjournments. The cases were to be settled within six months.

Step by step the Tribunals have become clones of courts. In L. Chandra Kumar, the Supreme Court declared that, the specific provision of the law notwithstanding, appeals against rulings of Tribunals would be heard by High Courts. Adjournments have become the order of the day. Both governments and employees routinely engage legal counsel. The counsel proceed as is their wont... The Committee on Service Litigation reported, "Apart from delay that generally occurs in the Ministry and

Department in filing counter-reply to the applications filed by the government employees in the Central Administrative Tribunal, to a great extent the delay is attributable to the inefficiency of the Government Counsels. It is found that they do not take enough interest in handling Government cases. The Ministries and Departments have generally to pursue the matters vigorously with the Government Counsels to ensure timely filing of the replies, etc., in the court and the Counsels on their part in most cases are largely incommunicative...". The familiar tale. Step after familiar step. Each contributing his accustomed bit. The familiar denouement....

It will be wrong to consider the entire Indian administration as action shy or not accountable because there have been exceptional officers who have performed under very difficult conditions. Even if we take a macro view of the Indian bureaucracy we will find that it met the massive challenge of rehabilitation of the large mass of refugees arising after the partition in 1947. It was able to handle the daunting refugee problem when 10 million refugees from Bangladesh rushed to India on the eve of the Bangladesh war and emergence of Bangladesh as a separate country. In many states we find that when it comes to an emergency, the administration rises to the occasion. One classic example repeatedly demonstrated is the conducting of general elections all over the country. There are natural calamities like flood or earthquake or cyclone or scarcity and administrations at least in some states have risen to the occasion and handled the situation effectively.

The reason why the administration performs during a crisis is because the objectives are clear and there is a general awareness that the results are more important than procedures. It is quite possible that this is also misused for indulging in massive cases of corruption, which are later highlighted in the audit reports of the CAG. Nevertheless, the fact remains that if the objectives are clear and there is a general awareness about the broad approach to be adopted, which is result oriented, the bureaucracy and the administration will perform.

We may now explore what is the dynamics of accountability in administration and how we can improve on the present system where apparently there is very poor accountability. Accountability depends on three elements. The first is the individual public servant's sense of duty and commitment to work. Last year, when on the Republic Day, there was an earthquake in Gujarat, I was told that there were many officials whose

families were killed and whose houses were also damaged but who still reported to duty to see to it that the relief work was carried out effectively. This perhaps is the highest example of accountability and devotion to duty in a crisis. This sense of individual commitment perhaps comes only from one's own background, religious beliefs, family traditions, teachers and so on.

We then come to the question of whether the sense of accountability can be inducted in a public servant in the course of his career. All of us are influenced, especially in our early days, by our colleagues and superiors. I had a Chief Secretary, Shri V. Iswaran, ICS who used to say when there was a debate about where the IAS officers in the training should be posted: "There was no need to make any selection of the collector under whom an IAS probationer must be posted at all. If the officer is posted under a Collector who is bad, he will learn to avoid his mistakes after watching him. If he is fortunate to be posted under a good Collector, he will learn the good things". Perhaps this was a very cynical way of approaching the whole issue of the inculcation of values in individual.

In the context of the Alagh Committee, appointed to look into the recruitment to the civil services by the UPSC, I explored the issue of how we develop and absorb our values in our official life. In my own case, I think, two officers have impressed me and influenced my style of working. One is Shri L.P. Singh, ICS who was Home Secretary in the Govt. of India and from whom I learnt the thorough sense of discipline, the capacity to intellectually analyze every issue and articulate the whole process of decision making. The second officer who impressed me was a total contrast to Shri L.P. Singh. He was Shri L.R. Dalal, ICS who was the Chief Secretary for many years in the Govt. of Gujarat. Shri Dalal was a man for action. He wanted every thing to be done yesterday. From him, I think, I learnt the capacity for speed in decision-making and above all, execution. There were other officers who have probably influenced me to a lesser extent. Among them I recall Shri S M Ghosh, IAS for his elegant English, Shri Coelho for his commitment and dedication to work on hand and Shri M Sivaraman for thoroughness in file work. I am mentioning this only to show that accountability as an individual characteristic can be inculcated but this will mean that there must be role models in the civil service.

The second element in accountability would be what would be equivalent to the social values. There should be a code of conduct and particularly service associations must be able to inculcate the values for a particular service. When I joined IAS, it was difficult to believe that a direct recruit IAS officer could ever be corrupt. But today I will not be surprised if even 25 to 30 percent are corrupt. The values have changed.

The Uttar Pradesh IAS Officers' Association's effort to identify the corrupt among them was, I think, a step in the right direction. But it ultimately got trapped into caste politics and other factors. The effort made to identify the corrupt and shame them into honesty was rendered in- fructuous. Even though today, in our present system many service associations may not have this role to play, it may be worth making an effort. I understand, so far as the French Police are concerned, if there are any corrupt officers among them, they are socially ostracized.

The third factor affecting accountability in administration is the system. Accountability ultimately depends on whether a system meets our effective punishment to those who are failing in their duty and those who are held responsible for non-performance or mis-performance.

This simple principle of accountability is many a time difficult to enforce because of the insidious application of Parkinson's Law in government organisation. There is a continuous expansion of the number of people in an organisation and naturally the work gets divided. When the work gets divided, it becomes difficult to fix responsibility. Especially in matters, for example, like bank frauds, we will have to consider a whole lot of people from the lowest to the highest when things go wrong. The CBI all the time tries to fix up the possibility of invoking Section 120 of the IPC relating to conspiracy. The experience of the Public Accounts Committee on the other hand shows that when the CAG points out the mistakes and lack of financial propriety, the tendency is always to fix the responsibility at the lowest possible level. The red tape which consequently follows as a result of Parkinson's law also delays the whole decision making process especially relating to punishment and acts as some sort of a cushion promoting a sense of non accountability.

Some provisions that have been introduced in the Constitution with best of intentions led to totally unexpected counter productive negative results. For example, the permanent civil service has been given the assurance under Article 311, which reads as follows:

(1) No person who is a member of a civil service of the Union or an all-India service or a civil service of a State or holds a civil post under the Union or a State shall be dismissed or removed by an authority subordinate to that by which he was appointed.

(2) No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a responsible opportunity of being heard in respect of those charges:

Provided further that this clause shall not apply - to impose upon him any such penalty, such penalty may be imposed on the basis of the evidence adduced during such inquiry and it shall not be necessary to give such person any opportunity of making representation on the penalty proposed:

Provided further that this clause shall not apply -

(a) where a person is dismissed or removed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or (b) where the authority empowered to dismiss or remove a person or to reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to hold such inquiry; or (c) where the President or the Governor, as the case may be, is satisfied that in the interest of the security of the State it is not expedient to hold such inquiry.

(3) If, in respect of any such person as aforesaid, a question arises whether it is reasonably practicable to hold such inquiry as is referred to in clause (2), the decision thereon of the authority empowered to dismiss or remove such person or to reduce him in rank shall be final.

Is it necessary to have this level of protection for the bureaucracy? There is a perception that it is this level of protection which breeds corruption in the bureaucracy and indirectly helps political corruption.

Accountability can be induced if there is a fair assessment of performance and performance, which is outstanding is rewarded and the performance, which is below par is punished. But Annual Confidential

Report writing in government has again become a casualty of the culture of paralysis. Further, well-intended policies introduced to encourage affirmative action to strengthen weaker sections have had their impact on the ACRs also. If any reporting officer gives an adverse remark in the confidential report of a public servant more than the public servant reported upon, it is the reporting officer who has to face the consequences. At least, I know of a case where an engineer belonging to a particular community made a false TA claim and when the senior took action, the matter went right up to the SC/ST Commission with the result that the senior officer was asked to pay a fine of thousand rupees.

Another reason why the sense of accountability does not prevail in our government systems is what I would call the operation of the Sisyphus syndrome.

Sisyphus in Greek mythology was given a special punishment. The punishment was that he must push a rock up the hill and by the time the rock reaches the top of the hill, it will slide down to the floor and the process has to be repeated once again. This will go on endlessly. When we look at the various projects, particularly the infrastructure projects implemented by the various departments of the Government of India and its organizations, I wonder whether our Indian administration is suffering from the Sisyphus syndrome. There are many infrastructure projects where we find the initial cost was say of Rs.200 crores but ultimately it balloons up to Rs.900 crores. This is because the project once started goes through a process of initial scrutiny, and clearances at the various stages. At a certain stage the clock is set back. Many a time this is the result of vested interests and corruption. Sometimes there is a change in the officers and the political leadership, which gives full justification for starting the process all over again. At the end of the whole exercise the project is not implemented at all or implemented with a tremendous cost overrun and time overrun. It becomes very difficult to fix responsibility in such cases about who was responsible for the time and cost over runs. This is because the files would have justified reopening of the issue again and again.

A classic example is the Enron project. It was finalized at one stage. There was widespread criticism. There was a change of government and the project got a new avatar with a higher cost. The net result was the project resulted in an embarrassingly high cost of power. The unusual aspect of this case was that ultimately the main company Enron itself

went bankrupt. Take another example. This is the Tehri Hydroelectric Project. The initial cost was 460.67 crore. After various revisions, the final cost was 898.45 crore. A look at the reports of the Ministry of Programme Implementation will give a lot more examples of such projects with time and cost overruns.

It should be possible to overcome this problem of cost and time overruns by laying down some simple principles so that the Sisyphus syndrome does not become a convenient excuse for corruption to flourish. The time and cost overruns meticulously documented by the Ministry of Programme Implementation and published regularly do not become a mere meaningless ritual.

The Central Vigilance Commission, for example, issued an order in November 1998 that in government procurement once the financial bids have been opened, there would be no negotiations except with the lowest bidder. Similarly, if the government was disposing of property, the negotiations will have to be with the highest bidder. This has brought a certain degree of discipline and the general impression is that the scope of corruption is reduced. Honest officers also feel that political pressure on them in procurement cases has eased significantly. I do not know whether corruption is still taking place. After all, as Oscar Wilde said, "The thief is an artist, the policeman is only a critic". The CVC is only a policeman.

Applying the same concept to the clearance and implementation of projects can help to bring a discipline. Once a project is taken up and proceeds through different stages of clearances, the clock must not be set back. If it is found that the project has become irrelevant or too costly to be implemented, the whole project may be dropped. The present method of having a continuous exercise by going back to the zero point results in enormous cost overruns in many projects and simultaneously it becomes difficult for fixing responsibility because nobody is responsible. In fact, behind many of these reviews of the projects leading to going back to the zero point, there may be vested interests either in bureaucracy or in the political leadership.

This will mean that an exercise must be made into the present system of decision making in planning and implementing projects. The process of decision making in government is more diffusing and time consuming than in the private sector. It will be desirable to lay down the

various stages and set time limits. Of course, time limits can be easily overcome by clever bureaucrats by raising queries. To overcome this, a system of meetings must be introduced where there will be (a) Not more than two meeting at the end of which a clear decision is taken (b) There will be no elaborate ping-ponging of files but decision recorded with clear reasons. A 'Rubicon' point for each project must be fixed. Once that point is crossed, there must be no going back. The rock must not roll down to the bottom. All the standard reasons for escalation review can be gone into and guarded against.

One of the recurring reasons given by the foreign investors about their reluctance to invest in India is the delay in the decision making process in India. One reason for the delay could be universal application of the Parkinson's Law of the ever bloating bureaucracy. Perhaps a special reason for India is the Sisyphus syndrome

It is high time that the Indian administration comes out of the Sisyphus syndrome. A simple drill like not setting the clock back in the case of projects can be a useful first step out of the Sisyphus syndrome.

The harm caused by affirmative policies and judicial decisions has been eloquently brought out by Shri Arun Shourie above. I wonder to what extent the audit system we have also emerges as a reason for non accountability. The CAG looks at the issue from the point of view of financial propriety. In my own career of now more than 41 years, I have been fortunate. One principle I have followed is to record reasons why a particular decision is taken even if it is slightly not as per the rules. This is because by the time audit comes to examine the case, it is already too late. As the current controversy about the coffin scam shows, people may challenge the assumptions of the CAG. In a way therefore while an agency like the CAG may exist to ensure accountability, the very process may be leading to a culture by which people may not take decisions at the appropriate time and to that extent harm the implementation of programmes and policies. I am not condemning the audit function but I am raising this issue in the context of accountability as to how the audit function can be fine tuned so that while the audit will accept the right thing done, it will not lay a disproportionate emphasis on doing the thing rightly so as to discourage decision-making. The same focus on getting the thing done rightly than doing the right things may also be visible in some of the judicial decisions. For example in the Hawala case a person who confessed voluntarily that he took Rs.3 lakh bribe was discharged by

the court because the standard of proof needed was beyond reasonable doubt. Perhaps telling voluntarily on TV that one took money is not adequate for convincing reasonable people.

I have so far highlighted the reasons why accountability may be difficult in our system and how there are so many bottlenecks in the way of accountability. In fact the greatest factor that comes against accountability in administration is corruption. We have seen earlier how programmes, which are implemented for the poor, can be implemented in a totally counterproductive way as was done in Uttar Pradesh.

So far as checking corruption in the bureaucracy is concerned, the CVC is following a three-point strategy. The first is simplification of rules and procedures so that the scope for corruption is reduced. The second is transparency and empowering the public and the third is effective punishment. As judicial process are taking enormous time, the CVC scope of work and focus is on departmental action where innovative use of information technology has helped.

Ultimately the best positive action that we can take is to simplify rules and procedures and also use extensively information technology so that the process is transparent and therefore responsibility fixing becomes easier. In fact in the business and corporate sector, these days the buzzword is corporate governance. After all what is the essence of corporate governance? It is transparency, because transparency will lead to accountability and accountability is measured in terms of fulfilling the expectations of shareholders and stakeholders. The same logic mutatis mutandis can apply to accountability in administration.

(Source: Talk delivered at IIPA on 12.02.2002, New Delhi)

By Sri. N. Vittal, Central Vigilance Commissioner)

EXERCISE ON GOOD GOVERNANCE

DEFINING GOOD GOVERNANCE

1. Political Accountability
2. Participation by various social, economic, cultural and professional groups in governance
3. Rule of Law
4. Bureaucratic Accountability with systems to monitor and control performance of Government officials in relation to quality of service and abuse of discretionary power
5. Openness and Transparency in Administration
6. Freedom of Information. Independent Analysis of Information by professional bodies, university and civil society institutions
7. Value for Money and Cost Effectiveness
8. Cooperation between the Government/ and Civil Society Organizations

ACCOUNTABILITY MECHANISMS FOR GOOD GOVERNANCE

1. Public Dissemination of Audit and Legislative reviews
2. Public participation in budget and policymaking
3. Public feedback on policies
4. Independent review by outside agencies
5. Developing service delivery quality, standards and effective complaints redressal
6. User surveys
7. Public participation in projects

TRANSPARENCY MECHANISMS FOR GOOD GOVERNANCE

1. Public Hearings
2. Representation to the Public & Voluntary organizations
3. Right to information
4. **Citizens' charter**
5. Information sharing

MACRO LEVEL INSTRUMENTS FOR GOOD GOVERNANCE

A. Traditional

1. Audit and legislative review
2. Elections
3. Public interest legislation

B. Current thinking

1. **Citizens charter**
2. Right to information
3. Down sizing or Right sizing of bureaucracy
4. Public freedom
5. Regulatory agencies
6. External review
7. Participation in budgetary policy making
8. Public grievance redressal
9. Ombudsman

➤ **MICRO LEVEL TOOLS FOR GOOD GOVERNANCE**

➤ Exit options

- De Regulations
- Franchising
- Contracting to several private providers
- Annual performance reports for Government made known to public
- **FIXING PERFORMANCE INDICATORS**
- Public hearing

➤ **NEW DIMENSIONS OF PUBLIC ACCOUNTABILITY**

- Involving people in the design, delivery and assessment of public services
- Think of people as customers than as beneficiaries
- Educate public on accountability mechanisms
- Involvement of public in budgetary policy making

STRENGTHENING PUBLIC ACCOUNTABILITY

- Better internal controls
- Supervision
- Well informed public opinion
- Enabling legislation that requires specification of standards of service
- Empowering non governmental organizations
- Training of public servants
- Downsizing or Rightsizing of government workforce

GOOD GOVERNANCE FOR CONTRIBUTING TO *PERFORMANCE ENHANCEMENT IN GOVERNMENT*

- OBJECTIVES: To guide and coordinate the governance reform activities and to support implementation of reform & change management to achieve government goals and policy priorities. They are:
 - Translate Government goals and policy priorities in to tangible reform actions in the areas of governance.
 - Identify core issues and areas for change, which will make the most impact in improving the performance of government, and enable it to respond better to the needs of citizens.
 - Work with government functionaries and stakeholders to analyze key issues in governance, identify solutions, to plan actions and to support implementation of Administrative Reform.
 - Identify and codify best practice in administrative reform and to support wider implementation

**LIKELY SHIFTS IN GOVERNMENT
ORGANISATIONS**

PRESENT

FUTURE

AUTHORITY

• POSITION, STATUS OR RANK

PERSONAL EXPERTISE
OR RELATIONSHIPS

ORIENTATION

• REPEATITION, SEEKING
SEEKING EFFICIENCY
INNOVATION

CREATION,

FOCUS

• RULES, PROCEDURES

RESULTS

• REWARDING ADHERENCE
OUTCOMES

REWARDING

ROLES

• SPECIFIC, STABLE

• OPEN, CHANGING

INFORMATION

• STRUCTURE-DESIGNED
TO CHANNEL & RESTRICT

OPPORTUNITY TO
EXPAND THROUGH
INFORMATION
AND
COMMUNICATION

MANAGEMENT FUNCTION

• CONTROL

INFLUENCE.

- **FUTURE**

- EXPECTATIONS HIGH
- DIFFICULT FINANCIAL POSITION?
- NEED TO ACCELERATE REFORMS
- MOBILISE CIVIL SERVICES TO MEET THE CHALLENGES

TASKS:

All the participants are requested to go through the illustrative list of Accountability mechanisms, Transparency mechanisms, the Micro level instruments & tools, the new dimensions of public accountability etc., for good governance. In addition the other aspects covered may also be gone through. The objectives of good governance mentioned above may please be analysed with reference to the various dimensions of reform initiatives and to indicate what is expected from us, where do we stand and how do we intend to bridge the gap on the following areas, with specific reference to the participant's field of activity:

I. **Translate Government goals and policy priorities in to tangible reform actions in the areas of governance.** Indicate the suggestive actions that could be initiated in this regard:

II. **Identify core issues and areas for change, which will make the most impact in improving the performance of government and enable it to respond better to the needs of citizens.** List some of the core issues and areas and the methodology to identify:

III. Work with government functionaries and stake holders to analyze key issues in governance, identify solutions, to plan actions and to support implementation of Administrative Reform. **You may please identify some of the key issues, solutions and suggestive plan of action.**

IV. Identify and codify best practice in administrative reform and to support wider implementation. **Please indicate how this task could be facilitated for achieving good governance**

- Analyze the above responses individually and share your findings with other group members. Pick-up one area of “Good Governance” and complete the exercise as per the following proforma:

- | | |
|---|---|
| <ul style="list-style-type: none"> ○ Goal (impacts) -----
widespread ○ Outcomes -----
of ○ Outputs ----- ○ Activities ----- ○ Inputs ----- | <ul style="list-style-type: none"> Long-term,
improvement in
society (end
outcomes) Intermediate effects Outputs on clients
(intermediate outcomes) Products and services
Produced Tasks personnel undertake
To transform inputs to
Outputs Financial, human and
Material resources |
|---|---|

GOOD GOVERNANCE-ACTION PLAN
FOR EFFECTIVE AND RESPONSIVE GOVERNMENT

WORKBOOK

INSTRUCTIONS:

Good Governance results from the conscious efforts of the persons responsible for achieving it and in taking up appropriate programmes that would bring transparency, accountability and citizen friendliness in to the daily work situations.

