NETAJI SUBHAS OPEN UNIVERSITY

STUDY MATERIAL

P.G.P.A.

PAPER 8

MODULES : I-II

POST GRADUATE
PUBLIC
ADMINISTRATION

PREFACE

In the curricular structure introduced by this University for students for Post-Graduate degree programme, the opportunity to pursue Post-Graduate course in Subjects introduced by this University is equally available to all learners. Instead of being guided by any presumption about ability level, it would perhaps stand to reason if receptivity of a learner is judged in the course of the learning process. That would be entirely in keeping with the objectives of open education which does not believe in artificial differentiation.

Keeping this in view, study materials of the Post-Graduate level in different subjects are being prepared on the basis of a well laid-out syllabus. The course structure combines the best elements in the approved syllabi of Central and State Universities in respective subjects. It has been so designed as to be upgradable with the addition of new information as well as results of fresh thinking and analysis.

The accepted methodology of distance education has been followed in the preparation of these study materials. Co-operation in every form of experienced scholars is indispensable for a work of this kind. We, therefore, owe an enormous debt of gratitude to everyone whose tireless efforts went into the writing, editing and devising of proper lay-out of the materials. Practically speaking, their role amounts to an involvement in 'invisible teaching'. For whoever makes use of these study materials would virtually derive the benefit of learning under their collective care without each being seen by the other.

The more a learner would seriously pursue these study materials, the easier it will be for him or her to reach out to larger horizons of a subject. Care has also been taken to make the language lucid and presentation attractive so that may be rated as quality self-learning materials. If anything remains still obscure or difficult to follow, arrangements are there to come to terms with them through the counselling sessions regularly available at the network of study centres set up by the University.

Needless to add, a great deal of these efforts are still experimental—in fact, pioneering in certain areas, Naturally, there is every possibility of some lapse or deficiency here and there. However, these do admit of rectification and further improvement in due course. On the whole, therefore, these study materials are expected to evoke wider appreciation the more they receive serious attention of all concerned.

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First Reprint : July, 2011

POST-GRADUATE : PUBLIC ADMINISTRATION [P.G/P.A.]

Paper- 8

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NETAJI SUBHAS OPEN UNIVERSITY

PGPA- 8

Module 1

Module 2

Module - 1

Unit 1 ❑ From 'Administration' to 'Governance'

The origin of the English word "administration" can be traced to the Latin word *ad ministaire*, meaning "to serve". But "administration", as generally understood in English since the middle of the nineteenth century, means control. Hence public administration as the study of governing the affairs of the state stands for a social science which is engaged in finding out the best possible mechanism of controlling the decision-making processes and the necessary institutional and organizational systems for that purpose. The theories of public administration for more than seven decades since the last decade of the nineteenth century were concerned with the concepts and processes of exercising control in conducting public affairs and influence decision-making affecting public interests.

Aamunersson presupposes a well-organised machinery of functionaries appointed to make rules and apply them with a view to translating the policies of the established authorities. So far as 'government' is concerned, these functionaries are known to have collectively comprising the 'bureaucracy'. In a democratic regime the bureaucrats are supposed to safeguard the legitimate interest of the public by exercising continuous vigilance and expertise in matters of decision-making and execution of policies. In private organizations the bureaucracy is not as much rule-bound as in public or governmental organisation and the bureaucrats are required to subserve the main objectives of the organization. Public administrators are to fulfil the lawful needs of the common people by adopting and implementing appropriate decisions without discriminating between the high and the low, the rich and the poor. However, in India and most other countries, bureaucrats or public administrators have failed to live up to the high expectations about their role in managing natural, technological and human resources of the society. Hence the case for a permanent tenure, accompanied by host of privileges and perquisites, for the bureaucrats becomes weak. In very recent time, government officers and employees excepting a few in the Afro-Asian countries are generally found to be unwilling to perform their minimum of duties in time. Honest and conscientious bureaucrats and technocrats not only do not get any appreciation or reward, they are also frequently threatened of dire consequences if they do not fall in line with the desire of the businessman-mafia-bureaucrat nexus. The examples are not at all uncommon in an advanced Third World country like India, let alone other ex-colonial

countries. Open and hidden bribery does the miracle of getting a job done in government office. Moreover, endless collective suffering are caused to ordinary and unprotected citizens only because of the failure of higher-level bureaucracy to take timely decisions on important matters affecting the genuine interests of the masses. Sufferings are found to be caused in many development-oriented departments such as education, forest, irrigation, public works, agriculture, health, rural and urban development and so on. There are plethora of rules and regulations which come very handy to the functionaries of government departments for not rendering effective service to the citizens, especially those who are not rich enough to give necessary ''speed money'' or ''incentives'' and those who are socially-economically-politically unprotected and underprivileged. Even, the conscientious higher officials also have to suffer ignominious and inhospitable transfers if any of their decisions happen to hurt the vested personal or vital party political interests of any legislator or party boss of the ruling party. In numerous public sector undertakings, India has suffered from losses worth hundreds of thousands of crores of rupees because of the acts of wastage, inefficiency and corruption originating in the politician–bureaucrat nexus and caused by self-aggrandisement and misuse of power and machinery of public administration. It is the common experience of the ex-colonial, development-seeking countries that whenever national interests are subordinated to personal factional-party interests, and appropriate decisions are subordinated to momentary matter.

It was in this backdrop experience of the ''public administration'' in the developing societies and their economies that the shift to ''governance'' was recommended by the World Bank. In this age of globalization and rising quantum of foreign direct investment, the importance of ''governance'' can hardly be overemphasised. To quote Daniel Kaufman, Director of World Bank's Institute of Global Governance, ''governance matters for development.'' ''Governance'' refers to a process, not structure, of decision-making whereby multi-layered elements in society are given an opportunity to wield power, authority and influence so that policies concerning public life and socio-economic change for better living can be adopted and necessary laws can be enacted. Governance is ''good'' only when it is in the larger interests of the masses. Democratic governance is thus linked with the larger involvement of the people in decision – making on desired political and socio-economic changes. In its document titled *Governance and Development* (1992) the World

Bank defined governance as the manner, and not the constitutional and legal framework, in which power is exercised in the management of a country's economic and social resources for development, and for creating and sustaining an environment which seeks strong and equitable development and increases the capacity of the political regime (avoiding the term ''state'') for development. Philosophically, governance aims at converting a badly managed economy into a well-ordered rearrangement of the social order. 'Governance' is a method of redefining the relation between the government and society.

It is therefore evidently clear that the quality of 'governance' will be determined by the persons taking decisions and the manners of implementing them. At the same time, in a democratic set-up the views of the political parties, and in a non-democratic system, the views of the power-holders (the dictator and his collaborators) count. For example, in the Swedish system of consociational democracy, no major public policy is adopted without consultation with, and support of, the interest groups and concerned civil society organizations. On the contrary, in the Indian variety of majoritarian democracy, the views of the affected minority is not always taken into account in making of public policies; in some cases, the dissidents are even mercilessly oppressed. To take a specific example, in western democratic systems, planning and development policies are generally not formulated without consulting the views of the developers and opinions of the affected people. In most developing countries, the business community receiving aid or foreign direct investment try to create pressure upon the politicians to adopt such policies as would serve the business interests. Where the political leadership in power has been elected through transparent democratic process and the press is well-informed and free, the government is not easily swayed by the influence exercised by the business community. Informed and free public debate offers a guarantee that the government would not be allowed to ignore genuine public interest. The same argument is applicable in regard to implementation of public policies. Development projects meant for serving public good need to be implemented in a time-bound manner and in a manner of financial transparency. If not, cost-escalation takes place leading to pressure on public exchequer and corruption in the long run. Such situations either are the result of, or lead to, bad governance.

To achieve the millennium development goals not merely governance but ''good governance'' is the key factor. It is the universal experience that political, administrative and financial corruption is found to have thrown a

formidable challenge to achieving ''good governance''. Experience shows that in many cases the benefits which are expected to be generated out of foreign aid or loan do not percolate to the stakeholders, because the funds are not properly utilised, and politics-administrative corruption is responsible for this state of affairs. Most often the public is not informed of the source and the total amount of funds invested project-wise, and the quality of work done. Money changes hands. This state of affairs is not good governance.

Governance and Government

The two terms, 'governance' and 'government', though often used interchangeably in popular parlance, are different. *Governance* is the interrelationship between four principal institutions of democracy – legislature, executive, judiciary and media (print as well as electronic, including world wide web). *Government*, on the other, is an institution.

The concept of 'governance' can be broadened further to include government's interrelationship with the corporate world and the non-profit ''third sector''. Governance, then, stands for the institutional arrangements that span levels of government and straddle the divisions between public bureaucracy, private firms and the non-profit 'third sector'.

Governments are specialized institutions which contribute to governance; and governance is the outcome of politics, policies and programmes. The characteristics of *governance* and *government* can be summarised as follows :–

Distinguishing Characteristics of Governance and Government

Governance	Government
1. Functionality	1. Superstructure
2. Processes	2. Decisions
3. Goals	3. Rules
4. Performance	4. Roles
5. Coordination	5. Implementation
6. Outcomess	6. Outputs

Source : D.C. Misra's article on e-Government in *Management in Government,* Oct-Dec. 2007

'Governance' must not be confused with 'government'. To put it simply, 'government' is one of the factors of 'governance', but governance is also

influenced by many other factors. Governance implies the use of institutions, structures of authority and even collaboration with non-government organization for allocating resources and also coordination or partial control of these voluntary organizations active at the social and/or economic levels.

Questions :

1. Discuss the role of bureaucrats in the administrative system of a state.
2. Define Governance. How can 'Governance' be distinguished from the term 'Government' ?

Unit 2 ❑ Concept of Good Governance

Introduction

As an idea in governing a society, the notion of Good Governance cannot be said to be a recent discourse. Rather it is as old as human civilization. The quest for excellence in human life has been the perennial concern of political discourse. One of the priorities of governments has always been to ensure a better living for the people.

Kautilya in his *Arthasashtra* comments that a good ruler should merge his individuality with the welfare of his people. As K. P. Jaiswal in his *Hindu Polity* (1968) says, the ideal king in ancient India was the ''Constitutional Slave''. In discharging his duties, he is expected to adhere to the tradition of *Swadharma* guiding him to see that no person transgresses the categories and canons of duties of others. The king must take every care to prevent social disorganisation. The *Arthasastra* elaborates a plan to ensure good governance through a large and complex administrative mechanism and scheme of public finance.

In the 'Santiparva' of the great epic *Mahabharat*, a number of postulates, precepts, maxims and norms of temporal and social pyramidal organization are laid down, which would aim at preventing disruption and disorder in the social system. In the midst of the great war at Kurukshetra, Yudishthira, the eldest Pandava, approached their old grandfather Bhishma lying on his 'bed of arrows' for his advice on good governance (meaning *Rajadharma*). Bhishma narrated in great details the functions, duties, role and characteristics of a good, popular and dutiful king. In ancient India the concept of King (government) was intimately bound up with that of a benevolent, paternalistic, governing authority discharging its duties under the general injunctions of *Dharma* (a concept of righteousness). The king had the basic obligation to establish Rule of Law in society as without it nothing would be safe and secure. The absence of rule of law would make people's living a veritable hell. The first and foremost duty of the King (government) is to protect life and property of the subjects (citizens) and to create an ambience of righteousness.

The King in ancient India is ordained to pursue policies for the promotion and fostering of people's happiness. The King and his ministers are enjoined to uphold *Dharma* (meaning ''righteousness'') and to act in accordance with the ''common good'' of society. The public employees must not act unjustly

or unethically for securing their own private good through selfishness. If they violate the moral basis of governance, they will go to hell. The state officials must have calibre, integrity, honesty, reason, compassion, restraint, efficiency, sense of justice, knowledge of public affairs and common sense. Otherwise, good governance would be jeopardised and anarchy would visit the state and society. The restraints of *Dharma* would facilitate moral accountability of all, including the ruler, and help maintain transparency in administration. The policies and energy of the government would be directed to achieving the all-round welfare of the people. The king, enjoying the hereditary authority to rule, was fully accountable to the directive principles of *Dharma* so that the government is not reduced to a state of autocracy and anarchy. *Rajadharma*'s fundamental objective should always be to avoid and prevent the development of anarchical tendencies, because the anarchic state would not be able to provide security for its citizens, property, wealth, women, servants, poor and weak.

The Mahabharat explicitly sanctions revolt by the people against the government which is oppressive and exploitative, and which utterly fails to give protection to all the interests contributing to virtuous life. The King (government) was expected to take all possible steps to see that violence diminishes, justice prevails, agriculture flourishes, trade and commerce gets a boost and everyone follows the path of Dharma in life, and performs one's duties well. The *Bhagawat Gita* also underlines the point that the objective of Governance is to protect and sustain the common good of society. The notion of *Rajadharma* regulates public affairs, and seeks to uphold good governance.

The council of ministers advising the king must be representative of the main professional classes in society. And the decisions should enjoy a reasonable degree of transparency so that people would be in a position to offer suggestions and critical comments for improvement of administration. The functionaries of the state should be assigned their roles and duties in accordance with their skill and ability, otherwise inefficiency and corruption would pervade in every sphere of administration, ultimately inviting anarchy and demoralisation in governance. The King (government) and subjects (governed) were deemed complementary to each other. *Rajadharma* would be endangered and unhappiness of the people would increase, if these basic principles of governance were not followed by the government as well as the governed. Economic well-being and social welfare of the people found an important place in the government's duties as narrated by Bhishma to

Yudhisthira. Here we have a glimpse of the comprehensive idea of Good Governance as understood in ancient India.

The Greek political philosophy, in general, also underlines the importance of making the life of citizens good and virtuous. Plato and Aristotle held the promotion of ''good life'' as the goal of the state. During the medieval period the great scholastic St. Thomas Aquinas, again, held that promotion of common good was always the concern of the government. Similarly, the giant political philosophers of the seventeenth to nineteenth century like Locke, Rousseau, Bentham and Mill have all given adequate attention to provide safeguards to individual freedom and social welfare as the goal of political life. The basics of the idea of Good Governance, in a different language, have received support of the western political thought.

Contemporary Meaning of Good Governance

The concept of Good Governance, however, became a buzzword for administrative reforms towards the end of the twentieth century in the context of the chronic misgovernance in the Third World countries. The public bureaucracy in these development-seeking countries continues to demonstrate trained incapacity, isolation from the people, misplaced faith in the capabilities of the Government functionaries and inability of the administration to adapt to the socio-political changes. Governance, administration and management lost relevance and were reduced to mere avenues of ruling over the people and embezzling public funds. Public offices were unscrupulously exploited for self-aggrandisement. These developing countries of the Third World are mostly densely populated, widely habitated by malnourished, underliterate, and least gender-sensitive people. Their economies are characterised by large-scale poverty, high unemployment, underskilled labour force, and lack of capital. This scenario convinced Mahbub-ul Haq, the eminent Pakistani economist and an important pioneer in formulating the UNDP's Human Development Index, that the root cause of the failure of the Third World countries in the sphere of responsive, efficient and effective government lies in their system of mis-governance, which includes non-feasance, mal-feasance and over-feasance in their public administration and management process.

In the post-War period the newly independent, development-seeking countries of the Third World received financial aid and technological assistance from the developed, industrialised countries as well as the international aid-giving institutions like World Bank, International Monetary Fund, OECD,

Asian Development Bank and such other institutions. Soon the donor countries and the aid-giving institutions realised that the aid-receiving developing countries could not effectively utilize the aids properly because of their inability to manage properly the aids they received for the benefit of their people. The discourse of Good Governance emerged in the context of this experience of mismanagement of development aids. In order to overcome this problem the donor countries and institutions began to lay down certain conditionalities to their offers of aid, such as adjustments in the structure of administration, liberalization of administrative rules and regulations in order to minimise government control as far as necessary, more democratization of the polity, decentralization of political and administrative power, improvement of human rights records, greater transparency in public affairs management, introducing competition and marketization in production and distribution system, improving public accountability of decision-makers in government and administration and so on. The concept of Good Governance came into use in this context, putting less importance to *administration* (that is, exercising control) and more importance to *management* (that is, making the best use of the available resources).

There is hardly any unanimity in what is meant by the term 'Good Governance'. Most of its definition is structural in its ambit. Governance, in all its aspects, with national ethos and national capacities dug deep in its outward framework, is seldom considered.

The span of governance extends to the entire canvas of the life of a nation. It involves not only administrative or managerial capacities but also the social, political, intellectual, cultural and moral capacities of the system. The best governance machinery is the one that harnesses all these capacities and directs their focused beam on the resolution of the problems that confront the nation. If, for example, the culture of a nation does not generate values of honesty, dedication, compassion and the like qualities of mind, the quality of governance will suffer, no matter how perfect its institutional arrangements are. It is necessary to make simultaneous efforts to upgrade all the capacities of a system. If one concentrates on a few capacities and neglects the others, the result would not be wholesome.

The concept of 'Governance' was specifically highlighted for the first time in 1989 in the World Bank document on Sub-Saharan Africa. The emphasis was shifted from the traditional concept of 'government' as an institutional machinery for public decision-making and implementation of decisions to

the new concept of 'governance' as a process of managing the affairs of the society by government and non-government agencies in order to achieve good of the people. 'Governance' may be said to be that part of the process by which a society manages itself through the mechanism of the State and non-State actors.

Very soon the expression 'Good Governance' came into use in the early 1990s to mean, at that time, sound development management. Four key dimensions of good governance were identified viz. (i) public sector management, (ii) political accountability, (iii) rule of law and legal framework for development, and (iv) information and transparency. From its lending experience in the developing world, the World Bank came to realise that good governance is central to creating and sustaining an environment which fosters strong and equitable development, and it is an essential complement to sound economic policies. [see World Bank publication *Governance and Development*, 1992.]

Subsequently, the World Bank identified three aspects of governance viz. (a) the form of political regime, (b) the process by which authority is exercised for managing economic and social resources for development, (c) the capacity of government to design, formulate and implement policies and discharge functions. It argued that authoritarian or military regime is not conducive to good governance, that democratic process of management by associating the people with development enterprise yield better result, and that government's functioning improves if transparency in decision-making is achieved and respect for human rights is observed. [see *World Bank's Experience* (1994)].

Good governance aims at creating and sustaining an environment which quickens effective and equitable development. It is a process which leads the people to a peaceful, orderly, reasonable, prosperous and participatory living. From another point of view, good governance is identified with political accountability and transparency in respect of dissemination of information and cooperation between government and society. In any way, then, good governance devotes a citizen-friendly, citizen-caring, responsive and transparent system which feels for protecting human rights and is committed to deliver goods and services to citizens without jeopardising their democratic entitlement and violating their human dignity.

The Organization for Economic Cooperation and Development (OECD) has summarised the concept of good governance by identifying its essentials

as democratization of the polity while confirming people's participation in the development process, preservation and protection of human rights of the individual. Thus OECD underlines an equitable, transparent, non-discriminatory, socially sensitive and accountable administration having capability and effectiveness for achieving the goals of good governance.

The United Nations Development Programme (UNDP) has defined Good Governance in terms of (i) people's participation, (ii) consensus-orientation, (iii) responsiveness, (iv) effectiveness and efficiency, (v) accountability, (vi) transparency, (vii) equity, (viii) rule of law, (ix) strategic vision.

The Institute of Governance (Canada) has identified the following principles of Good Governance, viz. (i) democratic legitimacy of the regime, (ii) people's voice in decision-making, (iii) clear vision in governance, (iv) performance–level of the administration, (v) accountability, and (vi) fairness.

Taking the essence of these different ways of defining Good Governance, the following principles may be identified as the universally acceptable core ingredients of Good Governance, viz.

  (i)   effective people's participation in decision-making through decentralization

 (ii)   transparency in administration

(iii)   responsiveness of administration to people's needs

(iv)   consensus-orientation in decision-making

 (v)   equity and inclusiveness in state policy

(vi)   rule of law

(vii)   effectiveness and efficiency in service delivery

(viii) accountability in administration

(ix)   strategic vision in administration

 (x)   absence of violence in policy implementation.

Most of these principles are crucially value-laden and they constitute the bedrock of genuine democracy.

Neo-liberal political theory presents another dimension of good governance. Essentially the neo-libral approach presents a strong case for ''rolling back the state'', meaning thereby withdrawal of the State from its commitment in redistribution of the society's wealth for the purpose of realising social justice. Coincidentally, the neo-liberal agenda in the 1980s in economics and politics, as found in the writings of Milton Friedman and Robert Nozick, was very much influential in formulating public policies of the advanced capitalist western countries. The neo-liberals advocate the case of the State's withdrawal

in favour of the market mechanism and voluntary agencies for making and implementing policies of socio-economic change. The shift of focus from public bureaucracy and State-leadership to voluntary sector and free market has been justified as an opportunity for 'participatory development', which is referred to as an important component of Good Governance.

In India the conference of Chief Secretaries of the States (November 1996) admitted that public administration and civil services in India were passing through a crisis period owing to a number of factors viz. erosion of capability and effectiveness of civil services; the nexus of politicians, bureaucrats and criminals; low level of honesty in public service; lack of transparency in public administration; and failure of the administration in ensuring effective delivery of services to the people. This Conference in its agenda note admitted that "the public administration and the civil service at all levels are passing through difficult times in terms of eroded credibility and effectiveness of the civil service, growing public perception of an unholy nexus between certain elements among politicians and civil servants and criminals (as elaborated in the Vohra Committee Report), and increasing criticism of the low level of honesty, transparency and accessibility to the political and bureaucratic elements in charge of administration." It was felt that "the need of the hour is to assure the people of India of an efficient, open, responsive, accountable, clean and dynamically adjusting administration at all levels."

The conclusion and programmes suggested by the Chief Secretaries Conference was endorsed by the Chief Ministers' Conference in 1997. It was admitted at this conference that immediate steps needed to be taken and reforms introduced in India's public administration in order to fight against the prevailing rampant corruption and clear the administrative mess created over the decades. It was also recommended that appropriate measures be taken to make administration citizen-friendly and citizen-caring, and to introduce effective accountability of the policy-makers and administrators.

Good Governance and Civil Society

Despite a number of administrative reforms and innovations in recent time in India, it is the common experience that there has been virtually no appreciable and favourable impact on the quality of governance. The new approach to achieving Good Governance is to create conditions facilitating pressure from the citizens on the governance system to improve. Some well-known initiatives which have been taken in this direction include Right to

Information Act, Consumer Protection legislation, Citizens' Charter, Whistleblower Protection, e-Governance, Report Cards, Democratic Decentralization, Public Interest Litigation and so on. Pressure now comes from the civil society crying for good governance. For Example, *Lok Satta*, a Hyderabad-based social activist organization, submitted to the Government a petition signed by over a million villagers demanding greater devolution of powers and resources to the panchayats.

The civil society's functional contribution to good governance could be of the following types, viz.

  (i) Watchdog : against violation of basic human rights as well as short falls and deficiencies in governance, especially at the implementation stage through social audit and other exposures.

  (ii) Advocate : of points of view of the weak, voiceless sections of the society.

  (iii) Agitator : as an assertive representative of the aggrieved citizens when all other normal, legitimate methods of representation fail.

  (iv) Educator : educating not only citizens on their rights and entitlements and their civic and statutory responsibilities but also educating the government about the actual state of affairs at the cutting edge and the pulse of the people.

  (v) Service provider : delivering services like education and health to areas and sections of people not reached by official efforts or as an agent of government.