Knowledge about Good Governance is not enough. The components of Good Governance have to be converted in to an action agenda and clear time schedules drawn for complementing them. There are several specific programmes that the participants can take-up themselves in their job by choosing **any** or **all** items listed in this workbook under the three basic ingredients of Good Governance namely: **TRANSPARENCY-ACCOUNTABILITY-CITIZEN FRIENDLINESS.**

After selecting the programme the participants are required to make a detailed plan on how the programme will be implemented by them and at the end of the implementation plan they may please mention the time frame within which the programme will be completed.

GOOD GOVERNANCE IS

TRANSPARENCY +ACCOUNTABILITY+CITIZEN
RIENDLINESS

TRANSPARENCY:

- SIMPLE & TRANSPARENT PROCEDURES
- PUBLIC AUDIT / SOCIAL AUDIT

- PUBLIC HEARINGS
- INFORMATION SHARING
- RIGHT TO INFORMATION ACT
- AVOIDING DISCRETIONARY POWERS
- PROCEDURES OPEN TO PUBLIC INSPECTION & REVISION
- PUBLISHED INFORMATION ON HOW THE DEPARTMENT WORKS
- CREDIBILITY BUILDING

ACCOUNTABILITY:

- CIVIL SERVANTS ARE ACCOUNTABLE FOR FAILURE TO DELIVER OR MISUSE OF POWER
- ACCOUNTABLE TO THE CITIZEN'S FOR THE QUALITY, COST OF THE GOODS & SERVICES THEY DELIVER

- COST EFFECTIVENESS / VALUE FOR MONEY
- PERFORMANCE REVIEW / GRADING
- REWARD & PUNISHMENT SYSTEMS
- COST OF EMPLOYEE VS BENEFITS TO THE CITIZEN
- INNOVATIVE APPROACH TO BUDGET
- DIFFERENCE BETWEEN OUTPUTS & OUTCOMES
 - OUTPUT = SERVICE PRODUCED
 - OUTCOME = SUCCESS ACHIEVED IN GOALS
- EFFICIENCY IN THE USE OF RESOURCES
- CONVERT DEPARTMENTS CONCERNED WITH SERVICE DELIVERY INTO CORPORATIONS
- FINANCIAL INFORMATION REPORTING SYSTEMS TO REFLECT ACCOUNTABILITY
- INVOLVEMENT OF STAKEHOLDERS
- PUBLIC ACCOUNTABILITY ACT

CITIZEN FRIENDLY GOVERNANCE:

- GETTING CONNECTED & STAYING CONNECTED
- OPEN A DIALOGUE WITH CITIZEN'S THRU - SURVEY
 - TELEPHONE
 - DIAL YOUR MANAGER

PROGRAM

..FEEDBACK CARDS

- PERIODICAL MEETINGS WITH STAKEHOLDERS**
- PRESENTATIONS OF ANNUAL PERFORMANCE REPORTS**
- WORKSHOPS / CONFERENCES**
- CITIZEN ADVISORY PANELS / CONSULTATIVE COUNCILS**
- STAKEHOLDER MELA**
- PRO-ACTIVE LISTENING**
- CITIZEN FRIENDLY COMMUNICATION - EMAILS / WEBSITES**
- MAINTAIN A LIST OF ADDRESSES OF STAKEHOLDERS WITH PHONE / EMAIL**
- MEETING PARTICULAR NEEDS OF THE AGED, WOMEN & CHILDREN**

GRIEVANCE REDDRESS AND CITIZENS CHARTER - AN OVERVIEW

Grievance handling is a very important and sensitive area of the Government's work profile. It is, nonetheless, an area that is, at best, taken for granted and, at worst, grossly neglected by the service providers, as it does not fall into the category of "urgent" matters. Its importance is very often not appreciated by those who ought to recognize the value of grievances in order to develop a diagnosis of what ails a Government Ministry/department/agency. There is, perhaps, reasonable justification for this perception of the grievance handling mechanism

among the citizens at large. Every grievance points to a missed pulse beat somewhere in the organization, and when grievance prone areas are identified and analyzed, it can frequently prevent "cardiac arrest" or avoid a "moment of truth" for the organization. One does not have to await Public Interest Litigations and contempt proceedings in a Court of Law before addressing grievances and grievance prone areas.

There are specific factors that make for a sound complaints handling system. It should ideally be:

- **Accessible, simple, quick, fair, respect confidentiality, responsive, effective, accountable and provide feedback to management for systemic reform**

The mechanism for grievance handling and its redress in the Government of India attempts to cover all these parameters through a set of guidelines issued by the nodal agency for policy formulation on grievance handling, namely, the Department of Administrative Reforms and Public Grievances (DARPG).

Accessibility: Grievance handling is decentralized and each Ministry/ Department/agency settles grievances independently. There is a provision for accessibility of publicly notified Grievance Officers to meet the aggrieved persons at specified times and/or on specified days of the week. Telephone numbers, contact addresses etc. of the Grievance Officers are widely publicized. Complaint boxes are placed at or near the reception desks. Information and Facilitation Counters (IFCs) have been set up by the organizations with a large public interface.

Simplicity: The streamlining of complaints handling is essential and, though an outline of the Government's requirements to assess a grievance is publicized, no strict proforma for application is laid down. Nodal agencies, like the DARPG, the Department of Pensions and Pensioners' Welfare (DP&PW) and the Directorate of Public Grievances (DPG) in the Cabinet Secretariat, facilitate the setting up of grievance mechanisms by Government bodies and monitor the movement and disposal of individual grievances on a selective basis.

Speed: Time limits have to be fixed and notified for grievance handling and final disposal by each organization. The DARPG has recommended 15 days for acknowledgement and three months for interim reply/final disposal and reply.

Fairness: This is not as easy as it sounds, as it requires balancing fairness towards the complainant with fairness towards the organisation and/or the individual complained against. Perceptions of fairness can vary, sometimes even in the face of true impartiality. Transparency on the part of the decision making and implementing authority goes a long way towards ensuring fairness.

Confidentiality: This needs to be maintained in all cases, particularly in matters such as dispute settlement in land/revenue or police cases etc. With the increasing use of information technology, provisions for maintaining confidentiality are being built into grievance software too.

Responsiveness: A reply to any grievance must cover all points raised, and not address the grievance partially. Moreover, if an application is rejected, the reasons for such rejection must be made explicit. If there is any follow up action, it must be pursued. This is not to say that such consideration is to be given to frivolous or fictitious complaints, or to those which are persistently repeated, despite a well argued final reply having been sent.

Effectiveness: In order to be effective, the grievance redress mechanism should provide specific remedies. Remedies vary, from compensations and refunds to repairs and replacements, from giving requisite information to tendering an apology etc. The concept of providing remedies requires a paradigm shift from an inherently defensive stance to one which is based on reaching out with goodwill to the aggrieved person. It also requires a degree of sensitive handling and can differ from case to case. Remedies also work towards ensuring both organizational and individual accountability.

Accountability: An accountable grievance handling system is open to scrutiny by clients, government and agency staff. Agencies can make their grievance redress mechanism more accountable by publishing

information on the system and service delivery standards, and reporting on the outcomes of complaints and citizen satisfaction levels in annual reports and other public documents.

Feedback for Systemic Reform: Grievances are an indicator of the agency's health and require regular trend analysis. For this purpose, a monitoring mechanism is prescribed in each Government organization and monitoring and evaluation is undertaken, from time to time, by the nodal agencies too. Recommendations for systemic changes are made on the basis of such analysis and lead to simplification/ improvement of procedures.

Prevention being decidedly better than cure, it was decided to make the exercise of service delivery and grievance handling a proactive one by adopting the concept of the Citizen's Charter initiated in UK in 1991. This was endorsed in 1998 and renamed Service First. The Service First Unit in the Cabinet Office in UK coordinates and monitors the implementation of the various national and local Charters in UK and issues the Charter Mark Award to service providers for excellence in performance. The Charter, wherever it has been adopted (for instance UK, Canada, Malaysia etc.), continues to remain a non-justifiable document embodying the trust between the service provider and its user and it has proved to be an effective vehicle for information dissemination, indicating service delivery commitments and grievance redress mechanisms.

The word "citizen", as used in the Charters, is a generic term to indicate all the stakeholders to whom a service is available. It does not mean the public at large. The Citizen's Charter, therefore, addresses its commitments directly to its users, stating standards of service, imparting information, providing a channel for grievance redress and an avenue for user evaluation and feedback. In the Indian adaptation of the Charter concept, the obligations of the users, if any, have also been added, because awareness building is a two-way street. On the one hand, there is the need to sensitize the service provider and, on the other, it is necessary to create a climate of civic and social responsibility among "citizens", not merely "consumers" or "customers".

There could be National and State level Charters, which are in effect the parent Charters, with local/agency Charters at the cutting edge. This could evolve in such cases as the Charters for the users of the Railways, Telephones, Post etc. In some cases the concerned nodal Central Ministry may prepare a model Charter, which can then be adapted with local variations for individual agencies, such as hospitals, public distribution systems, educational institutions, etc. These can be fine-tuned according to actual services delivered and local conditions. Further, at every annual review, more services or more stringent standards of services can be added. So far, 61 Charters have been formulated by the Central Government agencies. Similarly, over 100 Charters have been issued by various States and Union Territories. These are at different stages of implementation.

Implementation of the Charters by the respective organisations is a major task, covering vast distances and manpower. It, therefore, needs a monumental and sustained effort at training, orientation, publicity and awareness building, as well as regular and honest evaluation, to transform the Charter from a significant piece of paper into an instrument for changing long-entrenched values and mind-set. Creating a platform of interests between the service provider and its users is the first step, balancing the strengths and constraints of the former against the reasonable expectations of the latter are the next. The success of each Charter depends largely on the accuracy with which that platform of common interests is targeted, thereby endowing credibility on the service provider and creating confidence in the user.

(Source: BY B B TANDON, GOI website)

TOTAL QUALITY MANAGEMENT

The various initiatives taken so far have to be put in a proper perspective in order to accelerate the process and make the reforms sustainable. In the light of the experience of countries like the UK, the USA, Malaysia, Canada, New Zealand and Australia in introducing total quality management practices in Government, it would be in the fitness of things to start an initiative for Capacity Building for Quality government in India. Administrative reforms are about problem solving and TQM is a holistic approach to problem solving. It propounds that; in the first place, the Chief Executive of the organization must lead the problem solving initiative. In order to find the root cause of the problem we have to look at the processes rather than functional areas. Moreover, the

improvement initiative has to be a continuous exercise rather than in spurts and drives. Certain other components of TQM approach are: customer focus, stakeholder involvement, empowerment of employees, teamwork, data-driven decision making, benchmarking of best practices, etc. This approach would help improve the organizations in their entirety and would, therefore, be especially useful in revitalizing existing organization by bringing about change in attitudes of employees and work culture in the organizations through awareness building and training. It would thus help upgrade the process of reforms.

Strategy: There is need to focus attention more closely on the implementation of Citizens' Charters and speed up the process of e-governance, especially at the cutting edge level. The over-arching TQM approach will help bring about necessary attitudinal changes to develop model offices at the Government-Citizen interface. The enforcement of Citizens' Charters would ensure accountability, the use of e-governance supported by the legislation on Freedom of Information would provide for transparency and speed in service delivery and the TQM approach will put a human face on the functioning of the Government. Through these initiatives the satisfaction of the citizens with the functioning of the Government is expected to increase.

To deepen the agenda of e-governance, the new initiatives of Citizen Service Centers, National Institute of Smart Governance and Capacity Building for IT Management would be carried forward. The details of these are as indicated below:

(i) Citizen Service Centers: The crux of e-governance is in its citizen interface. The Department of Telecommunications has set up Customer Service Centers. The Central Passport Organization of the Ministry of External Affairs proposes to set up franchise centers for collection of applications. The proposal will involve setting up of multi-utility centers of Central and State Governments to provide certain value-added services to the citizens through one-stop shops (OSS). As regards the Central Government, the services such as payment of telephone bills, making applications for telephone connections, filing income tax returns, submitting passport applications, making airlines and railway booking, buying postal stationery etc. could be provided by these OSSs. As far as the States are concerned, the services such as payment of electricity and water bills, obtaining birth, nativity etc. certificates, supply of ration card, issue of driving licenses, filing of FIR etc. could be provided by these centers. A pilot project of this nature (TWINS) has

been set up in Hyderabad by the Government of Andhra Pradesh. Some other States have also started similar initiatives. The Central Government can support similar initiatives on a pilot basis in selected States.

(ii) **National Institute of Smart Governance**: As part of the recommendations of the Task Force on Information Technology and Software Development, the Ministry of Personnel, Public Grievances and Pensions is entrusted with the task of setting up of a National Institute of Smart Governance. The Institute would attempt to raise societal awareness of and capability in smart governance by promoting policies and practices which reinforce 'hassle free' environment for the citizens. It would develop high impact e-governance applications in problem areas in delivery of citizen services for the Central and State Governments. It would be the focal referral site for any information on solutions, benchmarks and best practices within the country and outside.

(iii) **Capacity Building for IT Management**: As information technology gradually permeates the working of the Central Government, need is being felt for capacity building for decentralized decision-making with regard to IT issues in various Ministries and Departments. Moreover, a large work force also needs to be trained in the use of computers etc. For this purpose, in addition to appointing IT Managers/Officers in individual departments/organizations, on the lines of the Grievances Officers, Vigilance Officers etc. , there is need for taking certain steps for capacity building in these and other personnel. Thus, short term and long term training programmes in IT Management may be developed for IT managers as well as Secretaries of IT in State Governments. Departmental IT Manuals would also, be developed. Learning Centers may be set up in various Ministries and Departments to provide opportunities for self education.

The initiative regarding strengthening of Public Grievance Redress Mechanism would be focused by merging the multiple agencies handling them into the institution of a Central Grievance Commission (Ombudsman) and empowering it to deal effectively with citizens' grievances.

The over-arching TQM in Government initiative would included development of a Charter Mark for Citizens' Charters and a public service excellence model, developing a system for evaluating the level of maturity of Central Government organizations in dealing with Public grievances, benchmarking of best practices, and facilitating certain selected Central

and State Government organizations for developing and implementing TQM action plans. For this purpose, activities in the nature of awareness generation, capacity building, survey and documentation etc. would be organized. It is, proposed to promote this approach selectively in a few willing organizations on an experimental basis.

GUIDELINES ON PUBLIC GRIEVANCES MACHINERY

The Department has issued the following important guidelines to all Ministries/Departments of the Central Government for handling grievance redress.

The internal grievance redress machinery in every ministry/department /office should be strengthened in order to make the administration more responsive to the needs of the people. In order to achieve this, they are required to:

- Observe every Wednesday as a meeting-less day in the Central Secretariat Offices when all the officers above a specified level should be available their desks from 1000 hrs. to 1300 hrs to receive and hear public grievances. Field level offices having contact with the public have also to declare one day in the week as a meeting-less day.
- Designate a senior officer as Director of Grievances/Grievance officer in every office including autonomous bodies and public sector undertakings under them.
- Deal with every grievance in a fair, objective and just manner.
- Analyse public grievances received to help identification of the problem areas in which modifications of policies and procedures could be undertaken with a view to making the delivery of services easier and more expeditious.
- Issue booklets /pamphlets about the schemes /services available to the public indicating the procedure and manner in which these can be availed and the right authority to be contacted for service as also the grievance redress authority.
- Pick up grievances appearing in newspaper columns, which relate to them and take remedial action on them in a time bound manner.

- Strengthen the machinery for redress of public grievance through, strictly observing meeting-less day on every Wednesday, displaying name designation, room number, telephone number etc. of Director of grievances at the reception and other convenient places, placing locked complaint box at reception, and giving more publicity about the grievance redress machinery, etc.
- Set up staff Grievance Machinery and designate a Staff Grievance Officer.
- Include the public grievances work and receipt/disposal statistics relating to redress of public grievances in the Annual Action Plan and Annual Administrative Report of Ministries/Departments.
- Fix time limit for disposal of work relating to public grievances and Staff Grievances and strictly adhere to such time limits.
- Acknowledge each grievance petition within two weeks of receipt, indicating of the name, designation and telephone number of the official who is processing the case. The time frame in which a reply will be sent should also be indicated.
- constitute Lok- Adalats/Staff- Adalats, if not already constituted, and hold them every quarter for quicker disposal off public as well as staff grievances and pensioners' grievances.
- Constitute a Social Audit panel for such other machinery, if not already constituted, for examining areas of public interface with a view to recommending essential changes in procedures to make the organisation more people-friendly.
- Establish a single Window System at points of public contact, wherever possible to facilitate disposal of applications.
- Notify MTNL separately about director entries pertaining to Public Grievance Redress Officers.
- Issue reasoned, speaking reply for every grievance rejected.
- Transmit statistical grievance redress data every month to the Department of AR & PG on the uniform grievance redress software.

- Indicating telephone/ fax number of the officer over whose signature a communication regarding the decision/ reply is to issue to the petitioner.
- Promptness and Courtesy - an obligation of the public service.
- Monitoring of Grievances in Organisations under Ministries/ Departments on a monthly basis.
- Publicising the grievance redress mechanism through the print media and/ or the Doordarshan.
- Review of receipt and disposal of grievances by Secretaries of Ministries/ Departments in the weekly meetings taken by them.

Issue of rejoinder to newspapers after investigation in cases which are found to be baseless and/ or damaging to the image of the Organization.

(Source: Government of India, AR & T website)

CITIZEN'S CHARTER

The Spirit:

A customer is the most important visitor on our premises. He is not dependent on us; we are dependent on him. He is not an interruption on our work; he is the purpose of it. He is not an outsider on our business; he is part of it. We are not doing him a favor by serving him; he is doing a favor by giving us an opportunity to do so.

- **Mahatma Gandhi**

- Transparency + Accountability + Citizen Friendliness is Citizen's Charter
- Good Governance is the Technology; Citizen's Charter is the tool.

The citizen's charter is a document prepared by the service provider in a clear and precise manner about the quality and method of delivery of services to the users of the service.

The purpose of the citizen's charter is to:

- a. Improve the quality of service to the public,
- b. Give people more choice,
- c. Tell people what kind of service to expect from the Govt. departments,
- d. Make sure people know what to do if something goes wrong in the process of service delivery.

The Six Principles of citizen's charters:

- Published Standards,
- Openness and Information,
- Choice and Consultation,
- Courtesy and Helpfulness,
- Redress when things go wrong,
- Value for money.

Standards

Explicit standards, or quality parameters published and monitored, which individual users can reasonably expect for each service. Publication

of actual performance against these standards. Standards also refer to specific time frames within which the work relating to the citizens will be completed.

Information and Openness

Full, accurate information readily available in plain language about how public services are run, what they cost, how well they perform and who is in charge. i.e. The name, designation and Telephone numbers (Office and Residential) of the Officers concerned and timings when they are available.