  (vi) Mobiliser : mobilising public opinion and participation for a good policy/programme for or against a wrong policy/programme, mobilising support for good initiatives by government in literacy, family welfare, child immuaisation, environmental protection.

  (vii) Agent of the State : acting in the delivery of services, especially in situations where the inflexible arm of the government is ineffective and a personal, soft touch is needed.

  (viii) Organiser of 'social capital' : Civil Society acts through what is known as social capital, i.e., capacity of people to act together willingly in their common long-term interest. Social capital is strong when a society is homogeneous in terms of socio-economic access and opportunity, and it is weak when a society is not egalitarian (mostly feudal) and is fractured in terms of caste, religion, language or any other narrow sectarian, short-term interests. A weak civil

society is unable to play its full potential role in enforcing good governance.

Operationally, civil society has to be structured into compact, focussed organisations each based on strong social capital in order to interact effectively with the huge political-bureaucratic machine of the government.

Civil society organizations are known by various generic names such as voluntary organisation (VO), non-Govt. organization (NGO), civil society organization (CSO) and so on. Many such organizations are found to be the fiefdom of some powerful person or group mainly interested in having national and/or international funding. In order to be really capable of having an impact on the quality of governance (which is, after all, their *raison d'etre*), such organizations need to have the requisite qualities like selflessness, commitment, grassroots experience and competence, objectivity, transparency, integrity, leadership, accountability and internal democracy.

It is the active role of the civil society which would ensure that public interest is defined from a truly public perspective. Civil society organizations generate the need of the people. The strength of the civil society rests squarely on its social capital. In is the duty of citizens to see that society is not fragmented on the basis of narrow, self-contred loyalties weakening the social capital.

Government of India's *National Policy on the Voluntary Sector (2006)* envisages the following approach :

- To encourage, enable and empower an independent, creative and effective voluntary sector, diverse in form and function, so that it can contribute to the social, cultural and economic development of the people of India.
- The voluntary sector to play a role in finding innovative solutions to poverty, deprivation, discrimination and exclusion through awareness campaigns, social mobilisation, service delivery and advocacy.
- To identify systems by which government may work with the voluntary organizations on the basis of mutual respect and trust, and shared authority and responsibility, such as consultation, collaboration and funding.
- To liberalise the provisions of Foreign Contributions (Control) Act so as to enable good voluntary organizations to attract foreign funding.

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- The voluntary organizations to have an effective self-regulatory mechanism.

The Indian Scenario

The actual experience of India in recent time shows that the nation has failed to understand, by and large, to recognise the vital role that cultural and moral capacities of the system play in determining the quality of its governance. Unless the system produces constructive urges and is propelled by values of fairness, justice and compassion, its governance will not improve. Till now, the political leadership has not paid any serious attention to achieving Good Governance and that too has been devoted only to the framework of administrative machinery and management procedure. That is why, contemporary Indian administration is neither being propped up by intellectual vigour nor fertilised by the culture of service, dedication, probity and cleanliness in public life.

The structural framework of Indian governance, too, has many infirmities and its administrative and managerial capacities need to be improved substantially. The political leadership has failed to create a reservoir of high ideas and ideals that can lubricate the governance process. The perspectives of the World Bank, UNDP and other agencies suggest that good governance could be perceived to lie in healthy democratic polity, transparent and accountable public administration and management, economic efficiency, political stability, social advancement, just and speedy machinery of conflict resolution, equity, and overall multidimensional sustainable development. But the crucial question is how to create the socio-economic and political environment conducive to realisation of the principles and goal of good governance.

A World Bank Report of 2007 has observed : ''India, a country with low initial inequality, is headed for one of the fastest increases in income inequality anywhere.'' In a country where millions remain hungry and diseased, the combined wealth of 36 richest Indians had touched $ 191 billion in 2006. [Jagmohan, 'Good Governance', *The Stateman*, 23 May 2008]. Secondly, it is true that Indian democracy has managed to survive since 1947 whereas India's neighbouring countries and a large number of the Third World countries have not achieved any creditable record of democratic functioning. But India's electoral system and the forces that propel it have proved to be the major culprits insofar as the true spirit and the ambience of democratic governance through exchange of ideas, cooperation and accommodation of

competing agents of democratic consensus have been alluding the expectations of the founding-fathers of Indian democracy. The role of big money and anti-social mafia, and of the politicians-bureaucrats-businessmen nexus has been fast taking Indian democracy, to quote T. S. Elliot, ''... farther from God and nearer to Dust.'' Political stability of the democratic regime is under constant threat of the twin forces of political-administrative corruption and domestic as well as international terrorism. Rule of law is far from reassuring. Lord Wavell's observation that ''India could be governed firmly or not at all'' seems to be correct. The soft and permissive style of the State functioning is reflected in what has come to be known as the ''broken window syndrome'' in the governance-literature : ''If a window is broken and left unrepaired, people walking by will conclude that no one cares and that no one is in charge. One unrepaired window is an invitation to break more windows, and lawlessness spreads outward from buildings to streets and then to entire communities.'' The net conclusion is inevitable that the prospect of establishing good governance in India is not that bright. After all, political instability and directionless weak governance militate against Good Governance.

Questions :

1. Discuss the concept of government in ancient Indian society.
2. Analyse critically the meaning of Good Governance.
3. Explain the relation between 'Good Governance' and 'Civil Society'.
4. Critically evaluate the relevance of 'Good Governance' in contemporary India.

Unit 3 ❏ Good Governance and Public Administration in the Third World

Good governance became a buzzword for administrative reforms towards the close of the 20th century in view of the chronic laxity of the governments in the Third World to carry forward the goals of development to the grassroots level. The idea of Good Governance sprang from the challenges of development in the Third World countries where bureaucracy continues to demonstrate on a chronic basis ''trained incapacity, isolation from the people, excessive concern for personal gains, misplaced faith in the capabilities of the administrators and inability to adapt to the socio-economic changes.'' In these newly-independent, development-seeking countries, politics in the sense of power game became the means to gain and retain governing power and control over government machinery including the military. This is nothing but a crude manifestation of the power-elite's quest for overall domination over society, economy and government.

In most of the Third World countries governance, administration and management lost relevance and were reduced to pseudo-democratic or authoritarian techniques for ruling of groups and vested interests over the people. Public offices became places of self-aggrandizement. A number of countries in Asia and Africa, which attained formal independence in the second half of the 20th century, still are densely populated, largely illiterate and malnourished. Large-scale unemployment, poverty, disease and sufferings are their common characteristics. Their economies suffer from a ''vicious circle of poverty.'' Mahbub-ul-Haq, the eminent Pakistani economist and the pioneer of Human Development Index and Human Development Reports of the UNDP, concluded that the root cause of the failure of the governments in achieving responsive, efficient and effective governance lies in the crisis of governance. [See the Inaugural Issue of *South Asia Politics*, May 2002, especially the article by N. N. Vohra.]. The case for Good Governance in the Third World countries rests in the context of misgovernance there, which includes non-feasance, overfeasance and/or malfeasance. [For elaboration of this point, see Asok Mukhopadhyay, ''Reinventing Governments for Good Governance'', *Indian Journal of Public Administration*, XLIV (3), July-Sept. 1998.].

The main disease of governance found largely in the Third World countries is the practice of swindling of public funds for private gains of the rulers

and political party leaders. Misuse of political power, legal and moral fraud, chicanery and embezzlement of public funds in the name defence and development expenditure by the leaders of governments and their minions are the order of the day. Misgovernance pervades in all segments of the polity and economy. Against this background of widespread mismanagement in public administration, Good Governance gains immediate relevance in the Third World. The World Bank and the aid-giving, developed countries of the West, therefore started laying various conditionalities for structural adjustment in public administration and economic/industrial investments in these countries since the late 1980s, and especially in the 1990s. This programme aimed at establishing ''good governance'' as understood by the developed donor countries. Bad governance came to be seen as the root cause of underdevelopment and poor management of economic and public affairs in the Third World. Later the International Monetary Fund (IMF) also insisted on Structural Adjustment Programme as a conditionality of receiving grants and loans.

Subsequently, the IMF recognised that good governance is also important for countries at all stages of development. In its declaration of ''partnership for sustainable global growth'', the IMF identified promoting good governance in all its aspects, including ensuring rule of law, improving efficiency in management of public sector undertakings, and tackling political and administrative corruption as the essential elements of good governance.

A parallel development in political theory took place in the 1980s and 1990s. It was the Neo-Liberal school which recommended the concept of ''rolling back the state'', that is, reducing the sphere of state activity and expanding the role of the private sector in economy and management of public affairs. This perspective of growing market-dependence and privatization adds a new dimension to the concept of Good Governance in the Third World countries. It has been argued this policy of promoting the ''market'' and encouraging the voluntary non-government organization would bridge the gap between the community and administration by creating widening scope for people's participation in development process and in the management of socio-economic and human resources.

Questions :
1. Write a brief note on the developing trend of Good Governance in the Third World countries.

Unit 4 ❑ Critique of Good Governance

In whatever way it is defined, the concept of Good Governance differs from one country to another. Its meaning and implications depend on the living standard of the people concerned, the pattern of government, social institutions and cultural values of the people as well as the political culture of the society. This concept cannot have a universally acceptable connotation. What is accepted as normal routine in the governing process in, say, Britain or United States, is regarded as instances of good governance in the developing countries. It is almost an established practice in many South Asian countries to give a number of concessions like reduction in tax rates or availability of additional civic facilities at the time of elections at the local, regional and national level. But strangely, some of the concessions and facilities are either withdrawn or they are simply discontinued without any further notice. This practice is followed in many service sectors like transport, hospitals and health centres, primary education, literacy programmes, roads and communications, public distribution system and so on.

Secondly, political, electoral and administrative corruptions are so pervasive in the developing countries that they are considered part of the culture and habits of the people. The prevailing political culture hardly frowns upon corruptions of the political leaders and bureaucrats, high or low. Good Governance, virtually speaking, has become a popular rhetoric only in such kind of society. Even when corrupt practices are detected and revealed in the press, the allegedly corrupt persons do not feel ashamed. The people and the media also easily forget about such misdeeds of the politicians and bureaucrats.

Thirdly, absence of Rule of Law has become a quite common experience in many developing countries. The political and economic elites mostly do not experience discrimination and consequently do not suffer. The politically unprotected and economically underprivileged sections are destined to suffer the consequences of the absence of Rule of Law. Good Governance is impossible to achieve in those societies where the minimum norm of the Rule of Law is not observed at all. That is to say, bias in decision-making is widely prevalent at both the higher and lower levels of administration.

If citizens are viewed as consumers of public services, Good Governance would entail that they receive the services they are entitled to. All the constituents of the Establishment viz. the ruling party, the opposition and

the bureaucracy and also those who can influence power bases, do not seriously take the issue of meeting the needs of the people. The Establishment is hardly seen to bother about the needs of the tax-payers and also of the down-trodden and underprivileged people. The governing system makes it very difficult for citizens to get access to services. The condition of the people in some South Asian countries is so pitiable that they would consider it an experience of good governance if they are not harassed by the power-holders. The fiscal and welfare policies do not necessarily reflect the will of the people. The ideology of Good Governance brings no succour to the people in these countries.

Next, good governance, for its success, has to depend on the State, although the World Bank relied to a large extent, on the uninhibited functioning of the private sector. This is an impractical assumption so far as the developing economies are concerned. The private sector in these economies generally has still now exhibited the ethics of promoting public good. It is hardly seen to consider the needs of the unprotected and underprivileged sections of the people. In the context of the Third World countries, good governance and market economy are not synonymous. The state, in these countries, must not withdraw from decision-making for economic development. In order to check the unhindered exploitation of the socially and economically vulnerable people by the profit-motivated private sector, the State must assume its moral responsibility of reining in the rapacious private sector, especially the monopolists in the service-providing areas of economic and social activities. Because of the low standard of social ethics and individual morality, it becomes easy for the giants in the private sector to influence the media, the bureaucracy and even the people's representatives elected on various decision-making bodies. Higher growth rate and increasing size of the GDP provide no dependable indicator of good governance.