Choice and Consultation

The provision of choice wherever practicable. There should be regular and systematic consultation with those who use a service. User's views about services, and their priorities for improving them, to be taken into account in final decisions on standards or quality or time frames.

Courtesy and Helpfulness

Courteous and helpful service from public servants who will normally wear name badges. Services available equally to all who are entitled to them and run to suit their convenience.

Putting Things Right / Redressal

If things go wrong, an apology, a full explanation and a swift and effective remedy. Well published and easy-to-use complaints procedures with independent review wherever possible.

Value for Money

Efficient and economical delivery of public services within the resources the nation can afford. And independent validation of performance against standards. Best quality service should be delivered incurring lowest cost.

Expenditure control and review of costs including manpower costs and administrative overheads should be undertaken periodically and published for public review.

PREPARATION OF CITIZEN'S CHARTERS

Before preparing a Citizen's Charter the following process must be completed.

1. Consultation – with service users, staff, voluntary organizations.
2. Survey to know what is the present perception of the citizens and what their expectations are. The survey may be through informal discussions with a small group or a structured survey through a questionnaire.
3. Draft charter jointly prepared by a small committee of 3 or 4 persons. The charter should be written in a clear, simple and concise language and easily understood by citizens who understood them.

- What citizens expect from Government Departments/service providers?

1. Reliability i.e. consistency in performance.
2. Responsiveness i.e. timely service.
3. Credibility i.e. having customer interest at heart.
4. Empathy i.e. attention to customer's needs.
5. Courtesy and care i.e., physical evidence of willingness to serve.

LAUNCHING CITIZEN'S CHARTER

The various phases in launching citizen's charters

Which follow one another:

1. The Policy Phase – the decision to go for a citizen's charters
2. Motivation and Awareness – Marketing the idea to the staff and other stakeholders.
3. Identification of a core group.
4. Consultation with stake holders
5. Preparation of the citizen's charters.
6. Publicity and launching the charter
7. Continuous measures to create awareness about the citizen's charters among the public.
8. Implementation plan with details.
9. Feedback from staff and the public
10. Review of the feedback
11. Using the feedback data for review of the charter with the stakeholders to improve/bring changes in the charter.

12. Further improvements in the charter – Preparation of Revised Charter.

**Steps needed for an effective and efficient
Implementation of citizen charters.**

1. Formation of a citizen's charter advisory committee.
2. Staff training/motivation at all levels upto District/Taluk/Village.
3. Review of Procedures.
4. Exhibit charters at all important places.
5. Clearly specify who will do (a) what (b) when and (c) How?

**To make the citizen's charters a success
The following are needed**

1. A sense of urgency
2. Owning of the Charter by the Head of the Department and the entire staff.
3. A committee headed by the Chief Minister/Prime Minister to oversee the implementation and progress of the Citizen's Charters.
4. Constant interaction with the stakeholders.
5. Motivating the staff and performance review of the staff based on the criteria outlined in the charter.
6. Taking corrective measures
7. Simplification of procedures and systems.
8. Reducing hierarchy, decentralization.

Citizen's Charters Should be seen as:

1. A partnership between people and the Govt.
2. Citizen's charter is not a concept; it is a programme of action.
3. They are a part of democratic reforms.
4. Citizen's charters give people orientation and customer focus
5. Citizen's charters are a pro-active approach to good governance
6. Political parties administrators, and even judiciary must encourage citizen's charters.

What are the dimensions of Quality service?

1. Appropriate and relevant (to meet individual and community preferences, needs and wishes)
2. Available and accessible (to everyone or those groups/individuals given explicit priority)
3. Equitable (fair in the treatment of individual or groups of people in similar circumstances).
4. Acceptable (in terms of quality and manner of provision) – including whether, services are approachable, convenient, pleasant to use, reliable, timely, prompt responsive and humane)
5. Economic and efficient (from the viewpoint of service users, tax-payers and community at large)
6. Effective (in terms of the benefits they bring to the users and the community)

BASIC STEPS FOR EFFECTIVE COMPLAINT MANAGEMENT

1. Acknowledge Complaints
 - a. Personalize the response
 - b. Talk to customer if possible
 - c. Use letters.
2. Designate a location to receive complaints
 - Accessible, Visible to Customers
3. Develop a System for Record Keeping.
4. Process and Record complaints.
5. Investigate & Analyze the Complaints.
6. Keep the customer informed of the progress.
7. Periodically analyze the complaints and improve the process.

HOW TO GET FEED BACK?

1. Over the counter at the service outlets.
2. By toll free telephone no.
3. Through Post/ e-mail
4. By Fax
5. Via Community/Consumer Organizations
6. Consultative Committees.
7. Internet
8. Telephone

CITIZEN'S CHARTER & EFFICIENT COMPLAINTS REDRESSAL SYSTEM

Without a good complaint redressal system, citizen's charters have no effect. Departments should establish a highly credible & responsive complaints procedures and redressal systems.

Basic Principles of effective complaints system:

Complaint system should be:

- Easily accessible and well publicized
- Simple to understand and use
- Speedy, with established time limits for action and keeping people informed of progress
- Fair, with a full and impartial investigation.
- Confidential, to maintain the confidentiality of both staff and the complainant.
- Informative, providing information to top management so that services can be improved.
- Set out clearly the volume of complaints, broken down by different categories.
- Include an analysis of response time.
- Proposed action to be informed to the complainant.

Publishing Complaints Information

1. Publishing complaints information is in line with the principle of general public service accountability and transparency.
2. Demonstrates to the public that complaints are taken seriously and it is worthwhile to complain.

What is the definition of a complaint? Any expression of dissatisfaction, which needs a response. Complaint systems should be easily accessible and well publicized. A truly successful complaints system will ensure that people know how to complain and feel it is worthwhile to do so.

Before any one can make a complaint, they need to have certain information. This includes rights and responsibilities. People should be told not only what their rights are as receivers of public service, but also

know their responsibilities. This can be done best in a clear statement given in the citizen's charter.

Department must publish information on complaints received at least on yearly basis and should include.

1. Numbers and types/categories of complaints.
2. Speed of response to the complaints received.
3. Action taken as a result of complaints to improve services. This means giving names, addresses and phone numbers of the members of staff or secretaries to contact with any complaint.

How to Complain?

Time targets for responding, i.e. target times should be stated for:

1. Acknowledging complaints
2. Responding to complaints
3. Keeping people informed if the response target will not be met and explaining why it is so.
4. The possible outcome- the information should state what redress people could expect when they have a complaint.

The role of I.T. - Computerization of Data

1. To record & track complaints
2. To respond quickly.
3. To produce reports
4. To measure satisfaction through analysis of questionnaire given to users.

Reviewing Complainants

Complainants should have the opportunity to have their complaint reviewed if they are dissatisfied with response. Each department should determine the best arrangement to suit that position.

Government departments should make it easy for the public to lodge complaints. They could do this by:

- a. Leaflets and posters
- b. Booklets
- c. The media - Radio, T.V. Local Press
- d. Telephone directory
- e. Contact - Help lines i.e. Telephone Numbers.

People will only complain if they feel that the organization listens to their complaints and acts on them. They will not do so if they think that it will not bring any result. These organizations must make it clear to the public that complaints are welcomed and that information will be used to improve services.

Removing fear

People may not complain if they fear that the service will somehow single them out for harassment and punish them for complaining. This is particularly true, if the relationship between the user and the service puts the user in a potentially vulnerable position. Example: electricity, water, telephones etc., departments.

Handling complaints within the organization:

Each department should have procedures on dealing with complaints, which are clearly understood and followed by the staff. The procedures should be simple and enable speedy solutions to the complaint received.

Redress for a complaint can be the following:

- An apology
- An explanation
- An assurance that the same thing will not happen again
- Action taken to put things right,
- Financial compensation.

Attitude

If a complaint system is to be effective, simply having procedures may not be enough. It is important that staff have the **“right attitude”** towards complaints. This involves:

1. Listening sympathetically to people who have felt a cause to complain.
2. Recognize that complaints handling is an integral part both of good service and customer care and not a nuisance.
3. Understanding the benefits of good complaints handling and consequences of poor complaints handling and welcome complaints as an opportunity.

4. To put things right for the citizen and to learn the lesson and improve service.

Complaints systems are unlikely to be fully effective if they are not supported and supervised at higher levels. Senior Officials should regularly review complaints information and ensure that complaints handling is built into all performance reports of the department.

Each department may consider putting up on a display board their PLEDGE to welcome complaints.

Recording information

Organizations must decide for themselves the level of detail to be recorded about complaints received, but minimum data should include: -

1. Name, address and telephone number of the complainant
2. Date of receipt
3. Details of the complaint, subject or issue
4. What redressal the person wants
5. Immediate action to be taken on the complaint

Analysing Information

Information about complaints should be submitted to the senior officers and policy makers on a regular basis.

RULE NO.1:

THE CUSTOMER IS ALWAYS RIGHT!

RULE NO.2

IF YOU FIND THE CUSTOMER IS WRONG

THEN RETURN IMMEDIATELY TO RULE NO.1

-Stew Leonard

HOW TO ASSESS/MEASURE/ EVALUATE THE IMPLEMENTATION OF CITIZEN'S CHARTERS

A survey may be done with the help of voluntary organizations or by directly distributing a questionnaire to randomly selected members of the public/users of the service. About 500 samples in a District and 100 at taluk level may be sufficient for survey at initial stages. Once such surveys become regular, the sample size can be increased.

Surveys may also be conducted as below:

1. By personal interviews,
2. Through telephone contacts,
3. By placing survey forms at the service delivery counters,
4. Through Bills served on consumers,
5. Through volunteers.

The charter mark system is another way to evaluate the citizen's charters.

EVALUATION, MONITORING AND REVIEW OF CHARTERS

1. Evaluation must be both internal and external
2. Evaluation and monitoring are necessary for improving standards of services
3. Regular evaluation and monitoring of the performance standards builds confidence among the users of the service and standards may be made more acceptable.
4. Evaluation can be quarterly, half-yearly or yearly. At least once in a year evaluation must be done.
5. Evaluation report must be widely publicized within and outside the organization.
6. Evaluation enables process review and re-engineering of services provided by Govt. Depts.
7. Evaluation and monitoring is better done through computerization online to the top management to help decision making.
8. Evaluation must provide a reward system for services of staff that provides excellent service.

External Evaluation has the following advantages:

1. Improves transparency.

2. Validates Internal Evaluations.
3. Helps comparison with International Standards.
4. To know customer expectations.
5. To help in fixing correct user charges and to measure willingness to pay.
6. Can be undertaken by NGOs, professional bodies, Consumer activists, academic bodies, research institutions etc.,
7. Voluntary channel including newspaper columns as sources.
8. Report Card system.

EVALUATION- REVIEW

1. Sound Evaluation should lead to retraining of staff.
2. Annual revision of standards through internal and external evaluation is desirable.
3. For owning Citizens Charter, a reward system must be in place.
4. Annual reports of organization must contain implementation of Citizen's Charter.
5. Implementation of Citizen's Charters to be part of staff appraisal systems.
6. Commitment of Government to citizens to better standards must be 'visible'.
7. Government reviews of public utility must be on the basis of implementation of Citizen's Charter.
8. External agency for rating of Public Utilities is 'Good Governance'.

THE CHECK-LIST

Are you responsible for drawing up a Citizen's Charter or reviewing an existing one? This is a checklist for you.

1. **Charters in general**

Charter documents should be written for consumers and take account of their needs. They should describe initiatives to provide a quality service.

Is it really for its consumers?

1.1. Does the title of the charter document indicate that public services are there to serve the individual citizen or consumer and that the charter is for the consumer?

2. Does the charter say that consumers were **consulted about its form or contents?**

- If not does it describe how the department will be consulting consumers about its charter initiatives?
- Does it cover the issues, which matter most to consumers?
- Does it reflect their priorities?

2.1 Does the charter invite readers to **comment on its form or contents?** If so, how?

- Does it give an address or telephone number for making comments?
- Does it name someone to send comments to?

Does it name names?

3. Does the charter promote the principle that providing public services should involve individual accountability? For example:

- Does it say that staffs that are in contact with the public will identify themselves (by wearing name-tags for example, or giving their names on the phone or in letters)?
- Is it clear who authorizes the charter and takes responsibility for it? For e.g. many charters are introduced by the Minister concerned or The Chief Executive.
- Does the charter give the name, address or telephone numbers of relevant officials (for e.g. someone to whom consumers can comment about the charter, or a designated complaints officer)?

3.1 Does the charter contain any other initiatives to make the **services more personalized?**

- Ex. May I Help You counters, e-mail.

For whose convenience?

4. Some charters promise that the services will be organized for the convenience of the consumer (rather than the organization) Does the charter contain any other specific initiatives to make the service more user-friendly? For example:

- Does it extend or adapt office-opening hours to suit the convenience of the public, or does it promise to do so?
- Often the services provided by one government agency involve other agencies. Does the charter say that this service provider has negotiated with other public services on consumer's behalf to ensure they get an agreed standard of service?

Does it take account of special needs?

5. Does the charter contain a commitment to the principle that public service should be designed to meet the needs of all current or potential consumers- including individuals with special needs or concerns such as the old, disabled, children, women?

6. The obligation to consult

Consulting consumers is essential to developing a quality service. A comprehensive charter document will indicate a commitment to consultation. Does the charter promote the principle that the public service should consult their consumers and use that information to help them better?

Does it make any practical commitment to consult consumers and to change the service in the light of the views and demands of consumers?

Does the charter promise to publish the results of surveys and other forms of consultation?

6.1 Does the charter promise to consult consumers in any of the following ways:

- By carrying out independent opinion surveys? (If so, how, when and on what)?
- BY consulting relevant consumer or voluntary groups on, or involving them in, the design or interpretation of opinion surveys?
- By setting up, supporting, resorting or convening consumer meetings, consultation bodies or other advisory groups?
- By appointing or seconding consumers to management bodies?
- By monitoring complaints?
- By consulting MPs, MLAs about the concerns of consumers?
- By consulting staff, especially those in regular contact with consumers, about consumers concerns?
- By consulting local councillors about the concerns of consumers?
- By consulting other relevant government agencies or organizations which may have information about the concerns of consumers?

7. The obligation to inform and be accountable

Does the charter promote the principle that public service should provide information for, and make themselves accountable to, their consumers? If so, what do they do about it?

Practicing what it preaches

8. How readable and user-friendly is the charter document?

For example:

- Is it easy to handle?
- Is it well laid out?
- Does it have enough headings and are they relevant?
- If it is more than a few pages long, does it have a table of contents?
- Does it have an index, if not would one have been helpful?
- Does it have a readable type size?
- Is it written in plain language?

8.1 Does the charter tell consumers how to have a say in the way the service is provided or how to participate in formal consultation process?

8.2 Does the charter explain how to complain?

How the service is working

9. All charters say something about how the public service is going about its business. Charters may provide information ranging from ideals, which are not necessarily achievable- at least in the short term to practical information about the standard of service consumers have a right to expect. This section of the checklist covers the various ways in which charters can and do account for how the services are working.

9.1 Does the charter describe the services the organization provides?

9.2 In general, to what extent does the charter provide information about how the service is working? In particular, to what extent does it provide information in the areas set out below?

Long-term plans, aspirations and service philosophy

10. Does the charter describe the department's or agency's long-term plans and aspirations?

10.1 Does the charter describe the department or agency's service philosophy? For example 'We are committed to achieving these high standards of service through a professional, efficient and quality service, which provides prompt and accurate help and information which is clear and accessible.

Monitoring and reporting performance

Character documents often tell readers how well the department or agency has been working. They can only do this if the organization has been monitoring its own performance for some time. Consequently, some charters are only able to promise that they are about to start monitoring and reporting their performance.

11. Does the charter promise that the department or agency will monitor how well it is performing and report this to its users?

11.1 Which particular aspects of the service's performance were chosen for monitoring and why? How will they be monitored and how will the results be published?

11.2 Does the charter say how performance is to be monitored (if at all)? For example- (a) in-house, (b) by statutory inspectors or auditors or (c) by some other independent organization (like a market research company)

11.3 Does it say how regularly performance is to be monitored (e.g. half yearly, yearly)

- Does it say which aspects of the service's performance are monitored and the result reported? (For instance, how long it takes to process a claim, the quality of drinking water supplied)
- Does it say why those aspects of the service's performance were chosen? For example (a) We have always collected this information, (b) they are the only readily measurable aspects of the service;
- Does it say how and where the service will report its performance to the public (e.g. in posters, at the office or the Press, Radio, TV etc.,

11.4 Does the charter say whether performance is getting better or worse (for example, by comparing this year's performance with last year's)

12. Does the charter set or promise to set specific standards for the level of service consumers can expect?

12.1 If so, how and why were these set? For example: (a) are they new standards, based on the level of service consumers expect; (b) are they the same at last year's; or (c) are they based on last year's but with the standard raised?

12.2 Does each standard or target apply to the individual user or consumer? (For example, a standard that is meaningful to an individual consumer might say that the service processes each person's claim within 21 days. A generalized or corporate standard might only say that the service will process 80 percent of all claims within 14 days. It is often desirable to set both sorts of standards.

Rights and guarantees:

It is one thing to set a performance standard or target for, say how long consumers have to wait for a claim to be processed. Consumers will want to know if they have a right to that level of service and what happens if the standard is not met.

A standard should be enforceable. A mere target may be a level of service the organization hopes to achieve but cannot guarantee.

To what extent does the charter guarantee that consumers will receive specific standards of service, or state that they have a right to that level of service?

The obligation to provide redress

Virtually all charters involve a commitment to put things right if they go wrong. The main way they do so is by promising a proper procedure for dealing with complaints in the first place. Some, but not all, charters also promise to provide a specific remedy, such as cash compensation, when things go wrong.

Complaint Procedures

1.1 Does the charter say that it has established, or soon will establish a procedure for dealing with complaints?

1.2 If so, does the complaints procedure contain the following features?

- Does it say that consumers can complain informally to any member of staff with whom they have contact, and that they will try to resolve the problem on the spot?

- Does it say that consumers can make a formal complaint?
 - Does it say that there is a complaints officer, give his or her name and explain how to make contact?
 - Does it guarantee that they will carry out a full investigation of a complaint and provide a full reply?
 - Does it specify target times within which they will: (a) acknowledge the complaint, (b) provide a full response; or (c) give an interim reply, explaining by when they will provide a full response?
 - Does it set out a procedure by which, if consumers are dissatisfied with the initial response, they can take the matter further?
 - To what extent is the complaints procedure, or any stage in that procedure, 'independent'? (For example, some organizations set up an independent complaints officer or 'Ombudsman'?)
 - If there are separate procedures for dealing with different types of complaints (such as complaints about medical negligence as distinct from complaints about hospital food) does it explain this clearly? Does it explain how to make such complaints?
-
- Does it insist or imply that all formal complaints must be in writing? Or does it allow complaints to be made in person or over the telephone?
 - Does it invite consumers to make constructive comments and suggestions in addition to complaints and does it suggest how to do so?
 - Does it say that if consumers are dissatisfied with the organization's complaints procedure, there are external and fully independent avenues for taking the complaint further, such as Lok Adalat, Ombudsman, Regulatory Commission and so on.
 - Does the charter tell consumers how to get independent advice on, or assistance with, their complaint (for instance, from a consumer group or felicitation counter etc.)?

Compensation and other remedies

_____ days.

9. Consultation with our users/stakeholders

- We welcome suggestions from our users.
- We conduct _____ polls
- We hold periodical _____ meetings with users/user representatives and if you wish to be associated with this please contact _____ at _____.
- Please also enter your details at our web site www..... indicating your willingness to be available for consultation, survey on the points enlisted in the Charter.

10. We seek your co-operation on the following:

Citizens Charter is a joint effort between us and you to improve the quality of service provided by us and we request you to help us in the following way (Give details relevant to the concerned Departments)

A)

B)

11. Guide Book/ Hand Book/ Consumer Help Line

We have published a Handbook for the guidance of our customers. Please contact _____ Officer for more details.

Our help line number is _____

Our Customer Information Center is located at _____ Phone No. _____

Other information

A)

B)

We are committed to constantly revise and improve the services being offered under the Charter.

LET US JOIN HANDS IN MAKING THIS CHARTER A SUCCESS!

CHARTER MARK

The Charter Mark System is adopted in U.K. to evaluate and reward Depts. Offering best service through the Citizen's Charters. The following criteria are taken into account and marks are awarded to each aspect to decide the best performance.

The nine criteria are:

- Standards
- Information and Openness
- Choice and Helpfulness
- Putting Things Right
- Value for Money
- Customer Satisfaction
- Measurable Improvements in Quality of Services
- Innovative Enhancement to Services at no Additional Cost.

Commit your self to performing one ten-minute act of exceptional citizen courtesy per day and induce your colleagues to do the same. If there are 100 persons in your office you would have 24000 new courteous acts per year.

MESSAGE: Plan for small wins

CHARTER ASSESSMENT PARAMETERS

Charter in General

➤ Title	2
➤ Context (Preamble/Background)	5
➤ Covers core and critical areas	6
➤ Initiatives	4
➤ Takes account of special needs	3
Sub Total	20

Obligation to Consult

➤ Mechanism of feedback on Forms and contents	6
➤ Consult in future	4
➤ Methods of Consultation	5
Sub Total	15

Obligation to Inform

➤ Specifies names of relevant officials	4
➤ Seeking further information	5
➤ Monitoring and Reporting performance	6
Sub Total	15

Setting of Standards

➤ Fixing time limits	6
➤ Targets and standards of service	6
➤ Rights and guarantees	8
Sub Total	20

Obligation to provide redress & be accountable	
➤ Complaints procedure	10
➤ Compensation or Remedies	10
Sub Total	20
<hr/>	
Cohesiveness	10

Overall Assessment	
➤ Charter in General	20
➤ Obligation to Consult	15
➤ Obligation to Inform	15
➤ Setting of Standards	20
➤ Obligation to Provide Redress & be accountable	20
➤ Cohesiveness	10
Total marks	100

Comments:

(Source: Sri. V.K. Parigi, Founder Chairman, Centre for Transparency and Accountability & Managing Trustee Consumer Education Centre, Bangalore)

E Governance and IT based Communication for Good Governance

1. The Preamble in The Indian Constitution says;

We, the People of India, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic Republic and to secure to **all its citizens**:

Justice, social, economic and political

Liberty of thought, expression, belief, faith and worship

Equality of status and of opportunity

And to promote among them all

Fraternity assuring the **dignity** of the individual and the unity and integrity of the nation

2. Preamble in the Constitution is the universal source to which one can always look to search for answers for the ways Government should function and interacts with its citizens. The most important words or phrases which can guide us to achieve Good Governance are Justice, Equality, Dignity and All Citizens. The Government can come in touch with its citizens in many ways. It could be in the form of framing laws for the citizens which directly or indirectly impacts them. Enforcement of laws is one area which has direct impact on the presence of good governance or other wise. Dispute between two individuals, between Government and individual or between Government and Government needs to be addressed under the guidance of the Constitution. What is then Good Governance? Can we say, A Government which makes laws for the betterment of its citizens, enforces laws for the well being of its all citizens and provides justice to citizens if citizen is aggrieved by any institution or person. Modern Government also take care of economic interest of its citizens so that every body has adequate opportunities for their livelihood. This is the development functions of Government.

3. Parameter of Good Governance:

Can we identify few parameters which differentiates good governance and not so good governance? We say one particular state has better governance than other state, with in a state- a particular district may have better administration than other district. People of one group may feel that they are very happy with the government but at the same time other group may not feel so. We have same constitution through out India, the form of Government is also same in all states, system of election of peoples' representative is also same through out length and

breadth of India. Still perception of people about functioning of Government are different. Is it different people have different expectations from Government. Does it depends on local traditions or culture or value system prevailing in that area or the instruments of Governance makes the difference. The same set of Government can be looked in different way by different individuals. If a farmer gets good price for his produce, it becomes good governance for him. If a person can get a good employment after his study, it's a good governance. For some, lack of corruption in the society is a indicator of good governance. Provision of good infrastructure like Education, Health, Drinking water and transport facilities could play an important role in establishing good governance.

4. Defining Good Governance:

Then what is good governance? Is it sum total of all these things? We can certainly say that these are the things, citizens are looking for. Is this the final list or we need to add more. Is there a definition for Good Governance which could be applied across geographical areas, across different social groups and across different citizen requirements. Can we then say, A Good Governance is the Governance which provides Dignity of Life and Adequate opportunity for lively hood. This is what our Preamble says. Justice, Equality and Dignity to all. This also reminds me about a small story. Some body asked What you want, a comfortable life which fulfills you all your needs or Right to question (expression). Person can choose either comfortable life or Right to question but not both. The person replied. I want Right to Expression(Question). The person who asked this question was puzzled. He said you could have asked for comfortable life. Entire life you could have lived happily. What is there in Right to expression (question). He replied. What happens if you break your promise to provide me comfortable life? And stop providing me the same. As I have already forfeited right to question, I will loose those comforts also. The moral of the story is, economical fulfillment of our needs alone is not the ultimate in life. Freedom, justice, sense of dignity are very important parameters in life.

5. Role of ICT in Good Governance:

Information Technology and Communication can play a very positive role in realizing the goal of good governance. Be it formation of laws, implementation of laws, providing justice, equality irrespective of their status or location and ensuring feeling of dignity for all. Information and Communication technologies can make a significant impact on the way

Government provides services to its citizens. ICT can be a very efficient tool to provide efficient decision support system for administration. It can bring transparency in the working of Government which is one of the important ingredient to ensure equality and justice in Government working. Information to citizens will be a stepping stone in empowering citizens. ICT is rated as fastest growth engine for economic growth.

6. Informed Citizen and Democracy:

A informed citizen is the foundation for Democratic form of Government. Quality of Governance is the function of quality of peoples' representative people elect to legislature. Election process is the core of Democracy. A informed citizen will be in a better position to exercise his right in more responsible manner. Along with Visual media like TV and Print media, ICT based communication like internet can play a vital role in educating the citizen. Quality of legislation can go a sea change by involving citizens in the discussion prior to passing of laws. Internet is becoming a very effective media with wide reach with no physical boundaries. Virtually entire world is shrinking to a village-a global village with no physical boundaries.

7. Perception of the Government by its citizens:

All over the World in developing nations including India, the Government is considered which costs too much but delivers too little to its citizens and is not efficiently responsible or accountable to its citizens. It is also perceived as system of complex procedures which is beyond the understanding of the citizens. An ordinary Citizen thinks he is at mercy of instruments of governance and can do little to change this. Although Constitution says People are supreme but in reality he is always at receiving end. The different wings of the departments in the Government are highly insulated from each other and many times do not know what other wing is doing in the same area. In some times even they contradict each other. Slow response is the common response of Government whenever citizens interact for certain services with it. Transparency is the word which is hated in the Government functioning. Under official secrets Act, citizen is denied even the basic information about the functioning of the Government. The reliability of the Government service is very well expressed by the phrase "Come tomorrow. Which never comes".

8. The Good Governance Reforms:

The good governance reforms aims to address these shortcomings and build a bridge of trust between Government and its citizens. E-Governance offers new methodology and systems which can help in improving government procedures, connect citizens and provide an improved interface between Government and its citizens. E-Governance can bring remarkable changes in the Government functioning in the areas of internal efficiencies, reliability of services extended by Government, making Government accessible to all citizens irrespective of their class or status. Providing services to citizens as per their convenience and bring transparency in its internal working so as to improve trust between Government and citizens. The introduction of e-Governance can bring a remarkable change in the quality of services to its citizens. Improved internal efficiency, better law enforcement leading to universal justice to every one, making citizens informed, leading to empowerment and finally reduced effective costs to citizens for accessing government services.

e-Governments can bring in efficiency gains by providing the same or more output at lower costs and providing quicker services. The automation of government procedures can help in cutting operational costs.

9. Readiness for e-Governance :

To harness the potential of ICT in Government, it requires certain requisite infrastructure which we can call it as e-readiness to move towards e-Governance. These can be listed as:

1. Availability of true data : Data quality and data integrity is very essential to click any IT project. The Government system should be ready with a good quality of data and process in place to support to move to e-Governance.
2. Legal laws : Moving from manual system to electronic system requires many changes in procedures and some of the old procedures have to be replaced with electronic procedures. An appropriate change in laws are required to validate these changes in the procedures. Like in many old systems, the rules carries the words like "extract from register". When we move towards electronic operations the IT systems gives print from the data stored in the electronic media like magnetic tapes and not from the physically written register. The validity of such certified copies or extracts to be in place to make the system

functional. Many of our procedures still insist for ink signed signatures to make a document admissible as true. These procedures need to be looked at in view of the new environment. There is a need to build trust on electronic systems with secure facilities of verification in case of doubt. Business Process Re-engineering can make some electronic systems many times more useful.

3. Institutional framework: e-Governance processes are sometimes different from the manual processes. It requires attitudinal changes, skill upgradation of the people who are managing these systems. Any organisation will have human resources of different age groups and each age group has its own attitudes. To bring about these changes smoothly there is a need for an institution which takes forward the changeover from traditional systems to new systems based on ICT. A lot of awareness is to be created, people in the different age groups are to be facilitated to change over to the new environment.
4. Quality Human Resource : It is well said that technology can make things possible but it is human beings who will only make it happen. Are the right attitudes, knowledge and skills in place that are required to initiate, implement and assist the e-Governance? People need to be trained and retrained to make them comfortable with new technology. Attitudes and general mind set, resistance to change, not willing to share knowledge also need to be addressed. Investment in human resource development is the investment for success of the good Governance. The success of IT implementation for Good Governance will primarily hinge on the quality and attitudes of its human resource.
5. Leadership is the Key : In success or the failure of the e-Governance, the most critical factor found to be is - the presence of leadership i.e. e-champion. The leaders who can visualize the positive change IT can bring in for good governance and finally make it happen. The leadership and vision for e-governance is the foundation stone for the success and sustainability of efforts for e-Governance leading to good Governance.

6. Strategy for e-Governance for good Governance : In the recent past citizens and the Governments are experiencing a major information revolution and governance revolution. Both these revolutions are building an important role, the way society works and the way society is being governed. These are bringing in big gains, the way Government functions and its effectiveness. However only few countries are able to harness such benefits from ICT and there are many being left behind. This has led to a talk of e-Governance divide i.e. increasingly dividing the World into two categories i.e. ICT enabled and not enabled. Even within the country such divide is taking place between rich and ordinary citizens. This divide need to be addressed if the ordinary citizen do not fall even further behind. This is the time for the developing country, must make use of this opportunity for improving governance and the well being of its citizen. There can be many strategies for bringing in e-Governance and one of them could be as follows:

- a. Leadership and vision - e-Champion
- b. Creation of institutional infrastructure - Organization
- c. Information infrastructure - Reliable Connectivity
- d. Creating awareness and commitment - Attitudes
- e. Creation of data systems- True and reliable data
- f. Building quality human resource - Training
- g. Legal mandate for e-governance-BPR and Laws

10. e-Governance initiatives in Andhra Pradesh :

Andhra Pradesh, the pioneer state in India in implementing IT for governance and improved citizen services has initiated many steps to harness the potential of digital technology. The objectives for ICT are:

1. Economic development through growth in IT industry and creation of employment
2. Improved quality of life by harnessing the IT potential in the field of education, health care and rural development.
3. Good Governance by creating environment of improved any time, any where citizen services and higher internal efficiency.

11. Strategy for implementation: Implementation of IT in all sectors of Government requires huge manpower and financial resources which Government alone will find it impossible to spare. The strategy followed by Andhra Pradesh Government is to put enablers in place, Government acts as catalyst for creation of IT infrastructure, create right social environment for acceptance of new technology by one and all. Private sector initiative to work in hand in hand with the Government. Award of Right of Way to every body to lay OFC is one such initiative which will create conditions where one can have bandwidth on demand. A right policy harmonizing requirement of Industry and users can play a vital role in the growth of IT industry.

12. Define the thrust areas to prioritise the IT initiatives which has wider impact on governance and citizen services. The early success creates a positive environment for cascading effect. The sustainability of IT systems gets the support from its users - the citizens. Handling of change management and creation of awareness becomes much simpler. This builds critical mass for success. Create an IT architecture for healthy growth of IT systems where systems can talk to each other for multiplying effect. The principle of synergy plays same role here as is the case for human beings. Put in place the security policy to ensure the people have trust in information systems. This becomes essential for moving to the stage of e-Commerce and Online Transactions. The big picture drawn by AP government can be visualized in following capsules:

1. Payments by Government - Enables Government to pay the recipients like supplier and citizens etc.

2. Receipts - Enables citizens to make payment to Government in improved environment and with ease. One stop shop for all citizen services.

3. Information services enables general public to access the information about the Government rules regulations and services which will lead to an informed citizen.

4. Procurement :Enables Governments to procure goods and services in an improved and efficient manner by making use of digital technologies. Cuts down delays and reduces cost of procurement. Transparency is one factor which is the main ingredients of e-Procurement.

5. Lodgements :Enables the general public to submit request on line and process applications registered with the Government for various services and applications.

6. Public Complaints handling :Public grievance handling is the most neglected area which directly impacts badly on citizens. People run from post to pillar to get their problem heard. An efficient system can have wide impact on the Government functioning. It Enables public to register their grievances effectively for redress of its problems.

13. The 6Cs for IT projects:

1. Computing devices like PCs, servers
2. Content - Applications to run on IT system
3. Connectivity for communication and linking systems

4. Change management campaign for social awareness
5. Cash for sustainability of the project
6. Cyber laws

14. e-Administration: The decision support system : The GoAP has taken up many IT initiatives for improving the internal functioning of its different wings. Some of the projects which has wide range of impact on the Government functioning are : MPHS, CARD, Land Report Information System, REINS, CMIS, APDMS, FAST, e-COPS, SKIMS, ATOM and OLTP. In the area of citizen services the concept of service is being redefined so as to provide a smooth interface between citizens and the Government. The objective being to provide services to citizens as and when and where he desires. The IT projects which has made revolutionary impact on Government delivering services to citizens are : CARD project, MPHS, Land Information System, FAST, e-Seva, AP Portal, VOICE and SOWKARYAM.

1. Multi Purpose House hold Survey: This is the project which holds database of all the citizens of entire state comprising of name, caste, religion, income and occupation. The data base is being used to provide caste certificate to citizens across the counter. This has minimized time to acquire the certificates from 15 days to few minutes. Database also acts the mother database for linking to other databases related to person attributes.

2. CARD project: Registration services for Immovable properties. It has changed the way, the oldest system of administration can functions more citizen friendly. One can register the transaction relating to Immovable property with the department in 30 -60 minutes. Searching a particular document for certification in huge number of records of many years, has become as easy as searching document in few pages. It hardly takes few minutes to know what one wants to know.

3. Land Information System for farmers: Andhra Pradesh Govt. has installed required IT hardware / PC, servers at all the 1125 mandals spread through out the State for holding person database and land database. The details of the Agriculture land holdings, details such as Khata number, Pattadar name, irrigation facilities, type of land, name of the enjoyer and nature of crops raised. This land information system is primarily meant for issue of land holdings certificate to the farmers which they require for obtaining bank loans for agriculture operations. Farmers need this certificate quite often. In the traditional system, the former has to approach the Village Officer for issue of such certificates. Now in the computerized system, the formers can obtain this certificate across the counter. The land information system can also provide a valuable information on nature of land holdings, small farmers, medium farmer and about the cropping pattern.

4. FAST: This is the project undertaken by the Transport Department of Govt. of Andhra Pradesh to computerize all its Road Transport Authorities (RTAs) through out the State of Andhra Pradesh. The RTAs have also been interconnected through APSWAN and leased line circuits for information sharing. The project provides citizen services like issue of Learner Licenses, permanent driving licenses, registration of vehicles, payment of

taxes to Government, transfer of ownership of vehicle and back office operations.

5. e-Seva: This is one of the flag ship project of the Andhra Pradesh Government which provides one stop services to citizens in the twin cities of Hyderabad and Secunderabad. There are 18 citizen service centers spread across the Cities of Hyderabad and Secunderabad each service center has 10 counters for extending services to citizens. The major services extended by these centers are payment of utility bills like telephone charges, electricity bills, water charges, registration of births and deaths, issue of certificates like births and deaths, renewal of trade licences, payment of property tax and information services. The citizen can obtain services irrespective of jurisdiction from any of these centers. The centers also open for half day on holidays for the convenience of citizens. These centers also provide payment of utility bills through internet if the citizens have bank account in the participating banks. The project for replication of e-Seva in all Municipal towns is in advance stage.

6. AP Portal: Govt. of Andhra Pradesh in order to provide citizen service at any time and from anywhere has launched A.P. Portal. A.P. Portal is being made operational in three stages. The first stage consists of information services like information about the different departments of the Government and the procedures for interacting with the departments, downloadable forms for making applications to the Government. In the second phase which has partly started introduces interactive services like knowing the results of different examinations conducted by Government. The third phase comprises of services where citizen will be able to file application on line and receive services from the Government either through the internet or through physical deliver systems like internet kiosk, cyber cafes or e-Seva centers.

7. SKIMS: The Govt. of Andhra Pradesh has initiated a project to computerize all its activities in the Secretariat, the highest administration seat of governance. The project which is going to be launched soon will make all the processes in Secretariat migrated to electronic system.

8. ATOM: APTS has developed a file management tool which can lay a foundation stone for any Government office to move towards paperless office.

9. VOICE and Saukaryam: These are projects initiated by two municipal Corporations of Andhra Pradesh i.e. Vijayawada and Visakhapatnam. These projects provide services to citizens like payment of taxes, grievance handling, approval of building plans etc.

10. CMIS: This is Chief Minister's Information System installed at State capital which provides information from village level to the State capital level on important parameters.

11. REINS: This is the project initiated by Finance Dept at Secretariat. The system keeps track of budget, receipt of funds by Government and expenditure by State Government under different projects and heads. It helps the Finance Dept. to know at any point of time the financial position in the State.

12. e-COPS: The Police Dept. has taken a revolutionary step in computerizing the activities of the Police Dept from Police Station to the Commissioner of Police level bringing transparency and accountability in the process. Citizens requirement has been kept in view for making interface between the Police and citizens more smooth.

13. OLTP: This is On line Transaction Processing project initiated at two pilot locations in two mandals of Andhra Pradesh State. The pilot is going to be launched very soon. The main objective of the project is to provide connectivity to different departments horizontally and vertically for information sharing and providing services to citizens across the Departments.