The pre-condition of Good Governance is not only democracy but effective democracy. A healthy and democratic political culture is the *sine qua non* of good governance. The actual experiences in most of the developing countries show that this vital pre-condition of Good Governance is woefully absent there. If the relationship between the ruling party or coalition of parties and the parties in opposition is based on mutual hatred, good governance is next to impossible. The cases of Pakistan, Bangladesh or a number of African countries provide a good point.

Good Governance is affected by the internal and external dependence of the state. In many cases in the post-war era the States are found to be heavily dependent on some interest groups operating within the country. In

some countries it is the strongly entrenched agricultural or business interests, trade unions or mafia groups which prevent the State authorities to introduce reforms facilitating good governance. Again, in some other countries, the interests of the donor countries always pressurize the ruling power to follow in their footsteps in respect of choosing the path of development and institution-building. In some cases, the State is totally helpless in combating the self-seeking interests. Only a strong civil society can effectively put pressure on the State apparatus and the parties in power for serving the larger interests of the nation.

Just like the businessmen–politicians axis, the military also plays an equally detrimental role and prevents achieving good governance. A number of Afro-Asian nations eminently illustrate this point. Politics in Pakistan and Bangladesh, for example, provide examples of how good governance has been frustrated, the military subverts the democratically elected government and, if necessary, stages a coup for capturing power and imposing its own variety of governance. Both the business class and the military, wherever necessary, foster and promote the 'mafia' groups and organized musclemen. India is no exception, especially since the late 1960s. In such a context, good governance is given a special meaning of serving the interests of the ruling classes only. The normal development goals are displaced and parochial interests are promoted and thereby Good Governance loses its relevance. No initiative comes forth to build up capacity to realise particular developmental goals.

Strong civil society movements are needed to establish that 'good governance' is a citizen's right. It is the responsibility of the State to keep the people happy as they are the clients of the State. In the absence of good governance, widespread public dissatisfaction can lead to anti-government movements and political de-stabilization. This has been the experience always in all the developing countries. Unless the civil society is strong, good governance cannot be achieved. The meaning of ''civil society'' tends to acquire nuances varying with the history of a country. The status and sophistication of civil society vary with the nature of civilian supremacy over military dominance and the cultural preparedness of the people at large, including the media. In the socio-political context of the post-colonial societies, ''civil society'' is mostly equated with democratic society prepared to uphold the basic values of libertarianism and egalitarianism and to ensure effective participation by the people through their elected representatives in administration at all levels. For ensuring realization of the principles of

good governance, guarantees for citizens' liberty and equality of opportunity for all must enjoy immunity from the vagaries of political processes. If the State itself is made to relinquish more and more its responsibilities for protecting the dignity of the individual and meeting the basic minimum needs of civilised life, it is rendered incapable of sustaining a democratic society. As a consequence, the chances of establishing good governance become weak. The situation can somewhat be saved if the print and electronic media is freed from government influence and control. The independent and responsible media can then play a pivotal role against human rights violation, other forms of injustice, institutional abuse and politico-administrative corruptions, and thus facilitate good governance.

Along with the need for increasing governmental capacity, good governance would require genuine decentralization of political, administrative and financial powers from the central to the local level and from the bureaucracy to the people's representatives without violating the fundamental principles of justice and equity. Good Governance must ensure transformation of the centralised bureaucratic State into the democratic polity in the real sense of the term. Mere introduction of adult franchise without ensuring electoral probity and safeguards does not make a polity ''democratic'' in the real sense. Electoral corruptions and misconduct make a mockery of democracy and create insurmountable difficulties for Good Governance.

The experience of India and some African countries show that the over-ambitious and dishonest politicians have evolved a system over the years where they can rule the roost with the help of a pliant bureaucracy. Decentralization has to be genuine and comprehensive, otherwise if is nothing. Hesitant and limited decentralisation amounts to betrayal of the people's faith in democracy and good governance. Here again, informed citizenry and a vibrant and powerful civil society, appropriately supported by the independent judiciary, would serve as the best bet for Good Governance. Unless democratic freedom is culturally developed and goes into the thinking and habits of the ruler and the ruled, Good Governance would have no chance of being a successful experiment. When people and their elected representatives at the local level are effectively empowered, Good Governance would have a hospitable ambience. Informed and empowered citizenry would determine the quality of governance. Only when this condition is full-filled, the polity becomes autonomous and conducive for Good Governance. When the basic elements of Good Governance such as accountability, transparency and popular participation in decision – making are realised in actions and

processes of democratic governance, Good Governance enriches democratic polity and protects the rights and interests of the people.

The model of Good Governance, as recommended by the World Bank, prescribes an enhanced role of NGOs. But the problem is that the role of NGOs under specific conditions in many countries is not above criticism. The effective accountability and transparency of NGOs cannot always be ensured. For example, many NGOs import tax-free equipments, printing machines to establish business. In Bangladesh, where thousands of NGOs are in operation, the total capital of NGOs exceeds in amount the total capital of the private sector. The latter cannot compete with the former. This system is neither ethical nor conducive to healthy socio-economic development. Many NGOs are actually involved in business activities, though their charters do not permit it. The lack of accountability and transparency of the NGOs create an ambience of corruption in public life, which amounts to a negation of good governance.

The World Bank model of good governance relies greatly on a system of autonomous and vibrant local government which is supposed to fully reap the benefits of decentralisation. Local government is expected to function as an important vehicle for ushering in effective good governance. But India's experiment and experience of panchayati raj, even after the much-trumpeted 73rd Constitution amendment (1992), belie the hope that it would help realize transparent and accountable governance at the grassroots and ensure people's participation for good governance. The laws are good and well – intentioned but the motives of political parties are not always clean and corruption – free. Development projects are badly implemented and corruption thrives with every additional dose of development investment, be it in ensuring employment or housing or basic education for the poor people. People's participation in planning and development has been frustrated by political and administrative corruption. Even the grand scheme of empowering women in local government, to a large extent, has failed thanks to either overbearing caste system or suffocating regimentation and centralised control exercised by the political parties. Either the women representatives are mostly mistreated and abused or they are intimidated. Good Governance, however, clearly requires the functioning of effective and autonomous political institutions at all levels, but particularly at the local level. Local power abuse, political and bureaucratic corruption, social harassment of the poor and of the women have largely made a mockery of Good Governance at the local level. The local government institutions could develop as a pro-people and welfare-oriented grassroots organization and thereby promote good governance

if the civil society concerned is sufficiently conscientious and virile to protect and promote accountability and transparency in local governance. Democracy can strike deep roots with congenial development at the local level.

Everything said and done, good governance is threatened is to be defeated by two phenomena viz. first, threats of military dominance and second, religious fundamentalism. The process of militarization of society and government militates against the healthy and democratic growth of civil society, and is therefore inimical to Good Governance. Religious fundamentalism has, in reality, little to deal with issues of genuine religion. Most often it is practised for capturing power by any means. It finds a good soil in developing societies by appealing to prejudices of the people and exploiting their economic vulnerability. India is free from the danger of militarization of society and government, but the danger of religious fundamentalism poses threats to Good Governance. Pakistan and Bangladesh experience threats from these two dangers for Good Governance.

It is the techno–managerial approach of the neo-liberal economic globalization which finds importance in the dominant discourse of Good Governance promoted by the World Bank, IMF, OECD and such other institutions. This approach focuses on decentralization, transparency and report cards as the methods to ensure macro-economic management of the ''Bretton Woods Mandarins''. It is interested to enforce accountability of the national governments for economic and political conditions imposed on them. The main agenda in the idea of Good Governance mooted by the multilateral and bilateral trade agencies like the World Bank, UNDP, OECD, ADB, JBIC etc. was to ascertain the success of their projects. Their major thrust is on structural adjustment and necessary economic reform programmes consisting of liberalization, de-regulation, privatization and state withdrawal from economic spheres.

What is ignored in such discourses is the fact that 'governance' is a broader concept. It is essentially about power relationship within and beyond institutions and organizations and is based on the notion of accountability and answerability. Governance seeks justice through justice delivery system and helps build up the institutional means to protect the rights of the people. It mediates between citizens and government and seeks accountability. Therefore, a workable paradigm of good governance must address the issues of budget tracking, participation, monitoring, planning process, citizens' charter, report cards, women's empowerment, public hearing, grievance redressal and public interest litigations. This theoretical understanding of Good Governance calls for people's empowerment, participation, public

accountability, transparency, human rights and legitimacy based on the principles of democracy.

One point that must be underlined is that Good Governance is a dynamic concept which needs periodic review, rethinking, and necessary remodelling of institutions of governance, enhancing accountability and transparency, so that political as well as socio-economic justice can be realized in real life. Although the Constitution of India declares high principles of democracy like liberty, equality, justice and dignity of the individual and gives ''directives'' to the state at all levels to ensure equitable distribution of material resources to subserve the common good, these grandiose goals have been lost in actual governance. Good Governance in India – as in many other countries – has become a casualty by vacuity of vision, absence of mission and faulty leadership. Wretched living conditions of a significant section of the people at the lower rungs of the social class structure, menacing spread of political, administrative, economic and moral corruption all around, sharp deterioration in the quality of policy-makers, dominance of the money bag and the musclemen in political and electoral processes, spread of caste feelings and religious communalism bordering fanaticism, and unprincipled and hence unholy populism practised by the political parties in order to garner votes in any conceivable way, fast-eroding ethics of educational institutions, and finally, growing trends of violence, terrorism, subversion and sabotage have collectively contributed to the destruction of the better and desirable aspects of Good Governance in India.

This kind of scenario is not uncommon in many other countries. But another serious aspect of the Indian experience that needs special mention is the deplorable political and administrative culture of the country. It throws a huge challenge to the ideology and practice of Good Governance. The foremost challenge comes from low public morality in politics and administration. In the eyes of the people, at both the individual and mass levels, no wrong-doing and crime evokes universal and effective condemnation, especially if it brings in electoral success and huge monetary gains. This kind of political psychology offers a serious hindrance to good governance by facilitating deterioration in individual ethics and institutional governance.

Because of the huge dimension of corruption in public life, especially in electoral and administrative processes, integrity and autonomy of educators, journalists, law-makers, administrators, and even judges are on the decline. The obnoxious understanding prevailing between politicians, businessmen and musclemen has effectively destroyed the ambience of good governance. Uninhibited interference of the politicians in almost all cases of decision-

making in the national life for the exclusive goal of reaping partisan benefits has ruined the very basis of good governance. It is very hard to find anything called public ethics. Good governance is bound to be the first victim in any system affected by mass-scale corruption, electoral malpractices, criminalization of politics and politicization of crimes. If electoral victory, by hook or crook, is taken as license to abuse power and misuse influence, good governance will have almost no chance to bear its fruits. Defective accountability and inadequate transparency facilitate the process of reducing the good governance formula and its strategies to a farce. The fate of the Lok Pal bill in India provides a telling instance in this regard.

A nascent plant growing out of good variety of seed would have no chance of serviving and bearing fruits if the climatic environment and infrastructural support like irrigation and fertilizer prove to be inhospitable and inadequate. Good Governance will have no chance to succeed unless there is a national commitment to establish a largely corruption-free politico-economic order and willingness of the political leadership at the highest level to establish genuine accountability and transparency in utilising the human and material resources of the country. It is a fact that successful reforms introduced in the governance process in the United Kingdom, New Zealand, Malaysia and Singapore in recent time were politically driven at highest level. [For elaboration of this paint, see Mohan Kaul, ''Civil Service Reforms : Learning from Commonwealth Experiences'', *Indian Journal of Public Administration*, XLIV (3), July - Sept. 1998.]