14. APNET: This is the project undertaken by Govt. of Andhra Pradesh for providing distance education/learning by harnessing the potential of satellite based communication. Govt. of Andhra Pradesh is using one transponder on KU band released by ISRO. The project provides for transmission of education to Schools, Engineering and Medical colleges. It also provides facility for high end users like Medical Colleges and Mini Colleges to have video conference to the central site located by B.R. Ambedkar

Open University, Hyderabad. A State of art studio is also being built at B.R. Ambedker Open University, Hyderabad for transmission of live lectures to Schools and Colleges.

15. IT Infrastructure : For successful implementation of IT initiative availability of a robust, reliable, efficient and high capacity infrastructure is a must. An IT initiative which does not sync properly with the IT infrastructure will be just like a good vehicle without wheels. AP Government realizing the importance of the IT infrastructure has initiated many steps to built a world class IT High way. The important initiatives are A.P. State Wide Area network which connects the State capital at Hyderabad with all the 23 Dist. Headquarters and two important towns of Vijayawada and Tirupathi with 2 Mbps backbone for data, voice and video communication.

16. A.P. State wide Video Network : In Government, meetings and reviews are integral part of Government functioning. To harness the potential of Information technology for providing a media for meetings and reviews without physical movement of human resources is the multi point video conference system. In AP it has been made operational which connects all the 23 district Collector offices and two important towns of Vijayawada and Tirupathi with the Secretariat at State Capital i.e. Hyderabad. This network can operate at a band width ranging from 128 kbps to 2 Mbps for providing TV quality video conference facility.

17. International Institute of Information Technology (IIIT) :IIIT is in operation for the last four years at Hyderabad to create a pool of high quality IT professionals.

18. HI TECH City : A World class work place is in place for providing office space for the IT companies.

19. Communication Infrastructure: BSNL has already laid OFC through out the State connecting almost all important towns of Andhra Pradesh. The Reliance project for laying OFC throughout Andhra Pradesh is under execution for providing bandwidth on demand for intranet. A.P. Government not only has harnessed the OFC laid by BSNL, it has also commissioned pilot project based on

satellite communication on KU-band for distance education and learning, human resources development and extension services.

Conclusion :

Technological potential is waiting at door steps to be harnessed for good governance. One needs to take step forward and experience the new world which is efficient, responsible, accountable and citizen friendly.

(Source: Suresh Chanda, IAS, Managing Director, AP Technology Services , Hyderabad.(AP) - India)

STATUS OF ADMINISTRATIVE REFORMS

(As on March 2002)

The Action Plan for Effective and Responsive Administration at the Central and State levels was discussed in the conference of Chief Ministers held on the 24th May, 1997 under the Chairmanship of the Prime Minister. It had been agreed that immediate corrective steps must be taken to restore the faith of the people in the fairness, integrity and responsiveness of the administration. The Prime Minister had drawn attention to the urgent need to come with ideas and strategies for responsive and effective administration, which could rebuilt the credibility of the government. The Chief Ministers and Central Ministers attending the Conference strongly endorsed the need for ensuring responsive, accountable, transparent and people friendly administration at all levels and agreed that necessary corrective steps must be taken to arrest the present drift in the management of public services. The Conference resolved that the central and State Government would work together to concretise the action plan dealing with the following themes

[i] Accountability and citizen friendly government

[ii] Transparency and right to information; and

[iii] Improving the performance and integrity of the public service.

The statement adopted at the Conference mentioned the specific areas, which would be addressed under each of the above three themes. It was also decided to set up a Committee under the Cabinet Secretary including some of the Chief Secretaries representing the different regions of the country as well as some senior officials of the Government of India. The committee was required to draw up a time bound agenda for legal and regulatory reforms in priority areas and consider steps to secure widespread acceptance and feedback from different section of the public, and elicit the cooperation of the people for responsive administration. The work of the Committee continued and various steps to implement the action plan adapted at the Chief Ministers' Conference were taken. The Government of India constituted a Core Group to evaluate the steps on administration Reforms in November 2001. The constitution of the Core Group is as under:

1. Additional Secretary, DAR&PG
2. Secretary [AR&OM], Government of Maharashtra
3. Secretary [AR], Government of Uttar Pradesh
4. Secretary [AR], Government of Madhya Pradesh
5. Secretary [AR], Government of Andhra Pradesh
6. Secretary [AR], Government of Assam
7. Secretary [AR], Government of Rajasthan
8. Director, LBSNAA, Mussoorie as Convener

The Terms of Reference of the Core Group is as follows:

1. To take stock of the important administrative reform measures undertaken at the Central and State Government levels;
2. To evaluate the status of administrative reforms in Government; and
3. To suggest measures for promotion of Good Governance in Central and State Governments.

The first meeting of the Core Group was held on November 21, 2002. It was felt that the action taken reports on the Chief Ministers' Conference and the material relating to Conference on e-governance, etc.

could be useful inputs to the working of the Core Groups. It was noted that the Central as well as the State Governments with a view to promoting good governance has already taken a number of measures. The Core Group decided that a faculty member of the LBSNAA should be entrusted with a task of compilation and to analyses/evaluation of the different material on good governance. A Sub committee was constituted and the Terms of Reference of Sub Group are as follows:

[i] To take stock of the important administrative measures undertaken at the central and state government level; and

[ii] To evaluate the status of the administrative reforms in government.

The Coordinator of the Sub Group made a presentation in the second meeting of the Core Group held on 10th January 2002. It was observed that the central government as well as the state governments and Union Territory Administration had taken action in pursuance of the recommendation of the Chief Minister's Conference. Citizens Charters had been formulated by 17 Ministries / Departments of the Central Government and 21 States / Union Territories. The mechanism of redressal of public grievances was in place at the central as well as almost all the States / Union Territories. The Central Government had set up a Commission of Review of Administrative laws in May 1998, which submitted its report in September, 1998 and follow up action on its recommendations were being taken. Similarly, several State Governments had initiated action for review of laws, rules, regulations, procedures etc. It was also observed that information regarding improvement brought about in administration as a result of the measures taken in the above mentioned areas in quantitative as well as qualitative terms was not available. There were several data gaps in respect of which information was required to be obtained for a more comprehensive analysis of the action taken in the area of good governance. The Core Group asked the sub group to prepare a questionnaire to fill the different gaps so that a comprehensive view was taken. The Departments of AR&PG circulated the questionnaire framed by the sub group to various state governments requesting them for replies. Fifteen States and two Union Territories replied to the questionnaire by the middle of March 2002 when this report was written.

The Core Group met for the 3rd time on February 11, 2002. The Director, LBSNAA, Mussoorie [Convenor of the Core Group] nominated Shri Sundeep. K. Nayak, Deputy Director as the Coordinator for the Sub Group. The Sub Group comprising of Shri Nayak and Shri V. Jwala Narsimha Rao, Additional Director (Training Management) of Dr. MCRHRD Institute of AP, Hyderabad met in Mussoorie in March 2002 and wrote this report.

Based on the data presented the status of administrative reforms in the states and UTs who have replied to the questionnaire the report has been prepared. The item wise responses and comments are:

A. ACCOUNTABLE & CITIZEN-FRIENDLY GOVERNMENT

A-I. CITIZENS' CHARTER

The Chief Ministers' conference held on 24th May 1997 in its statement resolved, that, the Central and State Governments would formulate citizens' charters for 'departments' and 'offices', starting with those which have a large public interface. It was also agreed, that, the citizens' charters would be formulated based on a 'consultation process' involving different stakeholders. After their formulation these charters would be prominently made available to the public concerned for making use of them. The Central and State Governments are also expected to draw a strategy and notify an Action Plan within a specific time limit. A provision of independent scrutiny with the involvement of citizen and consumer group was also envisaged. These charters were to be made operational within **three months** from the date of the conference.

The following questionnaire had been framed by the sub-group and approved by the core-group.

- a] How many Citizen's Charters have been framed?
- b] Whether any consultation process within the department and with citizens' forums took place before framing of these charters?
- c] Are the members of the staff of the concerned Departments/Organizations aware of their commitments and duties as listed in the citizen's Charters?

- d] What steps have been taken to generate public awareness about these charters?
- e] How is the implementation of these charters monitored and reviewed?
- f] Have the charters been displayed at all prominent places in the respective organizations?
- g] Whether these charters have ensured accountability of administration?

On analysing and evaluating the responses, it is observed, that, several quantitative and qualitative measures have been initiated by the states and Union Territories who have responded to the questionnaire, though there are gaps. While Andhra Pradesh, Delhi, Goa, Karnataka, Kerala, Lakshadweep, Maharashtra, Nagaland, Rajasthan and Uttar Pradesh have specified the number of charters prepared by various departments, the remaining namely, Andaman & Nicobar, Assam, Chattisgarh, Tamil Nadu, Tripura and West Bengal are either non committal or have not specified the numbers. By and large all those states who have brought out the citizens' charters, and to the extent they could formulate, was based on some sort of a consultation process. This has been achieved through one of the following means:

- (I) Involvement of respective Secretaries/ HODs
- (II) Support from Administrative Training Institutions (ATIs)
- (III) Consultation with NGO representatives
- (IV) Government of India guidelines
- (V) Vertical meetings among the officers concerned within a department that preceded the drafting of the charters in some cases

States' response with regard to the creation of awareness generation mechanism seeking the commitment of all the concerned staff within the department and organisation has been by and large positive. However, on several instances more clarity is needed to be furnished by respondents. Adequate steps do not seem to have been initiated by the states to generate public awareness on the charters. The awareness generation has been achieved by a variety of ways namely:

- a) Extending the concept to more and more departments.

- b) Hosting the charters on web sites for awareness generation among a class of citizens with access to Internet and information about such Web sites.
- c) Prominently displaying at places of public interface within the concerned offices.
- d) Undertaking sustained campaign through mass media.
- e) Exhibiting display boards at other public places accessible to the citizens.
- f) Distribution of print copies of the charters either directly by the department or through involving the NGOs.
- g) Generating interest through discussions in public forums and Involving Panchayati Raj Institution bodies in the process.

The respondents have put the monitoring and review mechanism for implementation of the charters in place. Quarterly review procedure, monthly inspections by senior officers to ensure effective implementation, organizing periodical camps and tours to obtain feedback from the public, conducting impact assessment studies, involving private agencies to obtain feedback from the public by means of a survey and even involving the Chief Secretary in some states in the review process speaks about the seriousness in implementing these charters effectively. As already mentioned, the response from the states with reference to the charters being displayed at all prominent places is a positive indication. In some states, they have gone to the extent of setting up Information and Public Facilitation Centres for displaying the charters.

When such steps are being taken, it is expected to increase the accountability of administration. It is observed that some states propose to conduct exit polls in selected departments to assess this. Others respondents have said, that, it would take some time for changing the mind set of the public servant. Some respondents have suggested, that, reward and punishment methodology would ensure accountability. The publication of the charter itself serves as a constant reminder for improving accountability as communicated.

The sub-group felt that the following issues need to be addressed in future:

1. How to bring in the essence of the consultation process to the mind set of public officials: "Customer is at the centre of all activities"?
2. How to bring about an attitudinal change in the mind set of the officials directly connected with the charters?
3. Generating 'public awareness' is a very broader concept. Is the 'public' supposed to be benefited by a charter really aware of the existence of a charter? How can the awareness be improved? What is the way to evaluate awareness?
4. Should there be process indicators for the monitoring and review process?

A-2. REDRESSAL OF PUBLIC GRIEVANCES

It has also been decided in the Chief Ministers' conference, that, all Central and State departments would widely publicize the facilities at various levels for 'prompt and effective redressal of public grievances'. It had been agreed, that, the existing system would be reviewed, institutional measures streamlined and independent systems of monitoring fall in place **within a period of six months** from the date of conference. On this aspect also, the response from the state governments and Union Territories was elicited based on the following questionnaire:

- a) Has any evaluation been done to judge the efficacy of the redressal mechanism?
- b) How does the Government and its departments measure citizens' satisfaction with the grievances redressal mechanism?

The respondents have not furnished direct replies to both these questions. An explanatory mode of the responses would have brought out the issues well. States like Andhra Pradesh responded, that all the developmental programmes are linked to the rural village committees set up with a direct redressal system of public grievances. It also gives the example of the popular "Janma Bhoomi" programme for redressal of public grievances. Some respondents consider the evaluation review by

the Chief Secretary as the evaluation mechanism. The Assam government has set up Public Facilitation Centres. Chattisgarh is addressing the issue through organizing camps at panchayats and block levels. Delhi has set up a Public Grievances Commission. In some states, the District Collectors and HODs are personally monitoring. In Maharashtra, Chief Minister and Chief Secretary hear the grievances personally, which are reported as successful. All the respondents have a system in some form or other for redressal of public grievances but majority of them are non specific on the evaluation mechanism. In case of most of the respondents measurement of citizens' satisfaction is being done in some form or other.

The sub-group felt that the following issues need to be addressed in future:

1. Evaluation studies could be undertaken to judge the efficacy of redressal mechanism.
2. A conceptual clarity needs to be made between grievances hearing and grievances redressal.
3. What are the measurable indicators of citizens' satisfaction? How is it measured in other countries?

A-3. REVIEW OF LAWS, REGULATIONS AND PROCEDURES

Simplification of rules, regulation, repealing of obsolete laws, reforms of laws operating against the weaker sections and steps to reduce the time and cost of litigation and the entire process of administrative approvals/sanctions etc. were kept as a priority item in the Conference to be implemented **within one year** from the date of conference. To assess progress in this regard, the following questions were asked:

(a) Has any institutional arrangement been made for review of administrative laws of the State?

(b) How many obsolete or redundant laws, regulations and procedures have actually been:

(i) Repealed

- (ii) Amended
- (iii) Simplified
- (iv) Consolidate?

- (c) How is this process monitored?
- (d) What has been the impact of this exercise? Has it been studied?

The steps taken as reported by most of the respondents are by and large positive and concrete. In one case, the departments of Governance, Public Management & Administrative Reforms have been entrusted with the task. In many cases committees or Commissions have been set up to carry forward the process. The Union Territories responded by saying that central legislation is applicable to them. Regarding the number of obsolete or redundant laws repealed, amended, simplified & consolidate, the response is not been encouraging. States like Uttar Pradesh, Karnataka & West Bengal gave information about numbers, while Andhra Pradesh mentions, that, laws, regulations & procedures are being updated and reviewed by constituting departmental committees. Others are either waiting for their commission's reports or yet to take any initiative. The respondents who have made a beginning have also initiated the monitoring process. Uttar Pradesh does it by reviewing from time to time while West Bengal made the law department responsible for it. In Andhra Pradesh, the exercise is part of a strategy paper on governance and public management monitored by the Chief Minister. With regard to the impact of this exercise, the general response was, "it is yet to be studied and assessed".

A-4. PEOPLE'S PARTICIPATION, DECENTRALIZATION AND DEVOLUTION OF POWERS:

The Chief Ministers' conference had adopted, that, immediate steps be initiated by different state governments to strengthen people's participation in Governance which is consistent with the spirit of the 73rd and 74th amendments to the Constitution. The following questionnaire was formulated:

- (a) Has any comparative analysis been done regarding devolution of financial and administrative powers to the local bodies in the State *vis-à-vis* other States?

- (b) Has any study been conducted to assess the impact of this process?
- (c) Have the reasons for success or failure, as the case be, of the decentralization process been identified?

No respondent except Rajasthan, reported to have done any comparative analysis. The State Administrative Reforms Committee of Rajasthan has done a comparative analysis regarding the devolution of powers with that of Karnataka, Gujarat, Madhya Pradesh and West Bengal. Chattisgarh, Delhi, Goa, Lakshadweep have not responded to any of the questions in this category. Many respondents are non-committal. Andhra Pradesh, Karnataka and West Bengal have mentioned that as per the 11th Schedule, the functions have been devolved and powers have been entrusted to the local bodies. In AP, it is in 17 subjects, in Andaman & Nicobar in 5 subjects while in Karnataka in all the 29 subjects have been covered under devolution of powers to the local bodies. In Nagaland, Village Development Boards have been established as a pioneer in devolution of powers. In Tripura, elected bodies of Panchayati Raj Institution have been made responsible for development schemes.

Almost all the respondents except West Bengal and Tripura are yet to conduct any study to assess the impact. In Tripura, the assessment is done regularly at the CM and CS levels and in West Bengal, several studies have indicated favourable results. Nagaland obtains continuous feedback from the people on the functioning of Village Development Boards. In Andhra Pradesh, the system of village level Secretariat with the Panchayat Secretary has been introduced. Many states are not clear about the logic behind identification of success or failure of the decentralization process. Nagaland and Tripura have furnished interesting. The success of Village Development Board in Nagaland is attributed to a high level degree of ownership by the people and lack of interference from any quarter and its democratic nature. The success of Panchayati Raj Institutions in Tripura is both due to high level of political consciousness and support of state government to local bodies. No respondent has furnished reasons for failure if any.

B. TRANSPARENCY AND RIGHT TO INFORMATION

The Chief Ministers' conference recognized, that, secrecy and lack of openness in transaction is largely responsible for corruption in official dealings and is also contrary to the spirit of an accountable and

democratic government. The Government of India was expected to take immediate steps on the report of the working group on Right to Information and introduce a Bill in the Parliament. The Chief Ministers' conference had adopted resolution that the Central and State Governments would enact the Right to Information Act and open computerized information and facilitation counters in all their offices with large public interface. The following questions addressed the issues:

(a) Has a Right to Information Act been legislated by the State?

(i) If yes, when and with what effect?

(ii) If no, what is the time frame the State has in mind to introduce legislation on the subject?

(b) Pending legislation, have any administrative steps been taken to ensure free access and availability of government records/documents?

(i) If yes, what steps have been taken to enforce these orders?

Only six respondents (Chattisgarh, Delhi, Karnataka, Maharashtra, Rajasthan, Tamil Nadu) have mentioned that they enacted a Right to Information Act. Other respondents present a positive picture when they reply that the act is under active consideration. In Assam, the Right to Information Bill has been referred to the select committee and the same will be placed in the current Budget Session 9, March 2002. Tripura is in the process of finalizing the Bill. The Uttar Pradesh government is committed to enact shortly. Nagaland would like to bring legislation after the enactment of Central law on the subject. West Bengal feels that framing of such law depends on Government of India's guidelines. By and large, every state has taken some sort of administrative steps to ensure free access and availability of government records. It is in the form of hosting them on the web sites, publication through local media and establishment of Public Facilitation Centres.

C. **IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES**

Elimination of corruption in public services, strict surveillance and deterrent prosecution were recommended by the conference. It was also resolved that existing rules and legal provisions would be amended **in six months** to ensure immediate and exemplary prosecution of corrupt officials. Simultaneously it was proposed to have a reward scheme for employees doing good work. It was further suggested that institutional arrangements should be evolved for ensuring objective and transparent decisions on posting, promotion and transfer of officials. A committee under the Cabinet Secretary including some Chief Secretaries representing the different regions was proposed to draw up a time bound agenda for legal and regulatory reforms in priority areas. The progress in this direction was to be reviewed **in six months** from the date of Chief Ministers' conference.

The following questions addressed these issues:

- (a) Has any comprehensive review of vigilance laws, rules and procedures been undertaken in order to improve the process?
- (b) Has the State Government introduced or plans to introduce a reward scheme to recognize excellence in civil servants?
- (b) What steps have been taken to ensure stability of tenure of Civil Servants?
- (d) Has a Civil Services Board to deal with senior appointments been set up?

The respondents who have taken a comprehensive review of vigilance laws, rules and procedure have started the process in some form or the other. In Andhra Pradesh, a survey of public perception has been conducted based on a consultation paper in the area of anti corruption vigilance. In Maharashtra, it is proposed to set up a three-member state vigilance commission on par with Central Vigilance Commission. In Tamil Nadu, institutional set up for elimination of corruption and ensuring surveillance is in existence. In Kerala, the recommendations of the State ARC's Ninth report are under active consideration. In case of several other respondents, the institution of Lokayukta forms part of this activity. In Karnataka, a high level anti corruption committee has been

set up to review the adequacy and effectiveness of the anti corruption laws. The Union Territories have responded by saying that the Central Laws are applicable to them and it is beyond the purview of review by their Administration.

Almost all the respondents have replied that they had either introduced or formulated detailed plans to introduce a reward scheme to recognize excellence in civil servants. This is done in the form of incentives or awards either on the state formation day or Republic Day or some merit awards or through Kisan Vikas Patra and so on. West Bengal replied that it had a reward scheme for excellent work in the state. To ensure stability of tenure of civil servants, the states either have a ban on transfers for a fixed term or a system of counselling has been put to practice or some approved transparent transfer policy is being followed. Karnataka replied that it would set up a civil service board if Government of India approves guidelines. In Tripura, it is in active consideration. In Nagaland and Uttar Pradesh, Civil Services Boards have been set up. In Andhra Pradesh, though there is no Civil Services Board, the Center for Good Governance is developing a work stream for the purpose of human resource management.

(Source: LBSNAA, Mussoorie- Status of Administrative Reforms in Government- A Report based on questionnaire based survey of seventeen states and Union Territories of India written by Sundeep K. Nayak and V. Jwala Narasimha Rao)

CAPACITY BUILDING FOR QUALITY GOVERNMENT

The Government of India has been alive to the need for changes in the systems and procedures for efficient implementation of its policies, with a view to ensure maximum citizen satisfaction. The aspect of

building up the administrative efficiency and effectiveness has been receiving attention of the Government on a continuous basis. The National Agenda for Governance of the present Government states that its first commitment to the people is to give a stable, honest, transparent and efficient Government, capable of accomplishing all-round development and for this, the Government shall introduce time-bound programmes for needed administrative reforms. In the course of implementing this commitment, the Government is aware that it is the collective wisdom and action of the Central and State Governments that would guide the shape and content of administrative reforms. The urgency of the endeavor is dictated as much by the imperatives of global developments as by the forces of new technology and communication which are shrinking distance and commerce, rendering conventional approaches and practices of administration obsolete and dysfunctional. Towards this end, a number of measures have been taken for simplification of rules and procedures, delegation of enhanced powers, better enforcement and accountability and speedy redress of public grievances. It has been the endeavor of the Government to make the administration accountable, open and responsive to the needs and expectations of the people.

The Conference of Chief Ministers of various States/Union Territories (UTs) of the Indian Union, which was held in New Delhi on 24 May 1997, represented the culmination of the various endeavors taken by the Government from time to time towards effective and responsive administration. The Conference dealt with three themes, namely:

- Making administration accountable and citizen friendly;
- Ensuring transparency and right to information; and
- Taking measures to cleanse and motivate Civil Services.

The specific measures taken in the context of the consensus arrived at during the Conference of the Chief Ministers, by the Government in the recent past, to improve the service delivery to the people have been given in the paragraphs, which follow:

- **ACCOUNTABLE AND CITIZEN-FRIENDLY ADMINISTRATION**

Formulation and Implementation of Citizens' Charters: The Citizens' Charter reflects a Commitment of the concerned Ministry/Department etc. to provide specific services within a specified time frame as far as possible. The Charter assures clearly stated standards of service and notifies proper channels for redress of

grievances. A Core Group has been set up under the Chairmanship of Secretary (Personnel) for monitoring the progress of initiatives taken by Ministries/Departments with a substantial public interface. So far, 61 Charters have been formulated which include 27 Charters for public sector banks and 4 Charters for hospitals. State/UT Governments have also issued 132 Citizens' Charters. Andhra Pradesh, National Capital Territory of Delhi, Goa, Gujarat, Haryana, Rajasthan, Tamil Nadu and Himachal Pradesh are among the States who have formulated the Citizens' Charters for selected services.

Redressal of Public Grievances: Machinery for redressal of Public Grievances has been strengthened with the appointment of senior officers as Directors of Grievances in every Ministry/Department, fixing of time limits for disposal of public grievances, setting up of Lok Adalats (People's Courts) for resolution of disputes, constitution of a Standing Committee of Secretaries on Public Grievances in the Government of India, development of a software to computerize the monitoring of public grievance redressal mechanism etc.

Review of Laws, Regulations and Procedures: A Commission on Review of Administrative Laws was constituted on 8 May, 1998. The Commission submitted its report on 30 November, 1998. The commission reviewed over 2500 laws and recommended repeal of about 1400 laws. Action to amend and repeal the laws in the light of the recommendations of the Commission is in progress. Action to consolidate subordinate legislation in a time bound manner has also been initiated.

People's Participation, Decentralization and Devolution of Powers: People's participation has been sought to be ensured by providing constitutional status to local bodies. This third tier of governance has been strengthened through decentralization and devolution of powers and resources.

Seminar, Symposia, etc.: In pursuance of the adoption of the Action Plan on Effective and Responsive Government in the Chief Ministers' Conference, State level seminars, symposia and declamation contests are being organized to create awareness about the theme and to gather and disseminate the views of different sections of the society on transparent and accountable administration. Eleven such events have been organized at State headquarters in collaboration with the States. It is proposed to organize more such events, especially in the North-Eastern States, in association with the Ministry of Home Affairs.

- **TRANSPARENCY AND RIGHT TO INFORMATION**

A **Freedom of Information Bill** has been drafted. Simultaneously, it is proposed to suitably amend the Official Secrets Act and the Civil servants' Conduct Rules.

Information and Facilitation Counters (IFCs): The Information and Facilitation Counters provide a visible face to the Citizens' Charters. They are needed to provide information on procedures and schemes of the concerned organization as well as to access information pertaining to the status of the individual cases. So far 45 IFCs have been set up by Ministries/Departments. The IFCs are set up outside the security zone of each office with a view to facilitate the dissemination of information to the citizen/user. The information is disseminated through print-outs, brochures, booklets, display boards and sometimes telephonically too.

E-Governance: Use of Information Technology along with re-engineering of governmental processes is being promoted in order to improve efficiency and effectiveness of Government and promote transparency and accountability.

- **IMPROVING THE PERFORMANCE AND INTEGRITY OF THE PUBLIC SERVICES**

Statutory Status to CVC: In order to strengthen the vigilance machinery and provide for close networking of various related agencies, the CVC has been granted statutory status and the CBI and the Enforcement Directorate of Ministry of Finance have been brought within its purview.

Lokpal Bill : In order to deal effectively with corruption in high places and the nexus among politicians, civil servants and criminals, a Lokpal Bill has been prepared.

Revamping of Vigilance Procedures: The existing rules and procedures for departmental inquiries and vigilance proceedings of Government employees are being streamlined in order to ensure the immediate and exemplary prosecution and removal of corrupt officials, and for weeding out staff of doubtful integrity.

Award Scheme: An 'Award Scheme for Central Government employees as well as members of the public to come up with innovative and workable suggestions for improving the quality of public service and making it more

customer friendly has been formulated. As regards Central Government employees, the Scheme covers the operational staff below the level of Joint Secretary to the Government of India for their meritorious services. The scheme is being implemented in the Department of Administrative Reforms and Public Grievances from 1998-99.

Code of Ethics for civil servants: A Code of Ethics has been drafted with a view to promote sensitivity within the civil service to core values. The proposed Code will be in addition to the Conduct Rules. The Code has been prepared after extensive consultations and is under consideration of the Government of India.

Security of Tenure: Frequent and arbitrary transfers of public servants affect the ability of the system to deliver services effectively to the people. It is proposed to set up a Civil Services Board type mechanism in the States on the lines of the Central Government.

Some of the additional activities currently being dealt within the Department of Administrative Reforms and Public Grievances are as follows:

- a. **Modernisation of Government Offices:** The aim of the Scheme is to improve the efficiency and productivity of Government offices as well as facilitating access of the public to them. This is sought to be done by improvement in work environment through adoption of functional layouts, creation of open offices, more efficient management of data by using modern aids and effective records management.
- b. **Management Studies:** The Department provides management consultancy services to Central Government Ministries/Organisations. The management studies cover a wide range of issues relating to the organisational structure and methods as well as procedures obtaining in the Ministries/Departments and other organisations of the Government. Impact studies are also undertaken to assess the extent of implementation of recommendations made in the studies already conducted.
- c. **O & M Activities:** The Organisation and Methods Division of the Department provides a range of services including inspection of

Ministries/Departments, O&M studies of Central Government Ministries and States/UTs, preparation and maintenance of Central Secretariat Manual of Office Procedure, preparation of handbooks for various levels of functionaries, records management, etc.

d. **Management Publications**: The Department brings out the following publications:

- (i) **Civil Services News**: This is a monthly newsletter for the dissemination of information on the latest developments in the sphere of personnel management, administrative reforms, public grievances, training, etc.
- (ii) **Management in Government**: This is a quarterly journal related to propagation of modern management concepts and analytical techniques in the sphere of public administration
- (iii) **Bulletin of Administrative Intelligence**: It provides executive summary of books and articles to enable the busy executives to update their knowledge of management and public administration
- (iv) **Indian Administrative Year Book**: It is proposed to bring out an Indian Administrative Year Book containing major observations by Comptroller and Auditor General of India, important judgments, reports of the Committees , recent legislations, international events, etc.
- (v) **Best Practices** : Two volumes on best practices were brought out in 1997 containing the information supplied by the Central Government Ministries/Departments and the State Governments. A revised set is planned for the year 2000.

(e) **Publicity**: The Department provides media coverage to publicize the public grievance redress mechanism and Citizens' Charters of the Central Government Ministries /Departments/Organizations. It also develops and disseminates videocassettes on administrative reforms and best practices.

(f) **International Exchange and Cooperation**: The Department of Administrative Reforms and Public Grievances is an institutional member

of the Commonwealth Association for Public Administration and Management (CAPAM) , and the International Institute of Administrative Sciences (IIAS). The membership entitles the Ministry of Personnel, Public Grievances and Pensions to receive publications on international practices in the field of public administration, to interact with members of these Associations and to attend international Conferences organised/sponsored by these bodies. The Department also enters into MoUs with friendly countries with a record of good administration.

(Source: Government of India, AR & T website)

ETHICS IN ADMINISTRATION

Ethics means moral codes of conduct. Any society when it develops has to observe certain codes of conduct. Otherwise a society cannot progress. If everybody was killing everybody else there will no peaceful society to speak about. If everybody was stealing there will be no normal growth of the economy. We find that societies develop certain codes of conduct like the Ten Commandments - Thou shall not steal, Thou shall not kill etc. As the society further develops religion provides the sanction apart from that of tradition. When regular governments are set up to govern the state, they make laws that give in addition to the tradition and religious sanction the sanction of the law for proper peaceful society conduct of every citizen.

India is governed by the Constitution. The legislature makes the law, the judiciary interprets the law and the executive consisting of both the permanent bureaucracy and political executive implement the law.

Where does ethics come in all these? One can have the law, which does not take into account ethics. For example, the Government's decision in the Voluntary Disclosure of Income Scheme was definitely unethical. Those who are honest had paid tax at 40% and those who cheated the Government and did not pay taxes were rewarded by the Government for 30%. We come across many cases like this where the laws are in a way unethical.

This brings us to the basic question, "what is ethical? How to consider an ethical decision? In this I would draw attention to the observation and comments of Norman Vincent Peale and Kenneth Blanchard on "The Power of Ethical Management". The authors have articulated what has been called the three way ethical check. The ethical check questions are as follows:

- Is it legal? Will it be violating either civil or company policy?
- Is it balanced? Is it fair to all concerned in the short term as well as in long term? Does it promote win-win relationship?
- How will it make me feel about myself? Will it make me proud? Would I feel good if my decision was published in the newspaper? Would I feel good if my family knew about it?

These ethical check questions provide a good reference point to decide on ethical issues, which arise in the contemporary Indian Management. The authors have also provided the following five principles of ethical power for organizations.

- Purpose: The mission of our organization is communicated from the top. Our organization is guided by the values, hopes and a vision that helps us to determine what is acceptable and unacceptable behavior.
- Pride: We feel proud of ourselves and of our organization. We know that when we feel this way, we can resist temptations to behave unethically.

- Patience: We believe that holding to our ethical values will lead us to success in the long term. This involves maintaining a balance between obtaining results and caring how we achieve these results.
- Persistence: We have commitment to live by ethical principles. We are committed to our commitment. We make sure our actions are consistent with our purpose.
- Perspective: Our managers and employees take time to pause and reflect, take stock of where we are, evaluate where we are going and determine how we are going to get there.

Ethics also are conditioned by the culture of the society. In India, we have an old culture where the ethics of administration was summed up in the concept of Dharma.

Justice M Rama Jois in his Shri Bhau Rao Deoras Lecture Series gave a talk entitled "Reforming our polity on the basis of Dharma". In this talk he has provided valuable insights into the concept of Dharma. This is what he says:

From most ancient times, as a part of Dharma, one of the ideals placed before individuals was that for a higher or greater interest, lower or personal interest should be subordinated. This idealism is incorporated in a verse in Hitopadesha; it reads, "Sub ordinate the interest of an individual for the sake of the family, of the family to sub-serve the interest of the village, of the village in the interest of the state, of all worldly interest in order to attain eternal bliss".

*Tyajedekam kulasyarthe gramasyarthe kulam tyajet gramam
janapadasyarthe aatmarthe prithivim tyajet Mitralabha*

Replacing the last, which is concerned with the other world by the words, "*Rashtrarthe Swartham Tyajet*" brings forth the ideas to be followed in the nation's interest.

Dharma is a Sanskrit expression of widest import. There is no corresponding word in any other language. It would also be futile to attempt to give any definition to that word. It can only be explained. *Mahabharata*, the great epic that is acclaimed as "*Manava Kartavya*

Sastra (code of duties of human beings) contains a discussion on this topic. On being asked by Yudhisthira to explain the meaning and scope of dharma, Bhishma, who had mastered the knowledge of Dharma replied thus: *Tadrisho ayam anuprashno yatra dharmaha sudurlabaha Dushkaraha pratisankhyatum tatkenatra vysvasyathi Prabhavarthaya bhutanam dharmapravachanam kritam Yasyat prabhavasamyuktaha sa dharma iti nischayaha Shanti Parva.*

The Upanishads say very clearly that there is nothing beyond dharma. Tiruvalluvar also reflects the same concept of dharma. *Irai kakkum vayyakam ellam avanai murai kakkum muttacheyim.* The king protects the world and if he acts according to justice or dharma, then the justice itself will protect him. *Dharmo rakshati rakshitaha* again reflects the same principle that if a person rules according to dharma, that dharma itself will protect him.

If we explore the roots of ethics in public administration, we find that we have a rich tradition. From our literature we find that there is a harmony between the individual and social goals in our tradition. It is this harmony that provides a meaningful basis for ethics in public administration. Every individual has to strive to achieve *Moksha. Aatmano Mokshartham.* But at the same his other responsibility is the well being of the many - *Jagat hitayacha.* In fact the goal in life for the individual as well as society has been ultimately distilled in the concept of dharma through thousands of years of our rich cultural tradition.

The Bhagawad Gita is in fact the quintessence of Indian thinking on the spiritual front. It also is an eminently practical guide for our secular life. Lord Krishna also emphasizes the centrality of the dharma in his famous observation in the third chapter of the Gita. *Swadharme nidhanam shreya para dharmo bhayapaha.* Each person has his own dharma and he has to live up to his dharma. It is better to die rather than give up one's dharma. If everybody practices the concept of dharma, then that in it brings a sense of self-discipline. In a society where there is self-discipline, automatically there will be peace and prosperity. Unfortunately this is an ideal situation and does not exist. There are people who are bad and we have to punish the bad people if we want to maintain the peace and prosperity of the society.

Manu is very clear on this subject. Everybody has a tendency to enjoy the material goods in life. It is only the fear of punishment that

ensures order. There is hardly an individual in this world who on his own is pure in his conduct. The King (Sovereign)'s power to punish and teach the people in the righteous path, and the fear of punishment by the king yields worldly happiness and enjoyment. *Sarvo dandajitho lokohdurlabho hi suchirjanaha Dandasya hi bhayat bheetobhoghayaiva pravartate Manu.*

Tiruvalluvar has also described the same concept of punishment beautifully. The process of the King removing the bad elements from the society is like the farmer removing the weeds from the field to protect the crops. *Kolayil kodiyaarai venduruthal pain kuzh kalai kathathanodu ther.* The concepts of dharma as the foundation for public administration are obvious.

We are bound to ask that when it comes to ethics in administration in the Indian context, who will remember these cultural aspects or the ethical discussions by Norman Vincent Peale and Kenneth Blanchard?

That brings me to another basic question: why should there be ethics in administration and what should be done to promote ethics? We need ethics in administration because unless we have moral principles we cannot have good governance. That brings us to the next question: what is good governance. Good governance involves, as I see it, three things. The first is the equality before law and the rule of law. We have seen how the laws evolved in order to ensure that society progresses. One basic requirement of good governance is equality before law and equal treatment before law, which is enshrined in Article 14 of our Constitution. The second requirement of good governance is respect for the individual. Respect for the individual must be translated in terms of opportunity given to every individual to rise to his full potential. The third aspect of good governance is that there should not be wastage of resources. We may look at the second and third aspects quickly before we go into the more serious first aspect of Rule of Law. In our country, we waste a lot of resources. 10% of food grains are lost because of poor storage, 22% is lost in transmission of power systems. If we look at the plan documents of irrigation projects we will find that the potential area for irrigation created is nearly double of what is actual area that is irrigated. All this shows loss of productivity. The very fact that the Indians do well abroad compared to within the country means that we do not give enough opportunity in our country for people to come up based on their talent. There is a well-known apocryphal story about Dr. Kurien. He was asked when he went to Kerala why he did not do any development

work in Kerala and went all the way to Gujarat and wrought the Amul revolution. Dr. Kurien is supposed to have replied that the problem in Kerala was that there were too many Malayalees. The same thing may be true of Indians. So much about the aspects of not allowing Indians to develop and also ensuring that there is no wastage, which are of good governance. This can be tackled by applying the principles of important aspects of, perhaps, industrial engineering or business process engineering or computerization and so on.

Every process has got what I would call the software aspect and the hardware aspect. The hardware aspect is the pure procedure or the algorithm for taking action. The software aspect includes the principles and the ethical values, which underlie the system. For instance, I had mentioned that allowing people to rise to their full potential means respect for the human dignity and giving equal opportunity to all.

That brings us to the lingering third aspect of equality before law. In our country, there is very poor governance because we do not implement the laws effectively. In fact, in criminal courts, the percentage of conviction is hardly 6%. In any society if we consider the number of people with integrity, we are bound to find a bell curve. 10 per cent will be honest whatever we do and 10% will dishonest and 80% depend on the system. The system means punishing those who violate the law or who are corrupt or who are indulging in anti-social activities. This is where we are failing.