Everything said and done, a viable strategy of good governance has to be relevant to the needs of the society concerned and needs to be ethically capable of addressing sustainable human development and enjoyment of human rights with positive support of the political leadership at the highest level.

Questions :

1. Explain briefly the role of the state in conditions of Good Governance.
2. Discuss the importance of civil society in establishment of Good Governance.
3. Describe the scenario of Good Governance in respect of Local Government in India.
4. What are the different causes that are putting Good Governance under a threat?

Module - 2

Unit 1 ❑ Accountability and Good Governance

Introduction

Political, administrative and ethical accountability of the government to the governed is a basic condition of achieving good governance. Accountability holds the government functionaries and organizations responsible for their performance, action and inaction. The goals of accountability can only be achieved with a wide-ranging people's participation. That is to say, people would have to act as watch-dog over government's activities and use of national resources. A continuous process of administrative reforms need to be followed in order to keep the administrative machinery efficient.

In a democratic system people are politically sovereign hence the political and administrative system is to render account of its commissions and omissions to the people. In a democratic polity, the holders of public offices should always remember that exercise of public powers always carry with it a responsibility of exercising that power justly, reasonably, fairly, transparently and, of course, without violating the Constitutional norm. In a parliamentary system of government, the council of ministers is jointly and severally responsible to the legislature. The legal and moral responsibility or liability for the actions taken or not implementing actionable decisions, misuse of powers and administrative misconduct and misappropriation of public funds rest solely on the Minister and the Secretary in charge of a Department of government. Their responsibility is not only to the legislature as a part of traditional Constitutional doctrine of ministerial responsibility, but also the public accountability for actions or conduct in performance of public duties.

The 'public policy' as such cannot be a camouflage for abuse of power and trust laid on a public authority or public servant in performance of public duties. Responsibility for public interest, public purpose and public accountability good is always carried and implied in the discharge of public duties. The holder of a public office is said to have misused or abused his/her position when he/she exercises public power for personal gain to satisfy avarice. The unauthorised, improper, extra-legal, extra-constitutional and disproportionate exercise of public power takes place whenever the holder of public office does something which crosses the permissible limit of his/her political and administrative competence. In the democratic system of

governance, the minister and the secretary or the director of an administrative agency must not violate the Rule of Law. This is the minimum and mandatory obligation of a public functionary who is expected to discharge duties in an honest and uncorrupt manner. This principle, called public accountability, holds true for all those who are the repositories of public power and trust.

Two Case Studies from India

In the following two cases the principle of public accountability prominently came to the forefront to underline the indispensability of this principle for establishing Good Governance. These two cases came to the Supreme Court as Public Interest Litigations under Act 32 of the Constitution in the same year viz. Common Cause (a registered society) vs. Union of India & others (1996), and Shiv Sagar Tiwari vs. Union of India & others (1996). In the first case, Capt. Satish Sharma, the Union Minister of State for Petroleum and Natural Gas, was involved; and in the second case, Smt. Shiela Kaul, the Union Minister of Housing and Urban Development, was involved.

In the Satish Sharma case, it was challenged that the allotment of retail outlets for petroleum products (petrol pumps) made by the Minister in exercise of the powers of the Union Government in favour fifteen persons had been arbitrary and biased by extraneous considerations. The allottees were related either to politicians or officials in the Ministry. The apex court, after going through the relevant official records, found that the allotments had been made in a cloistered manner. The petrol pumps, which are public property, had been doled out in a wholly arbitrary manner. The applications were not officially received by the Ministry and there was no receipt-entry on any of the applications. The applicants seemed to have approached the Minister directly. The Minister did not follow any reasonable criterion while making the allotments and there was no guideline in the process of allotment. Six of the allottees were related to officials working with the Minister, two were related to politicians, and seven were either members of the Oil Selection Board or their relations.

The Court found that the Minister was personally interested in making allotment in all the cases and the Court held all the allotments as wholly arbitrary, nepotistic and motivated by extraneous consideration. [For details, see S. S. Singh, ''Public Accountability and Misfeasance in Public Office'', *Indian Journal of Public Administration*, XLV (1), January – March 1999].

In the Shiela Kaul case, popularly known as housing scam case, the apex

court directed the CBI to inquire into the matter and the CBI submitted four interim reports. The CBI reported that the Minister had allotted all the six shops / stalls in question to her own relatives, employees, domestic servants of her family members and family friends. The Minister had adopted ten different categories but even this categorisation was not adhered to while making allotments. [For detail, see S. S. Singh, op.cit.]

In both the cases, the main question before the Court was whether allottees were selected in accordance with law. The actions of the Ministers were judged on grounds of legality as well as procedural propriety. The allotments were wholly arbitrary and speak of misuse of power. The Court applied the principle of personal accountability and imposed exemplary damages of Rs. 50 lakh on Capt. Satish Sharma and Rs. 60 lakh on Sheila Kaul, to be personally paid to the Government exchequer.

Implications

It was emphasized by the Supreme Court in both the cases that the government, as a welfare state, provides a large number of benefits to the citizens, and distributes largesse in the form of allotments of plots, houses, petrol pumps, gas agencies, mineral leases, contracts, quotas, licences etc. A Minister, as an executive head of the Department concerned and holding a trust on behalf of the people, has to deal with people's property in a fair and just manner while distributing these benefits and largesse in a bonafide manner and in conformity with law.

Secondly, even the discretionary power of the Minister or the relevant functionary must be exercised in accordance with the established procedure and criteria and on bonafide intention and relevant considerations. The discretion must not be exercised on extraneous considerations, arbitrarily, nepotistically and unfairly. The exercise of discretion must be transparent, just, fair and non-arbitrary. Non-transparency in the exercise of discretionary power promotes nepotism and arbitrariness. The public authority cannot enjoy absolute discretion and use it deliberately in a discriminatory manner. Absolute discretion is, by definition, an anathema to Rule of Law, and therefore, *ipso facto*, vitiates Good Governance.

Thirdly, the abuse of public office by public servant, while exercising discretionary power in granting State largesse in an arbitrary, unjust, unfair, and malafide manner would invite personal liability of the wrong-doer. The Supreme Court applied the principle of misfeasance in public office as one

of the recognised parts of the law of tort for personal liability even to the Minister, who is in a position of a trustee in respect of the public property under his/her charge and discretion. The Ministers and public administrators are under legal and moral responsibility to deal with people's property in a just, fair and unbiased manner, failing which they would be liable for criminal breach of trust.

The Supreme Court in Lucknow Development Authority vs. M. K. Gupta case (1994) had earlier approved the concept of ''misfeasance in public office'' as a part of the law of tort. 'The same principle was reiterated in these two cases (1996) by its observation that ''it is high time that the public servants should be held personally responsible for their *malafide* acts in the discharge of functions as public servants'' ... who may be liable in damages for malicions, deliberate or injurious wrong doing. The point is that no public servant can arrogate to himself the power to act in a manner which is arbitrary. The Supreme Court had held in several cases between 1993 and 1996 that exemplary damages can be awarded in a case where the action of a public servant is oppressive, arbitrary or unconstitutional. If investigation reveals unconstitutional or arbitrary action by a public servant, court cases may be registered. These observations of the Supreme Court in the 1990s have lent clarity to the concept of public accountability and strengthened the principle of supremacy of the authority of law. Good Governance emphatically requires that public offices be protected from misfeasance and malfeasance in the interest of public good, public purpose and public interest.

Public Accountability in the Developing Countries

Most developing countries follow a system of accountability that is patterned on the European model. The system had been introduced by the colonial masters before they departed the colonies. In such a system, the civil servant is accountable to the minister only in a general way but the accountability is neither clarified nor made explicit. The relationship between ministers and civil servants manning the departments is only issue-based. Since accountability is not spelt out, it is left entirely to the incumbent minister to interpret the accountability in a manner that is most convenient to him.

Legislatures in developing countries have not been able to exercise their function of enforcing accountability with regard to the executive in economic policies and budgeting. Although, the opposition parties and group in the legislature make much noise against the government, the criticism tends to

be unfocused and uninformed. This has been noted by the World Bank. The legislators do not have access to critical information that is required to effectively oversee executive action. Economic policies and the budget are presented to the legislature shrouded in such technicalities that they are beyond the comprehension of the average legislator. The legislators in the developing countries of the Third World, unlike their counterparts in the developed western countries, do not have privileged access to independent information such as analytical and investigative reports in the mass media, libraries and reference journals, skilled committee staff, and independent consultants. The legislatures in the developing countries are reduced to being formal clearing houses for proposals emanating from the civil service.

Developing countries have not spawned the kind of informed consumer organizations, professional associations or independent research organizations that could propose competing alternatives to the policies of the government. The industry's associations tend to be informed and organized but do not seek to confront the government, having learnt from their experimental woes that there are some effective ways to make the government see their point of view in individual cases. The trade unions in the developing countries occasionally offer some resistance but they are organized along political lines and are unable to take an objective and apolitical view of most policy initiatives.

The development of mass media has been weak in the majority of the developing countries. The radio and television networks in most developing countries are owned by the government. Only some sections of the print media is the solitary institution of civil society that tries valiantly to enforce public accountability but is handicapped by its lack of access to vital information about the processes of government. The print and electronic media tends to be weak in financial and economic analysis, and, as a result, it is not possible for them to challenge the stranglehold of the bureaucracy over economic policies and the budgetary process.

So far as the accountability of the civil servants to the user public is concerned, it is conspicuous only by its almost total absence in the developing countries. This is natural because public utilities are managed by bureaucrats and have a monopolistic presence in production and service delivery of most basic necessities. Terms like ''user public'' or ''client public'' are not in currency in describing the consumers of government goods and services. Instead, the term ''beneficiary'' is used in administrative parlance, making it clear that what is being distributed is largesse and therefore, the question of accountability does not arise. This is an issue of administrative culture of

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the developing countries. Good governance in these countries depends, to a large extent, on the desired changes in the public administration's attitudes towards the client public or the users of public services.

Questions :

1. What are the ways in which the democratic system shows its accountability to the people?

2. Discuss briefly the Satish Sharma case and the Shiela Kaul case in regard to Good Governance.

3. What were the main points highlighted by the Supreme Court in relation to the Satish Sharma case and Shiela Kaul case.

4. Discuss the scenario of public accountability in the developing countries.

Unit 2 ❑ Transparency and Good Governance

Introduction

Transparency denotes governmental functioning in openness as much as possible and also citizens' right to know about the government's transaction. Enforcing accountability is facilitated if the government machinery and the governance procedure are made responsive to the needs and demands of the people. In order to make responsive governance possible, new laws need to be enacted, regulations framed and procedure made simpler and transparent. All these arrangements are especially necessary for serving the interest of the weaker and poorer section of the society.

Secrecy and lack of openness in governance is the symbol of feudal and authoritarian administration. Openness and transparency are absolutely needed to make governance responsive. Only when this is achieved, can there be people's trust in governance, and corruption in administration can be reduced and brought to the minimum.

Nature of Transparency

For achieving transparent governance, accessibility to information about decision-making procedure and decisions taken in public affairs need to be ensured. The government records and papers are to be made open by suitably amending the law governing official secrecy. The very fact that information is accessible to the people helps in building people's trust in the system of governance. For achieving this purpose, the governmental structure and governance procedure require to be improved by making rules for negating political interference in administration. Codification and simplification of procedures need to be ensured for the sake of good governance. People's participation at the grassroots level helps increase transparency in governance by bringing out facts and throwing full light on administrative discretion used. Transparency in governance is promoted further if judicial administration is made open, speedy and efficient. Governance is, after all, a tryst with people's trust, and a commitment of the people for the people, a social compact for achieving the greatest good of the society. It becomes effective and fruitful when the people are institutionally and ethically allowed to develop a stake in protecting and promoting public interest at large.

In order to ensure good governance, transparency is one of the important

elements by which honest attempts can be made to curb politico-administrative corruption. Transparency demands availability of information to the general public and clarity about government rules, regulations, and decisions. The public as the stakeholders should not be kept insulated from the mainstream activities of the government. In fact, the principle of people's participation is derived from an acceptance of the point that people are at the heart of the development process and its management. They are not only the ultimate beneficiaries of development but are also the agents of development. Since development is both for the people and by the people, there is need to ensure public access to the institutions that promote representative democracy. This political approach and philosophy of democratic administration has been reflected in the 73rd and 74th amendments (1992) to the Indian Constitution. In the provisions for Gram Sabha in panchayat administration and Ward Committee in municipal administration transparency and democratisation have been sought to be realised. Through those institutional mechanisms the democratic process has been taken to the grassroots level.

Public administration in most developing countries lacks transparency and openness. Bureaucracies have traditionally been closed shops. Their stranglehold over information and refusal to part with it, has been, in a true sense, the real source of their power. This is what is known as bureaucratic ''self-enclosure'', which is usually sustained under the rubric of secrecy and confidentiality. [For farther discussion on this point, see David Beetham, *Bureaucracy*, Milton Keynes : Open University Press, 1987, p. 114]

In the developing countries, bureaucratic self-enclosure is carried to ridiculous extremes. Policy formulation tends to be a closed and executive-centred activity. It is considered an internal matter decided by the senior civil servants. Large parts of the population, whose lives and incomes are affected by these policies, do not have access to information, with the result that they are not in a position to influence the policy formulation and implementation process. This point has been elaborated by Merilee Grindle in the article ''The New Political Economy : Positive Economics and Negative Politics'' [see, Gerald Meier (ed), *Politics and Policy–Making in Developing Countries*, San Francisco : ICS Press, 1991] One of the best example of ''bureaucratic enclosure'' is found in the handling of the industrialisation policy of the Government of West Bengal in 2006 – 07 in respect of the Tata's small car project in Singur. The agreement signed by the West Bengal

Government with the Tatas has been treated with utmost administrative secrecy.

To quote Thomas Jefferson, it is the people who are the ''safe repository of the ultimate powers of the society.'' Hence, people needs to be always aware of their position. With this goal, they should be properly enlightened in such a way that they be in a position to establish their claim to question everything concerning their interests which may be subverted by corruption in politics and administration. The goal of achieving transparency in government and administration can best be achieved by clean practices of the enlightened political parties, constructive Opposition, free and progressive media. One of the instruments necessary to a transparent ambience of governance is the Right to Information as a recognised civil right of the people in a democracy.

Right to Information

Good governance is facilitated if the people have the civil right to access what happens in government and administration. James Madison (1751 – 1836), the American statesman, said in 1822 that ''a popular government without popular information, without means of acquiring it, is but a Prologue to a Farce or Tragedy, or perhaps both.''

Transparency and information constitutes one of the main specific items of ''good governance'' identified by the World Bank document on *Governance and Development* (1992). The citizens' right to information is increasingly recognised as an important instrument to promote openness, transparency and accountability in public administration. In this age of globalisation and liberalisation, secrecy in government has become an anachronism. Citizens, stakeholders in democratic governance, consumers of public services, beneficiaries of development programmes, civil society organizations, business world and commercial houses – all must have access to information they require from the ''public authorities'' relating to their operations, administration and decisions. Only when the public administration is made sufficiently accountable and transparent, the access to information would be guaranteed.

It has been the common experience in public affairs in all countries that a system of public administration operating in secrecy is more prone to corruption as compared to a system which operates in openness. Transparency in government is an important means of combating political, economic and

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administrative corruption and a significant step towards empowering the people in a democratic polity which needs to be based on the trust of the governed. Secrecy in governmental functioning invariably facilitates and promotes corruption, oppression, nepotism, and misuse or abuse of authority. The Franks Committee Report (United Kingdom, 1972) has rightly observed : ''A government which pursues secret aims, or which operates in greater secrecy than the effective conduct of its proper functions require, or which turns information services into propaganda agencies, will lose the trust of the people. It will be countered by ill-informed and destructive criticism.''

The contemporary theory of democratic policy underlines the urgent need for making the government *citizen-centric*, implying thereby that government should be not merely representative, but, more importantly, responsive to the citizens' legitimate needs, aspirations and grievances. The citizens, on the other hand, are required to be cooperative and vigilant. As Pericles, the eminent statesman of ancient Greece, had said, ''eternal vigilance is the price of liberty.'' And citizens can be adequately vigilant only if sufficient information about government functioning could be guaranteed. The right to information is the necessary instrument for producing enlightened and informed citizenry.

The right to information removes unnecessary secrecy in functioning of public authority and thereby helps to improve the quality of decision-making in public policy and administration. By using their access to government documents and records of public administration, informed citizens can contribute to making better public policies, influence the process of policy formulation and decision-making in democratic governance.

Right to information is a very useful tool to strengthen democratic governance at the grassroots and ensure people's participation in local governance and developmental activities. It can effectively bring local governance under public scrutiny and help the administration to avoid costly mistakes. Public accountability of the policy-makers and administrators becomes meaningless without transparency in public affairs. Proper accountability, backed by adequate transparency in public administration, help people fight for the kind of policies and actions that would create *decent jobs*, improve access to *education* and *control corruption* in a significant way. These are important items of the Millennium Development Goals enunciated in the historic Millennium Declaration adopted by 189 countries at the United Nations Millennium Summit in September 2000. The UNDP in

its *Human Development Report 2003* emphasised the important role of civil society groups in implementation and monitoring of the progress towards the Millennium Development Goals by popular mobilisation through open, participatory political culture in order to sustain the political will to achieve the goals.

Against this backdrop of developments at the international level, India's Tenth Five Year Plan document (2002) not only placed governance reform at the centre-stage of development planning but also recognised Right to Information as the key to achieving good governance. The right to information is immensely important in view of the fact that very often people do not even know what programmes and schemes are available and what facilities and benefits the people are entitled to. Also, policy and procedural reforms can be effective only when people know that such changes have been made.

Right to information by itself is never the end in itself. It is the means to empower the people legally to have access to their other democratic rights. Such a legislation is helpful in strengthening grassroots movements and enhancing people's awareness and ability not only to access their entitlements but also to ensure effective implementation of development programmes.

RTI : Indian Experience

The Right to Information Act was passed by India's Parliament in May 2005 and received Presidential assent on 15th June 2005.

In India the right to information was judicially recognised by the Supreme Court in the UP vs. Rajasthan case (1975) in its observation that the right to information is implied in the right to freedom of speech and expression given under Art. 19(1) and the right to life and liberty guaranteed by Art. 21 of the Constitution. The apex court, again, reiterated the people's right to know every decision taken in a public way by public authority functionaries in the S. P. Gupta vs. Union of India case (1982). Meanwhile, the Commonwealth Human Rights Initiative, and international NGO, had been advocating the right to information for several years. The right to information gained the status of a full-fledged civil right in India towards the end of the 1990s when legislations on the right to information were passed in a number of States of the Indian republic. Between 1997 and 2004 as many as nine States had their own RTI legislations. These state legislations were mostly over-protective of the bureaucracy's unwillingness to disclose governmental information and provided no penalty for officials for either refusing to disclose information or delaying a decision without any justification.

The popular movement for the right to information began in Rajasthan under the banner of Mazdoor Kishan Shakti Sangathan (MKSS). Led by Aruna Roy who had resigned from the Indian Administrative Service to assist the rural folk in demanding benefits under development projects. She convinced the poor people that they must be agents of their own empowerment and they must act *politically* to achieve it. She and her co-activists in the movement realised that information relating to all aspects of policy-framing and implementation of development projects was the key to the uplift of the dispossessed and the marginalised sections of the society. The MKSS's sustained campaign finally led to the RTI enactment in Rajasthan. Subsequently, a few other states enacted their own RTI legislations, and very soon the need for a central legislation was felt. First, the NDA government enacted the Freedom of Information legislation in 2002. This Act, however, did not come into force because the necessary notification and the Rules under the Act were not made. While disposing some Public Interest Litigations, the Supreme Court held in early 2003 that the voters' right to know is vitally linked to the citizens' right to freedom of expression guaranteed by Art. 19 (1) of the Constitution, because the right to vote would be meaningless unless citizens were well-informed about the candidates' property interests and criminal background, if any. The next UPA government promised quick action on a better RTI legislation. The RTI Act 2005 came into force on 12th October 2005. [For details, see Asok Kumar Mukhopadhyay (ed), *Right to Information*, ATI : Govt. of West Bengal, 2007.]

The RTI Act 2005 makes it obligatory for every public authority to publish all relevant information and data regarding its organization, functions, duties, role of its officers, the procedure followed in decision-making, its project-wise expenditure and so on. The Act provides that information which cannot be denied to legislature would not be denied to any citizen.

Under this Act, the central government constitutes the Central Information Commission headed by the Chief Information Commissioner enjoying a semi-judicial status; and the State governments constitute the State Information Commission headed by State Chief Information Commissioner enjoying the status of the Chief Secretary. These Information Commissioners at the centre and state level have been given the powers of a civil court. In constituting the Information Commissions, and excessive reliance on bureaucrats has been noticed and virtually there is no representation of people with non-civil service background.

The RTI Act (2005) requires every public authority to designate the Public Information Officers (PIO) in all administrative units or offices to provide information to persons requesting for information. The PIOs are required to provide the information on payment of prescribed fee or reject the request, within thirty days of receipt of the request. The aggrieved applicant for information may prefer appeal against the decision of the PIO.

The citizens' right to have information on demand would not however be entertained in matters relating to sovereignty and integrity of India; and the security, strategic, scientific or economic interests of the State; India's foreign policy management; incitement to an offence; contempt of court; parliamentary privileges; commercial confidence, trade secrets or intellectual property; individual's fiduciary interests; life or physical safety of a person; matters likely to impede the process of investigation or apprehension or prosecution of offenders; the cabinet papers including cabinet deliberations; privacy of the individual.

Implementation

Since the enforcement of the Act (2005) on 12th October 2005, its implementation has revealed some interesting additional dimensions because of judicial decisions. It has been revealed by the Central Chief Information Commissioner that the level of people's awareness of the RTI Act is not quite satisfactory, especially in States like West Bengal. (*Ananda Bazar Patrika*, 23.04.2008 and *The Statesman* editorial 25.04.08). Even the Prime Minister admitted that the public authorities still have a long way to go in proactive disclosures of information. The reluctance of the government departments to disclose information is widespread and very common. (*Hindusthan Times*, 04.11.2008). Voluntary disclosure of government information by public authorities is imperative for citizens to realise the full potential of the information legislation. The PIOs of public authorities, however, complain of inadequate staff and improper record-keeping systems as the biggest stumbling blocks in providing information to the public. The experience of the Information Commissioners suggests that they felt hindered in delivering justice in case of denial of information by the PIOs because of non-availability of enough funds and the overwhelming number of people using the RTI to settle personal scores. (*Hindusthan Times*, 04.11.2008).

The Inforatantion Commission in West Bengal, even after three years of its foundation, remains structurally defective. It flies in the face of the RTI

Act which provides for a multi-member (not more than ten) commission, yet the West Bengal Commission still makes do with a "trustworthy" retired bureaucrat as the single-member panel. Moreover, as admitted by the CIC of West Bengal himself, the state is lagging behind primarily because information gets filtered and dished out to anxious citizens only on the government's terms. There is little doubt that any data that the ruling party and the government wish to suppress will not be disclosed. (*The Statesman* editorial, 25.04.2008).

After three years of its foundation, it is found that the Central Information Commission, which oversees the RTI, has failed to provide even basic information like the number and status of cases and pending appeals. It has even been accused of not keeping any records of judgments and orders passed on RTI applications or of pending cases.