We may examine the issue of corruption because that is directly linked with lack of ethics in administration. Corruption is the lack of integrity. This could be intellectual, financial or moral integrity. As the Central Vigilance Commissioner (CVC), I shall focus on the aspect of financial integrity.

The negative consequences of corruption are well known. Corruption is anti-national, anti-economic development and anti-poor. Nevertheless there does not seem to be in the public at large a proper and adequate realization of the dangers of corruption. Either we have given up hope of making our country a less corrupt country or we have come to terms with corruption out of a sense of resigned cynicism accepting that corruption is a fact of life. The question: Have we become immune to the issue of corruption in public life? Has become increasingly relevant especially in the context of the recent elections in the states. We have had also in

this year the tehalka.com expose on 13 th of March followed shortly thereafter by the CBI raid on the Chairman of the Central Board of Excise & Customs, perhaps for the first time in the country. We seem to be living in an India where there is a scam a week if not a scam a day. This city of Mumbai has seen scams in the stock market which seem to be occurring with sickening regularity the latest being the Ketan Parekh case into which a JPC is inquiring. We meet corruption practically in every walk of life in India.

Corruption in any system or society depends on three factors. The first is the set of individual's sense of values, the second is the set of social values which are accepted by the society as a whole and third, the system of governance or administration. There are two broad elements, which determine the extent of corruption or the lack of probity in public life. The social roots of corruption form the first element and second is the system of governance. Let us begin with the first element.

India is like a snake whose head is in the 21st century and whose tail is in the 17th century. We are a billion strong country and we have wide differences in terms of social and economic development of different parts of the country. From a sociological point of view, the family is the basis of our society. The joint family and caste are only the extended versions of the family. The joint family might have been eroded in recent times especially in the urban area but the kinship in the form of caste still prevails. Casteism gets a continuous boost because this seems to have become the basis of our entire politics. When I was young I recall leaders like Jawaharlal Nehru speaking about building India into a casteless classless society. The classless society never evolved and instead of building a casteless society, we have today a highly atomized society where caste defines the basis of politics. From casting our votes in the first election in 1952 we have come to a stage of voting a caste in recent elections.

This organization of our society based on caste and kinship and the differences in the state of development between the states provides a very strong rationale for corruption. Caste and nepotism become the basis for distribution of patronage. One of the Chief Ministers is reported to have replied when asked why he was favoring his relatives "I f I do not favor my relatives, whose relatives am I supposed to favor?"

This concept of standing by one's caste or family is also reflected in the sense of tribalism of the corrupt. In addition to the social bond provided by caste and family ties, the common financial interest is another cementing factor. We are largely an illiterate society with at least 40% of our people being illiterate. Hence, emotions dictate politics. Politics is the route for power in a democracy. So when the politics is based on caste and the voter at the emotional level takes the decisions, corruption probably becomes more tolerable.

I wonder whether one of the social roots of corruption in India can be traced to basic philosophy of Hinduism and Hindu ethos. Hinduism preaches the concept of tolerance. Any number of examples is given in the puranas where a sinner having led a life of sin can get redemption by taking the name of Lord Narayana in his last moments as in the case of Ajamila. In social terms this has come to be accepted. People who lived a life of sin like the prodigal sons return to the straight and narrow path at some stage usually late in life. The *sholka Vridha nari pativrata vridha veshya tapaswani* probably represents the cynical acceptance of how people change in life from vice to virtue.

This concept of forgiveness and redemption in the evening of life is also reflected in another social tendency. We find a plethora of sadhus or spiritual leaders who have started preaching. Each sadhu has a band of very well to do chelas. An analysis of the chelas and sadhus may probably prove the well-known statement that every sinner has a future and every saint has a past.

At another level, the very basis of Hinduism, which believes in rebirth, shows that every soul is given innumerable opportunities to improve itself on its onward path. There may be set backs for sins committed but then virtue is also earned. This endless cycle of birth and death leads to the ultimate goal of Moksha. The emphasis of our saints on getting out of the birth and death cycle also is an attempt to persuade people to come to the right path as early as possible. *Punarapi jananam punarapi maranam punarapi jananai jathare sayanam iha samsare bahu dustare kripaya pare pahi murare said Adi Shankara in Bhaja Govindam* reflecting the toils of repeated births and death. As we trace the social roots of corruption in our country, we can identify that this eternal message of tolerance, the sense of forgiveness, the hope held for sinners to come to the right path, probably have also led to the tolerance of a sin like corruption.

If we examine the root of corruption, we will find that it arises perhaps from the extreme attachment of people to their families. Nepotism is natural in this situation. Corruption, as defined by the World Bank, is the use of public office for private profit. A person in an office feels that he should earn enough not only for himself and his lifetime but also for his children, grand children and perhaps seven generations. That is probably the basic motive behind the enormous accumulation of wealth by the corrupt in our country today.

Equally important also is another psychological factor. Power is never demonstrated in a society unless it is misused. In certain communities I understand being as much corrupt as possible and amassing wealth is seen as a macho demonstration of his "competence". If this is the attitude, those sectors of society, which did not have an opportunity to share the power cake in the past, may also rationalize that they must be also able to emulate those who had earlier enjoyed and misused their power and amassed wealth by rampant corruption. Thus a vicious cycle of corruption is launched where a society tolerates amassing of wealth and does not question how that wealth is accumulated.

This brings us to another important social root for corruption, which probably is getting more accentuated in recent times. This is the spreading cult of consumerism. The electronic media have had a tremendous impact in creating a desire in the mind of everyone to have the best of the consumer goods even at the beginning of life. Newspaper reports regularly made out how domestic servants have been the agents of crime in many cases. Perhaps it is this upstairs downstairs syndrome or the ostentatious consumption of the well to do and the sense of jealousy created as a result among the deprived which leads to crimes. Consumerism and desire for an ostentatious life style tempts many to make money by hook or crook. Corruption is the result.

Evil social practices also promote corruption. One major social cause that promotes corruption is the dowry system. Every public servant wants to see that his daughter is married off well and there is continuous pressure for having a minimum level of dowry. This may be one of the reasons why one comes across cases where even public servants who have had a clean life towards the end of their career become vulnerable to corruption. Dowry system is definitely one of the social roots of corruption in our country.

Equally important is the social pressure in a competitive society for ensuring that the children get the best possible education. Right from the kindergarten to every educational institution, there is pressure of competition and education has become commerce. This has been further accentuated by the government policies about affirmative action resulting in a great incentive for self-financing colleges who charge a lot of donation fee and most of it is collected in black. Education pressure and corruption in the education sector is another social factor contributing to corruption in our system.

The recent elections have raised a debate whether corruption is no longer an issue. In other words, is probity in public life relevant in India today? As I see it, the position is as follows. Probity can be looked at two levels. One is the corruption or lack of probity, which the common man meets at every stage in his day-to-day life. This is petty corruption and is more widespread. The impact in financial terms of this type of petty corruption may not be as high compared to the corruption at higher levels where massive deals and kickbacks take place or even policies are modified to suit certain vested interests. Nevertheless, the poor man is not bothered about grand corruption at high levels of society.

One feature of the developed countries is that at least the type of petty corruption, which the common man experiences in India, is absent in those countries. Corruption may exist at higher levels but the standards are apparently strict. For example, Vir Sanghvi in a recent article in Hindustan Times dated 13th May 2001 dramatically brought the difference in perception between when the lack of propriety takes place in Britain and India taking the case of the passport of Hinduja. This is what Vir Sanghvi said:

“As the British example demonstrates, the only way to stamp out corruption is to begin with impropriety. Don't wait for the CBI to try and prove that a bribe has been paid-they will never get the proof and the case will take 20 years to come to trial. Start with impropriety-that is much easier to establish. The moment you see a minister hanging out with dodgy businessmen, assume that he is a crook. This may be unfair-perhaps he is only a native fool-but it is the only way to stop corruption at the root. Follow a policy of zero tolerance; insist on the highest standards of propriety in public life and only then do we have any chance of preventing impropriety

from becoming corruption. One instance should prove my point. If we had followed the British example with regard to the Hindujas, would we be in this mess today with the Bofors charge sheet? The answer is self-evident”.

Vir Sanghvi has raised this issue about focusing on propriety as against the legality aspect of corruption. In Britain, there was also corruption and, thanks to William Gladstone's four innings as the Prime Minister of the country when he brought the structural changes relating to recruitment in civil services, army etc., that country became a cleaner country. After all, education is also an important factor. According to India Today study made in 1997, Kerala emerged as the least corrupt state. Probably this can be directly related to the increased literacy in that state and also the corresponding awareness of exercising their rights in Kerala.

Is probity in public life a middle class virtue? It is true that it is the middleclass that is the base of democracy. In Banana Republics we have two classes, only the super rich and abominable poor. Democracy in real sense does not exist. In totalitarian systems, of course, there will be no democracy and there could be total exploitation. If democracy has to survive, the middleclass value of probity in public life will also have to be sustained. We have to find practical methods of introducing and maintaining probity in public life. It has been said that the India is a feudal democracy. It is quite possible therefore that we take a tolerant view of the misbehavior of the leaders because the king can do no wrong.

The corruption debate in Indian politics is viewed as only an attempt at one-upmanship. Even though it has affected some elections, by and large public memory seems to be short. For example, in 1973 in Gujarat, Shri Chimanbhai Patel was thrown out of power based on the Nav Nirman agitation started by the students on the issue of corruption. But the same Chimanbhai Patel came to power and died in office 16 years later. The total revolution started by Jayaprakash Narain in Bihar seems to have had minimum impact. Although Bofors became very decisive issue in 1989 election, subsequently whenever any party raised the issues of corruption, it was seen more as an act of political vendetta. In the process, even government agencies like CBI are seen to be used by the powers that be to meet their political agenda. The initiation of a process of transparency in the selection of the Director, CBI was an attempt

made by the Supreme Court in the Vineet Narain case to insulate the sensitive investigative agencies from outside influence.

The issue of corruption has also figured prominently in the recent elections where some of the candidates were either denied permission to contest election or were permitted to contest election even though they have been convicted in a court of law. In spite of the legal position, the voters have elected such candidates. Does it mean that for the common voter in India, probity in public life is not important? While one set of commentators have said that corruption and probity in public life does not matter in the view of the voters, opposite view has also been advanced by some like Mani Shankar Iyer. According to him the Tehalka tapes were an issue in the recent elections.

If probity in public life does not bother the public, what are the issues that distress and concern them? In some of the opinion polls conducted, issues like price of food grains, drinking water, employment, shelter etc. come higher as voters' priority than corruption.

From this development one can perhaps draw two conclusions. The first is that so far as Indian politics is concerned, the voter knows that our entire political system is based on corruption. Every political party needs funds for running its activities and this is collected in cash. This cash is basically black money. Black money is the oxygen for corruption; corruption is the oxygen for black money. In this situation, therefore, the voter considers that all parties are equally corrupt. The only difference may be that some are more than others or some have been found out and exposed and others have not yet been exposed.

There seems to be a total lack of awareness about the damages of corruption or lack of probity in public life in the well being of the people. The voter who considers drinking water or shelter or schools or employment opportunities as higher priorities is perhaps not aware that if there was no corruption these issues can be tackled more effectively and the benefits would be much more than what they have got. Rajiv Gandhi indicated at one stage that only 15 paise out of every rupee reach the beneficiary in the anti-poverty programmes. If corruption was checked, perhaps another 40 paise worth of benefits will flow even assuming 45 paise may be the overhead connected with administration and delivery mechanism.

The second conclusion from the election results could be that the voters are not bothered much about the high level corruption but they are more directly and visibly affected by the corruption at the cutting edge level of administration which they experience every day. Probably this discontent frustration and anger gets transmitted to the ruling party and gets translated as the anti-incumbency factor. It is possibly corruption at the higher levels involving large funds either not known to them or even if they are known they discount it. In fact, one of journalists close to a leader, who was very popular among the poor, told me once that when the issue of bribe came up, the leader told the hesitant parties who had come with money to bribe him that they need not worry. If they went outside and said that they have bribed the leader, nobody would believe them for the simple reason that the public knew that the leader was rich enough and was not dependent on the bribes from the parties concerned. Secondly, even if they gave proof that the bribe was paid, the poor will rationalize the act of the leader by saying the money was taken for doing some benefit for the poor. Such is the impact of the charisma that the public condones corruption at higher levels in our democracy.

Another reason for tolerance of corruption by our public can be traced to the Hindu concept of *prayashchita*. If a person at a higher level is caught accepting bribes and even if a small punishment is imposed, the public seems to think that he has atoned for his sins and he should be given another chance. This is also reflected in Vir Sanghvi's observation above about our being too tolerant of impropriety.

We have evolved in our country red tape ridden elaborate systems leading to enormous delays in many public offices. This probably makes the common man consider paying a bribe, as speed money is a part of the system. So long as he gets his rightful dues, he considers the bribe given as speed money as an additional tax, which is inevitable. Particularly in the business community I find that there is a perception that one has to take a long-term view of the business. If one starts fighting the bureaucracy at the lower levels, the cost for fighting for probity in public offices or fighting against corruption leads to more loss in business. In fact, we find a very peculiar equation in India. With 6% as the conviction rate in our criminal courts, corruption is a low risk, high profit business for those who can afford to be corrupt. At the same time, with the enormous clout of the bureaucracy, people outside the system, be they NGOs or businessmen, find that if they want to take on the system, the risks in

terms of loss of profit is much more than the gain, which may be mostly in terms of psychological satisfaction.

Then there is the aspect of 'National Character', published in the book, RESCUE DEMOCRACY FROM MONEY POWER by Bharatiya Vidya Bhavan whose third edition was recently released, Rajaji makes very perceptive observations about probity in public life. He says:

"National character is the keystone on which rests the fate and future of our public affairs, not this or that 'ism'."

"National character, again, depends on and in fact is individual rectitude. Movements for the encouragement of personal rectitude, for purifying individual character, are therefore not irrelevant in the context of politics but are vitally connected with our hopes in respect of national affairs".

"National character is the keystone of national affairs. It locks the bricks together like the key stone in the arch. If the keystone is not there, the arch goes to pieces and tumbles down. It is the improvement of individual character that goes to make the uplift of national character which in turn becomes the keystone in the arch of national prosperity" (Page 81).

"Gandhiji, it has been often stated, wished to spiritualise politics. He firmly held the view that we cannot keep politics and morality apart. Indeed he wanted politics to be re-built on a true and reliable foundation, viz., individual honesty" (Page 82).

"If the parched field of Indian policies and administration has to get fresh green life and grow, we need the monsoon of purity in national character. And the monsoon consists of little drops falling and uniting to make the rain. Individual purity of character alone can revive the parched field" (Page 82).

"When will the people of India wake up, wake up to the need to work hard, to the need to be honest in all matters and in all walks of life including manufacture and trade? Character, which includes efficient work and truthfulness and purity of mind, is the keystone of the arch both in individual life and in national life. Politics, economics, administration, education, health and hygiene and a

score of other things, all call for good character in the individual. Individuals make or mar the nation" (Page 82).

I think, basically most of us are selfish. When we face a problem, we are interested in finding immediate solutions. It may sometimes involve breaking the queue or breaking the rules or sometimes it may involve a financial advantage. How many of us insist on a regular receipt when we buy things with the sales tax duly added? In order to save on sales tax, cash transactions have become more the rule than the exception. Perhaps, the scope of corruption also in such departments is also correspondingly higher.

The second element responsible for the corruption in our country is our system of governance. Our democracy is based on corruption because all political parties have to collect funds in cash, which is black money. Further corruption in our system flourishes because of the following systemic aspects. It is this system that has resulted in a Rs.58000 crores non performing assets in our banking sector, a VDI S scheme which rewards the tax evader by levying a 30% tax while punishing the honest tax payer with a 40% tax and so on.

- Scarcity of goods and services
- Red tape and delay
- Lack of transparency
- Legal cushions of safety for the corrupt
- Tribalism - brotherhood among the corrupt

What do we do in such a situation? The easiest option is not to do anything, accept the reality and take a cynical view to live with corruption. It will be like that situation where an astrologer advised a worried client that he was having all the problems because in his horoscope Saturn, Jupiter and Mangal were in very harmful places and this might continue for the next three years. Hopefully, the client asked: "What will happen after three years?" The astrologer told him that he would get accustomed to it! Perhaps the majority of the people in the country are adopting this advice.

When I suggest that out of the hundred crore people in the country may be five crore are corrupt and 95 are not, I have heard cynical people say that the 95 crore people may not have got an opportunity to be corrupt! Once you give them an opportunity, they will

also become corrupt. The question therefore to ask ourselves is, are we so bad?

The response of the public to the CVCs initiative in displaying the names of the charged officers on the CVC's web site showed that even now, in these cynical times, there is a sense of shame. The Newsweek, which carried a story on this, called it "e-shame". Perhaps even today public opinion can be mobilized. We must be able to make the best use of the media, both print and electronic, to convey the message about the need for checking corruption.

It is a good thing that the issue of corruption is becoming a global issue. I attended the Global Forum Against Corruption held at The Hague, Netherlands from 28-31st May 2001. The comment made by Shri T N Ninan, the Editor of Business Standard who also attended the programme is worth noting in this context.

"The wisecrack goes that everyone complains about the weather but no one does anything about it. I suppose the same thing could be said about corruption, on which Indira Gandhi famously explained away her own inaction: it was a global phenomenon, she said. Well that turns out to be true. Except that something is in fact being done about it - on a global scale. Conferences are being held in quick succession to discuss the issue: one at the Hague earlier this week, which 1800 people attended; another soon in Prague, and then two more in South Korea before the end of the year. After working up remarkable steam on the environment and human rights, the global conferencing community has discovered corruption as an issue on which corrective action is urgently required.

Don't laugh and turn the page. This is serious business. It may take a while before the conferences leads to measurable action, but it seems pretty clear that we'll get there. Remember that that the first major international conference on environment was held in Stockholm in 1972. From there to Kyoto was just over a quarter century. The human rights movement has gone from agenda item to action item in a much shorter period, and I suspect that this will be true of corruption as well. Though what kind of action, and how effective it will be, remain unclear".

Educational system can be another major area where values can be inculcated and the need for integrity ingrained. I had taken up the matter with the Ministry of the HRD in the context of the revision of

the syllabus. Perhaps an open discussion especially about the nexus between corruption and its negative impact on social development has to be ingrained in the public. Once this value gets institutionalized, perhaps we would have made some progress.

When we talk of corruption in public life, do we mean only public life in the sense of politics or do we take the entire society and look into corruption in other parts of society like the business, education and bureaucracy? Corruption pervades practically all sectors of our life and society today. Corruption seems to have become a way of life in our country because of the social causes, which we have identified. The next question is, where do we go from here? Do we accept the corruption as given or is there a way out?

It was Alexis De Toque Ville who said that the inevitable became intolerable the moment it was perceived to be no more inevitable. Today it is possible that people of India in their different capacities as voters or businessmen or citizens have come to accept corruption as inevitable. If we could persuade them that corruption is not inevitable, then we will be able to bring about a change.

There are two approaches to the whole issue of corruption. One approach which may be considered as pragmatic, realistic and worldly wise is to accept that corruption is as universal as human nature and it is only the degree of corruption that can perhaps be controlled. The other approach is that corruption can be controlled and countries, which were once notorious for corruption, have been able to bring in greater probity in public life, thanks to committed and visionary leadership and changes in rules, systems and procedures.