Recently, The Central Information Commission has ruled, on a point of interpretation, that once the Cabinet "arrives at a decision" all papers pertaining to it are "disclosable". (*The Statesman*, 27.10.2008). Earlier, the Central CIC had called the bluff of the Union executive intent on manipulating a piece of parliamentary legislation and being evasive in disclosing information. The ruling makes it clear that "file notings are not classified information; they are, as they were meant to be, for public consumption." (*The Statesman* 04.07.2008). The relevant point is that any government would abuse its powers if it is permitted to function in secrecy, which is an instrument of conspiracy and ought not to be a system of regular government. Secrecy contributes to the disempowerment of ordinary citizens.

The Calcutta High Court and also the Supreme Court have made it an obligation on the past of all universities, boards of examination and public service commissions to show the examined scripts to the examinees under the RTI Act.

While deciding on the central government's plea that the information on immovable property of government servants is exempted from disclosure as such property is personal and has no relationship with any public activity or interest, the Central CIC has ruled that government officers and employees can be made to reveal details about their private properties under the transparency law (*The Statesman*, 30.5.2008).

Recently, the Members of Parliament have been found to be intent on interpreting the RTI Act on their own terms. The MPs preferred that the applicants for information about the assets of the MPs should furnish reasons

for seeking information and that the Speaker should refer these applications to the Privilege Committee. That is, the MPs are seen to be keen on establishing a *cordon sanitaire* that will shield the elected representatives from an electronate demanding information. Unfortunately, the general standard of probity of the politicians is scarcely above board. The Central CIC has already directed all political parties to disclose their income tax returns in response to a request filed by the Association of Democratic Rights.

The reported stand of Chief Justice of the Supreme Court that his office does not come under the purview of the RTI Act is also not acceptable to many quarters. Parliament's Standing Committee on Personnel, Public Grievances, Law and Justice has unambiguously asserted that the RTI Act applies to all Constitutional authorities, including the Judiciary, as they are ''public authorities'', and the Speaker has taken the same stand. (*Times of India* editorial, 07.04.2008, and *Times of India*, 30.04.2008). After some public debate, the Supreme Court judges have expressed there readiness to disclose their assets provided a new legislation defines ''assets'' and creates a legal machinery under which they could declare their assets (*Times of India*, 25.02.2009).

Questions :

1. What is the importance of transparency in Good Governance? Mention the ways in which transparency in governance can be achieved.

2. Discuss the concept of Right to Information.

3. Describe the importance of Right to Information in the Indian context.

Unit 3 ❑ Citizens' Charter

The broad principles of Citizen's Charter are the wide publicity of standards of services rendered by public agencies and local bodies, assurance of quality of service, courtesy and helpfulness of the staff, consultation with the citizens, simplified and convenient procedure of receiving complaints and their time-bound redressal. Independent scrutiny of performance of the administration should be ensured so as to fulfil the commitments made to the people by the government. The measures initiated need to be brought to the notice of all concerned and the common people.

The British System

The Citizen's Charter was launched by the British Prime Minister John Major in July 1991 to raise the standard of public service by making civil servants more responsive to the wishes and needs of the users. The White Paper on Citizens' Charter set out the principles to be followed in the public services and a comprehensive programme of specific improvements to these services. Next Year (1992) a minister of cabinet rank was appointed with full responsibility for implementing the programme and carrying it forward.

The Citizens' Charter is based on the principle that all public services are paid for by citizens either directly or through taxes paid by them, hence citizens are *entitled* to expect high-quality services responsive to their needs, provided efficiently at a reasonable cost. The State's own functions like those of a regulating nature, levying of taxes, or administering justice have to be carried out fairly, effectively, and courteously.

The Charter basically aims to *empower* the citizen. It is a statement of belief that citizens have a right to be informed and of choosing for themselves. It is meant to serve as a kit of initiative and ideas to raise standards in a way most appropriate to each service. It is based on the idea of the citizen as a 'customer' of public services. The Charter sets out a number of principles designed to emphasise this idea. According to these principles, every citizen is entitled to expect :

(i) *Standards* of services and *actual performance* against these services. The government organizations should set and publish service standards for key areas of performance in a form which citizens can understand. The standards principle has three components viz.

(a) setting of realistic standards, provided resources are available; these

service standards should reflect their priorities and be set in consultation with users and tested through customer surveys;

(b) publishing of service standards, which should be given widest possible publicity for the users and potential customers;

(c) performance information and information about monitoring of standards should be published; the shortfalls in performance, if any, together with details of corrective action taken should be published.

(ii) *Information and Openness* : Full, accurate information should be readily available in plain language about how public services are run, what they cost, how well they perform, and who is in charge. Government organizations should provide individual users with all the information they need in order to be able to use the services available to them in a form that they can understand. This principle has the following components :

(a) availability of information through leaflets, posters, media advertisement, and the Internet is to be ensured; literature for special groups like disabled people and minorities should be produced and publicised.

(b) Customer comprehension of the published information should be tested through surveys, focus groups, and routine monitoring.

(c) Choice and consultation : Users' views about services, and their priorities for improving services have to be taken into account while deciding on standards. The government organization should regularly consult customers about services, monitor customer reaction to these services and receive services accordingly. While doing this, the government organization should ensure that customers have some choices on services and the method of service delivery.

(d) Courtesy and Helpful attitude are expected from public servants. Services should be run to suit the convenience of customers and made accessible to all irrespective of sex creed or disability. The name badges of the staff should be openly displayed. The staff-members should be given training in customer services. The methods of service delivery should be altered to make life easier for customers.

(e) If something goes wrong, appropriate apology, explanation, and swift and effective remedy should be in place. The complaint procedure should be easy-to-use. While attending to complaints, responses should aim at solving problems rather than clearing officials of blame. The effectiveness of the complaints procedure should be continuously reviewed by some

independent agency in order to improve services.

(f) Value for Money : Government organizations should have the necessary systems in place to trigger and monitor a progressive improvement in the value and quality of service. Achievements should be objectively assessed. This principle has the following components, viz.

(i) The organization should be able to provide cost-effective services by market-testing or contracting out certain services.

(ii) The formal planning process of the organization should recognise, reward and measure performance of individuals who support the organization's quality objectives.

(iii) The government organization should give a commitment to seek savings generated under 'value for money' programme.

(iv) Claims and achievements should be validated by external audit or survey data.

The Citizens' Charter stipulates that the basic requirement is to define the job in terms of outputs and then to work out the modalities of how to do it in the best manner possible. It is the centre-piece of British Civil Service reform in the 1990s. The Citizens' Charter Unit, has been located in the Cabinet Office. There is an advisory panel drawn fron business, consumer affairs and education for tendering advice to the Prime Minister. The Citizens' Charter seminars are regularly held in the presence of the Prime Minister for assessing the progress of the programme. In 1994 there were as many as fourteen Citizens' Charters issued by fourteen Government departments and agencies.

Impact of the Charter in Britain

The introduction of the Citizens' Charter has led to an overhaul of the organization of the Civil Service and the manner of its functioning. Most government departments and agencies have achieved results by specifying outputs and standards to be met under the Citizens' Charter and focusing on how best to deliver services within the resources available. The records of improved functioning are quite good in respect of British rail, National Health Service hospitals, schools police and prison inspectorate, Inland Revenue Department, Customs, Police, Fire Brigades, Prison Service and Post Office. British rail pays compensation for failure to meet specified standards. Similar practice has been in place in respect of gas, electricity and telephone services. Within two years of the introduction of Citizens' Charter,

it has been possible to achieve annual cost savings of over 400 million pounds.

There has been a distinct paradigm shift in British public administration from the conventional paradigm of the administrator and the administered, to the new paradigm of the administrator and the user. The Citizens' Charter has distinctly improved the civil servants' accountability to the public, the user and the citizen.

Case for Citizens' Charter in India

Till recently the concept of civil servants being accountable to the ''user public'' is absent in Indian public administration. There is no replication of the British practice of drawing a Citizens' Charter of a public organization like government departments and public enterprises. There is no system of setting and regulating service standards, and of providing the user public with choices and giving them any ''value for money''. In fact, terms like ''user public'' or ''client public'' have not entered the authorised government vocabulary. The term ''beneficiary'' is used frequently, implying no measure of accountability for largesse handed out by the civil servants. The Planning Commission regretfully observed : ''Lack of accountability of the implementing agencies either to the government or the people has been the single major cause for misappropriation of funds for development programmes'' (*Approach Paper to the Ninth Plan, 1997 – 2002*, p. 19).

Hence, in some form or other, some thing like a Citizens' Charter is considered very much necessary in the cause of good governance inasmuch as it helps improve administrative accountability as well as transparency in administration. Since the mid-1990s the Government of India has been especially concerned about the widespread frustration among the people of vulnerable groups regarding deteriorating standards of public services. Public administration and civil services at all levels have suffered in terms of credibility and effectiveness. The public perception of an unholy nexus between politicians, civil servants and criminals, as revealed in the Vohra Committee Report, has been growing. The media and the general public are being increasing critical about the low levels of honesty, transparency and accessibility of the democratic elements in charge of public administration.

In order to restore people's faith in the fairness and capacity of public administration a Conference of the Chief Secretaries was held in November 1996 on ''an agenda for an effective and responsive administration''. Inaugurating the conference, Prime Minister laid stress on making public

service more efficient, clean, accountable and citizen-friendly by evolving a concrete action plan which would require strong political will and commitment of the Union and State governments. This conference was followed by the Conference of Chief Ministers in May 1997 to consider the recommendations of the Chief Secretaries' conference and suggest an Action Plan to provide accountable, responsive, transparent and clean administration.

The Chief Secretaries' Conference (1996) noted that in order to attain the larger objective of improved public satisfaction and efficient performance, the following measures were needed :

(a) Evolving long-term and short term plans by all public agencies having larger public interface;

(b) Setting up of an in-built machinery in each ministry / department for independent system of auditing and performance monitoring;

(c) Enlisting help of consumer organizations, citizens' groups, elected representatives to secure inputs in the process of formulation and scrutiny of performance;

(d) Giving adequate publicity to empower citizens through Citizens' Charters;

(e) Setting up of a core group under the Cabinet Secretary to monitor the process periodically.

The Chief Ministers' Conference (1997) endorsed the recommendations made by the Chief Secretaries and suggested both one-time actions as well as long-term reforms. It was proposed that progress of the Action Plan be continuously monitored by the Cabinet Secretary and Chief Secretaries to

(i) make administration accountable and citizen-friendly,

(ii) ensure transparency and the right to information, and

(iii) take measures to cleanse and motivate civil services.

Basic Principles of Citizens' Charter

The Government of India has taken steps to draft and publish Citizens' Charters of some Departments and service agencies having public interface. Though the Charters are not justiciable, they carry moral commitment of the government and the public authority to provide a framework for rendering public service and offer opportunity for evaluating standards of service by the people as consumer of services.

Citizens' Charter seeks to present a complete manifesto of public service. It protects the public needs, instead of the government agency saying what

services it delivers. The people, who are not satisfied with the standards of service, can approach the consumer court and resort to public interest litigation (PIL). The Charter enables people to project their needs and demands.

The basic principles of drawing and enacting Citizens' Charter are as follows :

(a) wide publicity on standards of performance of public agencies and local bodies;

(b) assure quality of services;

(c) access to information along with courtesy and helpfulness of the staff;

(d) choice and consultation with the citizens;

(e) simplified and convenient procedures for receipt and acknowledgement of complaints, and time-bound redressal of grievances;

(f) provision for independent scrutiny of performance with the involvement of citizen's groups.

The concept of Citizens' Charter places the citizen at the centre of administration, instead of making him a passive recipient of services rendered indifferently with no concern for quality of services as well as their cost and timely-delivery. In other words, Citizens' Charter shows the level and quality of services which people has the right to expect and it indicates the steps the dissatisfied citizen can take if the services do not come up to the standards. The Charter is symbolic of the moral and political commitment of the government and public agencies to the service of the public.