57 Britain itself was not known as a corruption free country in the 19th century. This is what Dr C P Srivastava writes in his book CORRUPTION – INDIA'S ENEMY WITHIN (page 86). The suggestion of Shri Srivastava should be seen in the context of how one Prime Minister in Britain W E Gladstone was able to bring about probity in public life.

Time for action to arrest and reverse this trend is here and now. What is needed is a new, well thought out programme for national regeneration on the basis of shared ethical values and for the reconnection of all the people to the ideal of transparent integrity in governmental administration as well as in all aspects of political and public life. To fulfil its

rightful destiny in the new millennium, the country will have to find ways to move towards an honest and ethics-based polity, an efficient, compassionate and corruption free administration and bureaucracy and a responsible and value based society.

Other democratic countries have come out of a virtually intractable state of corruption by adopting and implementing, with courage and determination, a carefully conceived programme involving fundamental changes in the electoral system as well as in governmental administration, especially in the public services. For example the United Kingdom whose public notoriously corrupt in the 18th century made a transition across barely 50 years to a regime of extraordinary public probity. This was achieved primarily because of the visionary leadership of the liberal party under W E Gladstone who first in his capacity of Chancellor of the Exchequer in 1850s and later as Prime Minister, four times during the period 1868 to 1894 initiated a string of reform measures. The purpose of these measures was to abolish practices with payment of commissions in the army, to define and outlaw corrupt practices by state officials, to introduce competitive examination for admission to a non partisan civil service, to replace fees by salaries in public offices, and to set up systems of financial scrutiny by Parliament.

In the twentieth century we have seen how the Independent Commission Against Corruption (ICAC) set up in 1974 in Hong Kong was able to bring greater cleanliness in public life at least till 1997 before the handover to China. World Bank quotes Botswana as a country, which has vastly improved its probity in public life. We have seen the enormous drive and leadership of Lee Kwan Yew who was Prime Minister for a long time, literally making Singapore a very clean country over three decades.

I therefore subscribe to the view that while it is true that India is a very corrupt country, it is nevertheless possible that the level of corruption in India can be brought down. India can also become like post Gladstone Britain or post Lee Kwan Yew Singapore. Success, it is said, is a self-fulfilling prophecy. So is also failure. In my job as CVC, I take the stand that corruption can be controlled.

Mere desire is not enough. If wishes were horses beggars can ride. The vision of a corruption free India has to be translated into action. As I see it, corruption in India is the result of a vicious cycle, which involves political corruption, bureaucratic corruption criminalisation of politics and business corruption. The root cause of corruption in India is political corruption. Our entire democracy is based on corruption. Every political party needs funds and they collect funds in the form of black money. Black money is the oxygen for corruption and corruption is the oxygen for black money.

My strategy consists of the following 5 elements:

A. Black money, which is at the root of corruption, in politics business and bureaucracy, should be effectively eliminated. This can be done in a three-phased programme.

Phase I Three months

- Implement the Benami Transaction Prohibition Act 1988
- Amend the Prevention of Money Laundering Bill to cover Income Tax, Customs, Excise and Sales Tax
- Enact Corrupt Public Servants (Forfeiture of Property) Act as suggested by the Law Commission and pending with the government from 4.2.1999
- Amend the Income Tax Act on the principle of zero exemption. Exempt all incomes upto Rs.2 lakhs per annum. Levy a flat tax rate of 20% on all incomes above Rs.2 lakhs.
- Amend the Customs and Excise Acts on the principle of zero discretion.

Phase II Three months

- Introduce an amnesty scheme under which within a period of three months, all those who have black money can declare the same and regularize the same by paying an income tax of 21%.

Phase III

- Effectively implement the laws passed in Phase so that the amount of black money is practically eliminated.

B. Hold the National Convention on Ethics in Government on the lines suggested by Dr C P Srivastava in his book Corruption – India's Enemy Within

C. Enact the CVC Bill after taking into account the comments of the CVC on the Parliamentary Committee's report on the CVC Bill

D. Amend the Representation of People's Act so that the candidates against whom serious criminal charges have been framed in a court of law are prohibited from contesting the elections till their name is cleared in the courts of law.

E. For all sensitive posts in Government and sensitive organizations like banks, PSEs etc., introduce the pattern, which is now prevailing for selecting the Director CBI. This will mean that neutral committees of experts will select the panels for filling up the sensitive posts. The government will appoint candidates to the sensitive posts from these panels. Once a person is appointed to a post, he will have a fixed tenure for three years.

The strategy for removal of black money from the economy needs some elaboration. Black money in India is like God. It is everywhere. I do not know why black money is also called the parallel economy because in geometry parallel lines do not meet whereas black money intersects with practically all sectors of our life.

Recently there was great excitement about the Mumbai police's initiative to nab the underworld and cut its link with film world. Underlying this whole nexus will be the cementing influence of black money. Black money probably is very dominant in certain sectors like real estate, politics or the film world. Nevertheless, it is practically present in every sector of our life. Every corrupt public servant also in some way or the other hoards black money.

Government has made valiant efforts in the past to tackle the problem of black money mostly in the form of amnesty schemes. The net result of government's effort has been more like trying to use petrol to put out fire. The latest was the VDIS scheme, which added insult to

injury by providing for the black money hoarders, a soft 30% rate of taxation (which in effect was only 10% according to knowledgeable experts), as against the 40%, which honest taxpayers had paid.

No wonder black money flourishes in our system. Even when laws are made, they are not implemented like the little known Benami Transaction Prohibition Act passed in September 1988. This Act has not been implemented all these twelve years in spite of the CVC requesting government to empower the CVC under this Act and prescribe the rules for implementation.

The advantages of removal of black money are obvious. The economy will become cleaner. As corruption goes down, economic development takes place. If India's corruption level goes down to that of Scandinavian countries, according to the 1999 UNDP report for South Asia, GDP will go up by 1.5% and FDI by 12%. Now that the budget exercises are on, here are some ideas which government can consider for getting rid of black money substantially by an integrated approach. This approach involves three phases. In the first phase, government empowers itself with legal measures to tackle the problem of black money and also cut at the root of generation of black money. In the second phase, which will last for three months, an amnesty is provided to all holders of black money to come out into the open and join the mainstream. The third phase is the stage where after the amnesty period is over, stringent action is taken to rid the economy of the menace of black money once for all.

The first phase, which can be completed in three months, involves the following:

- Prescribing rules for implementing Benami Transaction Prohibition Act 1988 which is already on the statute book
- Enacting the Corrupt Public Servants (Forfeiture of Property) Act, which empowers CVC to confiscate ill-gotten wealth of corrupt public servants. The Law Commission's proposal is pending with government from 4.2.1999
- Adding Income Tax, Customs and Excise, in the schedule for Prevention of Money Laundering Bill, which is before the Rajya Sabha, so that if the black money generated by evasion of these taxes is sought to be laundered within the country, or abroad, strict action could be taken.

- The main source of black money is evasion of Income Tax, Customs and Excise. So far as income tax is concerned, we should move over to a zero exemption, simplified flat tax rate system. Incomes up to Rs.2 lakh per annum should not be taxed. Any income above this limit should be uniformly taxed at a flat rate of 20% whether assesses are individuals, HUF, companies, partnership or any other type. This removal of discretion in one stroke will eliminate the scope of corruption. Incidentally, this will also enhance the income to the government because at present government hardly realizes 17% as the effective rate for collection of income tax.
- The Customs and Excise Act provide excellent opportunities for corruption because of the ambiguity and discretion at different levels to decide what should be the applicable rate. It will be much simpler if there is an approach of zero discretion by precisely indicating the rate that is applicable for a particular product or services. In fact advance ruling must become a regular part of the system so that well before industrialists import, export or move goods out of the factory, the precise rate is known. For instance, if we take a product like KitKat, is it a chocolate or a biscuit? Many would say it is a chocolate. I am told it has been adjudicated to be a biscuit whereby there is considerable saving for industry and government loses revenue.
- Once these laws are in place, the government should give a three-month window of opportunity to all holders of black money to come out into the open and pay a flat rate of 21%. The one percent extra tax is a token levy to show that the government would any day encourage honest tax payers who have paid 20% and not reward black money hoarders as was done in the VDIS. This is the second phase
- In the third phase, once the amnesty period is over, government should systematically utilize all the laws that are available especially those mentioned above so that black money is seized and brought into the main stream of the economy.
- If government were to take the initiative, it will be very difficult for people to oppose. What we have seen over the last five decades, especially in customs, excise and income tax is a whole culture built on the pressures, pulls and counter-pulls of vested interests seeking exemptions and special treatment. Once this culture of evasion of taxes is overcome, we would have entered a

much better era. What better opportunity than the beginning of the real millennium to place India on the path away from the intersecting parallel economy?

The CVC has the powers to exercise superintendence over the vigilance administration of the various ministries of the central government or corporations established by or under any central act, government companies, societies or local authorities owned or controlled by the central government. This power of superintendence empowers the CVC to give directives even in policy matters and definitely in procedures. The CVC therefore focuses on procedures, which are likely to lead to corruption and try to modify them. One example is the corruption in government procurement procedures. On 27.11.98, the CVC issued a directive that in government procurement procedures, once the tenders had been opened, there must be no post tender negotiations except with the lowest bidder. This has brought a lot of transparency and some check on corruption in government purchase operations.

The second element of the strategy of the CVC is to bring in greater transparency in the system. Perhaps for the first time in the world, CVC published the names of charged officers on a web site. These are officers who were facing departmental inquiries and who have been proved guilty after a due inquiry. This was almost an exercise in serendipity. Serendipity is a word coined by Horace Walpole in 1754 after The Three Princes of Serendip, a fairy-tale. Serendipity means the faculty of making happy and unexpected discoveries by accident. The Central Vigilance Commission has had an experience in serendipity recently after it launched on its web site (<http://cvc.nic.in>) the names of the charged officers who were either facing prosecution under the Prevention of Corruption Act or departmental action for a major penalty like dismissal.

The action of the CVC was basically motivated by a desire to communicate the correct facts of action against public servants. The general perception of the public was that the publicity is only given about middle level or junior officials. The fact is that contrary to public perceptions, action is also taken against senior persons but somehow this aspect does not get reflected in the media.

The display of the names of the senior officials of the Government of India including IAS and IPS officers in the web site of the CVC in January 2000 proved to be a classic example of serendipity. While the basic objective of the CVC was to meet the long-standing demand of the media for information about senior officials facing corruption charges and inquiries, once the information was put on the web site, the reaction was an exercise in serendipity. The public at large welcomed the measure. 93% of the people in a poll conducted by the Hindustan Times welcomed measure.

Some of the people who figured on the web site were also occupying sensitive positions. It is a normal Government principle that if a person is facing a vigilance inquiry, he should not be placed in sensitive posts but in practice this was not being followed. This is an important reason why corruption flourishes in our system. This aspect was highlighted immediately by the web site. Lack of transparency of the departmental operations helped people facing vigilance inquiries to occupy sensitive posts. Placing the names of the charged officers in the web site introduced an element of transparency. Questions were raised in the public at large about people who are facing inquiries occupying sensitive positions. There was another somewhat unexpected development. An impression grew that the very fact that the names were figuring on the web site meant that these persons have already been condemned to be corrupt. In fact, one paper went to the extent of saying that the CVC has started an Icondemnyou.com web site. All that the CVC had done was to extend to the departmental inquiries the practice, which is as old as the Indian Penal Code in criminal cases.

In criminal cases when a person is accused, he is legally innocent till proved guilty but so far as court proceedings are concerned, the name of the accused is in the public domain. While even in a serious criminal offence like murder or theft, the accused does not protest that his reputation has been damaged, the moment CVC published on the web site the names of officers, who were facing prosecution cases under the Prevention of Corruption Act or departmental action for major penalty, a hue and cry was raised saying that its very action the CVC had already condemned the innocent public servants! One of the IAS Associations went to the extent of passing a resolution against the CVC stating that here after departmental authorities will not be willing to take a sympathetic view of the officers facing departmental action.

It was interesting to see that while under the law no defamation has been caused by publicizing the names of the charged officers, the general perception appeared to be that the CVC web site was a sort of a rogues gallery, which it is not legally or technically. In spite of the fact that we have become very insensitive and cynical on the issue of corruption, the web site publication seems to have caused some stirring of the conscience in our society. The perception was that public servants would avoid getting their names published on the web site of the CVC. This was confirmed in a poll taken by the Economic Times in which 83% of the respondents said that the publication of the names of the charged officers in the CVC web site will have a deterrent effect.

There was a third benefit, which flowed from the web site. Some of the persons whose names were on the web site said that even though their names were there, they had not been even served with a charge sheet. This highlighted another dimension about how corruption flourishes in our system. This is the element of delay in departmental inquiries. It is quite possible that innocent persons may also become subjects of vigilance inquiries. If the departmental inquiries are delayed, the results are totally contradictory so far as the honest and the corrupt persons are concerned. In the case of an honest person, he becomes a victim of mindless departmental procedure. His career may be ruined, thanks to the delay in getting his name cleared. On the other hand, in the case of a corrupt person delay provides a cover of respectability because he can continue to maintain that he was innocent till he was proved guilty. The CVC was able to use the web site initiative as a device by which monthly reminders to all the departmental authorities could be sent so that the disposal of the cases could be expedited. The intention of the CVC is to see that within six months all departmental inquiries are completed so that honest persons can get their names cleared and the corrupt punished quickly.

Yet another benefit is the apparent launching of a virtuous cycle in other areas of government where transparency can be introduced to improve the quality of governance. If the names of charged officers facing departmental inquiries can be publicized, why not the names of the willful defaulters in the banking system? The Governor of the Reserve Bank of India has announced that the Reserve Bank is examining this issue. Similarly, in the case of the non-banking financial institutions also there were reports that the Department of Company Affairs is thinking of publishing the names of defaulters.

An interesting development is that while people are willing to complain, they are willing to go ahead and do the sting operation. Interestingly in a study made in six cities in December 2000, by the Centre for Media Studies, Research House, Community Centre, Saket, New Delhi, India, it made the following observations.

Nearly half of those who avail services of most often visited public departments of Government in the country had the first hand experience of giving bribe at one time or other. In fact, as high as two thirds of people think that corruption in these offices is real. However, one third think corruption is more often exaggerated. And yet, 80 percent of people are passive and hardly 20 percent had ever complained about such corruption to any.

It is interesting that while 50% of the people reported that they had bribed, only 20% took the trouble of complaining. This also highlights the need for sensitizing the public about the dangers of corruption. Interestingly the National Cadet Corps which has got about 1.2 million cadets have also decided that from this year, 2001, the vigilance awareness week will be observed by the NCC also.

The third element of the strategy is bringing in effective punishment. The corrupt public servants can be prosecuted if the evidence is strong and which can be proved in a court of law. Where the standard of proof required is beyond reasonable doubt, such case once they go to the court they take a long time and unfortunately in India the conviction rates are very low, as low as 6% in criminal cases. The other option is to take departmental action. In the departmental inquiry the proof needed is preponderance of possibility. It is in this area that the CVC has been expediting action. All the cases referred to by CVC are computerized. The departments at two stages make reference to the CVC. In the first stage, reference is made with all the data and seeking advice on whether there should be prosecution or departmental action. If the departmental action is to be taken, whether there should be a major penalty or minor penalty. Once the advice is given, inquiry is conducted and after the inquiry is conducted, again the advice is sought – second stage advice – what will be type of punishment to be awarded? With all the data now being computerized, one glaring fact that emerged was that there was very poor and slow follow-up action.

Systematic follow up with various authorities is being conducted so that prompt action is taken. The experience of CVC has shown that corruption flourishes because of delay and lack of transparency. Transparency aspect has already been discussed above. Delay, in effective punishment is sought to be reduced by systematic follow up and results are encouraging.

The common citizen ultimately must be able to join the fight against corruption. War, it is said, is too dangerous a matter to be left to the generals alone. Fighting corruption is too important to be left only to the CVC. I have therefore been suggesting the following four-point action for the citizens of the country including students to join the fight against corruption.

The first point is participating the Benami Black Money Scheme of the CVC. CVC on 12.7.2000 announced the Benami Black Money Scheme to take advantage of the information available with the public against corrupt public servants. The details of the scheme can be seen on the CVC web site at <http://cvc.nic.in>.

The second point of action is that the citizens can make suggestions about the rules that can be simplified or modified so that scope of corruption is reduced. CVC has the power of supervision over vigilance administration and can give directive to departments to amend rules.

The third point of the CVC strategy is that citizens can take part in trapping corrupt public servants. CVOs have been asked to organize sting operations when they get complaints from public about corruption. Every office in Government of India is supposed to have board which says DO NOT PAY BRIBES, IF ANY BODY ASKS BRIBES COMPLAIN TO THE CHIEF VIGILANCE OFFICER / CENTRAL VIGILANCE COMMISSIONER. The CVOs in turn have been instructed to arrange for traps. The problem in trap or sting operation is that witnesses are not willing to come forward. Citizens who are public-spirited can come and participate in traps as witnesses. They will be making a major contribution to tackling corruption.

The fourth point of action is in helping to create greater awareness about the evils of corruption in society. The CVC from the year

2000 has started observing for one week from 31 st October, which is the birthday of Sardar Patel, the Bismarck of India, the Vigilance Awareness Week. This week can be used for spreading the awareness of fighting corruption in the form of talks, competition, and so on to focus attention on the need for probity in public life.

We have explored so far the social roots of corruption, the present situation of corruption and possible approaches to become free of corruption. Have we become immune to corruption in public life? The answer a priori may be yes. But if we probe below this surface, we will find that the sense of immunity is the result of a defeatist and cynical approach. Many accept the situation of corruption but are not happy. It is interesting and curious fact that even corrupt politicians, when they came to power talk of fighting corruption and providing corruption free government. The reason for this is the fundamental opposition to corruption as a way of life at least at the conceptual level. Many may feel a sense of helplessness but if we remember the eternal call of the Kathopanishad which Vivekananda used to invoke, we will not feel so despondent. The message is: *Arise, Awake and Stop not till the goal is reached. Utthistata, Jagrata, Prapta Varan Nibodhata!*

We have seen so far how ethics in administration is necessary for ensuring good governance. We have also seen how, for example, ethics in administration can help to check corruption and how checking corruption will prove to be pro-economic development, pro-poor and pro-national interests.

That brings us to the fundamental issue of inculcating the sense of ethics among the public servants. For this reason that the CVC directed that every public servant must be exposed to at least a week's module on ethics in business administration. Once people start reflecting on the need for ethics in business administration, at least there is a hope that things will improve. Every sinner has a future and every saint a past. After all, Rajaji says that every human being has a potential. The charcoal we use in kitchen Rajaji said is carbon. Graphite in the pencil is also carbon. The diamond, which we wear in the rings, is also carbon. If a lifeless substance like carbon depending upon temperature, pressure and weather conditions can become a low value item like charcoal, middle value item like graphite and high value item like diamond. How much greater is the potential of human being! So, in that hope that use the opportunity provided by such programmes to reflect on the ethics in administration

on what we can do to inculcate the best values of integrity, commitment and honesty in ourselves so that our administration becomes an example of exercise in the valuable Indian tradition of Dharma.

(Source: Paper presented at I STM, New Delhi on 08.01.2002 by Sri.N.Vittal, Central Vigilance Commissioner)