Model for Citizens' Charter

An expert on the theme of Citizens' Charter in India has listed the important points in the preparation of Citizens' Charter and identified the general structure of guidelines, and also the highlights of what important points are supposed to be there in a Charter [source: C. N. Roy, ''Citizens' Charters in India : An Overview'', *Indian Journal of Public Administration*, XLIV, Oct. – Dec. 1998, pp. 808 – 09].

Model for Citizens' Charter adopted by Government of India

1. The Charter arises from the dissatisfaction of the citizen/consumer/ customer with the quality of service that government offers.

2. To be useful, the Charter must be simple.

3. The Charter must be framed not only by senior experts but also through interaction with consumer/client associations and the cutting-edge staff who will finally implement in and with the users (individuals and organisation).

4. Merely announcing the Charter will not change the way it functions. Conditions will have to be created through interaction and training for generating a responsive climate.

5. To being with, a statement of the service(s) offered.

6. Place against each service the entitlement of the users, standard of services rendered and remedies available to the users in case of non-adherence to standards.

7. Procedures/cost/charges should be made available on line/display boards/booklets/inquiry counters, etc., at places specified in the Charter.

8. Indicating clearly that while these are not justifiable, the commitments enshrined in the Charter are in the nature of a promise to be fulfilled.

9. Framing of a structure for obtaining feedback and performance audit and fixing a schedule for reviewing the Charter every six months at least.

10. Framing of separate Charters for distinct services and for organisation/agencies attached or subordinate to the Ministry/Department.

General Structure of Guidelines

1. A brief statement regarding the concerned service.

2. Public interface of the concerned service to be addressed (e.g., reservation, passenger amenities by the railways, mail delivery, premium services by post, etc.).

3. Commitment to standards (time-frame and quality of service).

4. Staff : What to expect from them? Where are they located?

5. Keeping you informed: What information do you need? How to obtain?

6. If things go wrong: What could go wrong? Whom to contact? What to expect to set it right?

7. How you can help us?

Illustration of Checklist on Charter Highlights

1. Preparation of draft Charter and its approval by Minister.
2. Publicity to Charter.
3. Agreement on Charter principles and follow-up action with the agencies.
4. Communication to agency staff at all levels and agreement on actions under the Charter.
5. Necessary training and orientation of supervisory and operational staff.
6. Sanction of budget for various improved services, computerisation, etc.
7. Appointment of or activation of Advisory Committee with representatives of consumer organisations and client groups, staff, etc. and periodic monitoring in Ministry.
8. Information to be given to the public and staff on procedures and activities of department.
9. Enquiry counter to be set up (computerised) for generating information, waiting list, etc.
10. Telephonic access to concerned officer/information centres inside and outside complex, voice mail for enquiry, etc.
11. Basic amenities of waiting rooms, water, drug store (for hospital), fans, assistance to old and handicapped, and provision for help through voluntary agencies.
12. Fixing of time limits for various tasks involving public interface, and flexibility of these timings.
13. Provision for independent scrutiny by citizen/consumer groups.
14. Grievance redressal procedures, delegation and decentaralisation of financial and other powers.

Actual Experience in India

The Charters of some public agencies for delivering service in a number of spheres like hospitals, banks insurance companies and of some central

government ministries and departments like Central Board of Excise, Railways, Ministry of Petroleum, Natural Gas, Ministry of Urban Affairs reveal that every Charter is specially tailored to fit its organization's goal and sector needs. However, the issues of common concern can be identified.

Most of the Charters mention the organization's mission and the quality of service it proposes to deliver, thereby revealing the entitlement of the service-users. Delhi Development Authority (DDA) and New Delhi Municipal Corporation (NDMC) commit themselves to a time-bound disposal of transactions. The Indian Overseas Bank commits itself similarly. NDMC and the Ministry of Public Grievances and Pension give details of days, timing, particular locations for dealings with the public, names and phone numbers of the concerned functionaries so that they could be made accountable and responsible. However, the Charters of Life Insurance Corporation (LIC), Central Public Works Department (CPWD), Bank of India do not indicate delegation of responsibilities by name of the functionary. It would be far more desirable to give a systematic, department–wise and section-wise account of activities and public dealings for the sake of openness, transparency and raising awareness level of the public as users and consumers of service.

Most Charters seek cooperation of the public and their feedback. DDA expects its ''clients'' to ensure timely deposits of dues. The feedback in the form of complaints and suggestions coming from the service users and ''clients'' would help the authorities to maintain efficiency standard. The Union Ministry of Consumer Affairs is the only organization which takes public participation to the grassroots by forming committes for monitoring and stock-taking. Vigilant and active citizenry helps the system of protecting consumers' interests and makes the system transparent and accountable.

The right to information about the functioning of any organization is an important aspect of Citizens' Charter. LIC's Charter seeks to educate the customers regarding various options available in the area of products and services. Ministry of Consumer Affairs insists in its Charter that each outlet must display information of stocks received and disbursed, procedures to lodge complaints regarding quality and quantity of service and product.

The strengths and weaknesses of the Citizens' Charter examined by the expert analyst has been given in the matrix given below.

Character Matrix review of some of the existing Charters in India (as in July 1998)

SI. No.	Organisation	Content	Remarks
1.	Delhi Development - Authority	- Preamble, quality of services (time-bound transactions) - Access to information through: guidebooks mass media - Grievance redressal - Consumer's obligations	- Very brief Charter giving department-wise information about activities, procedures not provided. - Right to approach highest level for redressal. Also has a "Public Grievance Redressal Card'.
2.	New Delhi Municipal Committee	- Gives department-wise details of public dealings in time/ days/locations and time bound-transaction expected, e.g.: - Building Plan - Civil Engineering Department - Road maintance - Water Supply: Complaints Connections - Building Maintenance: Commercial StaffQuarters - Commercial Department - Swimming Pools - Stadia - Education - Estate	- Seeks cooperation of citizens and their feedback. Says: "Please report non-compliance'. - Name of functionaries/ contact person given - Very detailed - Department-wise information provided - Good Charter
3.	TPDS, Ministry of Consumer Affairs	- Entitlement - Fair-price Shop - Ration Cards - Inspection and Checking Right io information, i.e., display of information and procedures regarding quality and quantity - Vigilance and public participation - Training - Citizens' responsibilities	- Contains model procedures - Time-schedule for services - Spade-work done for adoption of Charter at state-levels - To increase awareness about procedures, a 20-point Charter suggested - Public participation is the unique aspect of the Charter. It provides formation of committees at differennt levels—Panchayat Ward level, taluka level, district level, etc.

4.	Department of Indus-trial Policy and Promotion	- Mission - Values - Commitment - Standards for general procedures - Standards for industrial approvals - Assessing conformance to standards - Guidance and help - Complaints	- Single page model charter to be displayed for customers - Useful addresses for redressal provided - No comment on concept of payment-for non-compliance
5.	CPWD	- Preamble - Standard for general procedures - Standards for industrial approvals - Assessing confonnance to standards - Grievance redressal mechanism - Responsibility of user	- No details provided - Needs to be upgraded substantially
6.	Ministry of Urban Affairs & Employment L & DO for Lessees	- Information to be provided by the LDO - A brief note on quality of service {time, process, money) - Brief redressal mentioned	- Needs to be specific and more detailed
7.	Dr. Ram Manohar Lohia Hospital, New Delhi	- General Information, like doctor and support staff per bed, dress code, etc. - Types of information provided—location and timings of specialised facilities, priorities, responsibility of HOD-and genera! guidelines, food, fees, availability of 1 special clinics, OPD and indoor treatments, and types of diagnostic service available - Blood Bank - Miscellaneous facilities—stretcher, wheel chair, lifts, ambulance, telephone, canteen, water, etc. - Responsibility of the user	- Information on the services available - Quality of services expected is listed - Redressal mechanism mentioned - Not much on maximum time of waiting - Gives a good framework
8.	Bank of India	- Preamble - Pledge - Details of front office services	- A general strategy of transparency and openness

			suggested - No contact persons mentioned - Needs to be more specific
9.	Life Insurance Corpo-ration of India	- Mission, values, and commitment - Standards of general procedures - Standards for policy servicing - Standards for easy access to information for customers	- Responsibilities not allocated to any officer
10.	Passenger Services in Indian Railways	- Preamble - Standards for reservation - Manual booking, refunds (lost, torn or mutilated tickets, concellation charges), and concessions - Special trains, enquiry and dissemination of information, catering services, cleanliness, passenger amenities: Off board On Board. - Public grievances redressal - Procedure incase of theft of passenger's luggage, vigilance organisations - Compensations-and assistance in case of accidents and unusual occurrences - General responsibility of railway adminsitration - Cooperation of passengers sought	- Very detailed - Mentions time-specific procedures, alternatives and non-compliance payments - Independent railway claims, tribunal exists to make suitable awards for loss and death
11.	Department of Tele-communications	- General principles that-are followed; - Quality of services - Assistance to subscribers - Relation between subscriber and employee - Billing - Leased line connections - Right to choose the service provided - Redressal of complaints - Obligation of subscriber	- Very detailed-charter - Systematic but does not address non-compliance compensation

Gray Area

The Right to Information Act (2005) has been an important legislation to help citizens in many fields. So far as the Citizens' Charter is concerned, it is likely to help citizens as consumers of service by making necessary information about public agencies and government departments, but till now its implementation is not quite satisfactory for a number of reasons. Implementation of the programme of Citizens' Charter also suffers from two drawbacks : non-compliance and complaint ignorance. No specific provisions are available in various Charters about the remedial actions that can be taken by an individual who feels that the organization's commitments have not been fulfilled. The consequent loss or hurt caused needs to be addressed and compensated. The only Charter which mentions payments on account of non-compliance is the Indian Railways Charter. The Railways has independent Railway Claims Tribunal to make appropriate awards for any monetary loss and death suffered by the railway's clients and customers

The Charters of organizations that provide basic services need to address this issue in order to uphold the true spirit of the basic concept of Citizens' Charter. The Department of Telecommunication has produced a very detailed and systematic Charter, dealing with all areas of public interface but turns a Nelson's eye to the issue of compensation for non-compliance. Redressal of citizens' grievances cannot just remain a paper commitment without gearing up the office machinery to address the problem.

Questions :

1. What is Citizens' Charater? Mention the principles of the Charter.

2. Discuss the role of Citizens' Charter in relation to Indian governance. How far do you think that the concept is accepted in our system.

3. Discuss the model for Citizens' Charter adopted by Government of India.

Unit 4 ❑ Public Grievance Redressal

The foremost test of good governance is the degree of ''public satisfaction'' and easy accessibility of the people to the channels of grievance redressal. Public grievances primarily arise out of the inaccessibility of officials, failure to acknowledge applications, non-enforcement of any kind of time-limit about the job entrusted to the agencies, unsympathetic attitude of officials towards people at various levels. Necessary steps need to be taken to project the people–friendly attitude of the public functionaries entrusted with the duty realising good governance. For this purpose, it is necessary, first, to welcome public complaints and, then, to provide the people with physical facilities and basic information, and to take a time-bound schedule of redressing the grievances.

In parliamentary system of government Parliament is the highest political – constitutional forum to ventilate public grievances. Members of Parliament (MPs) were long ago described by Edmund Burke as ''the ambassadors grievances of the people.'' This role is played by the MPs by exercising their ancient and inherent right to put questions to Ministers. Excepting special cases, Ministers are generally bound to answer the parliamentary questions as supplied by their concerned Departmental officials. As the functions of the welfare state increase, the activities undertaken by public functionaries increase and accordingly there has also been a corresponding increase in the incidences of public grievances.

Parliamentary Questions

In India the British practice of having redressal of public grievances redressed through parliamentary interpolations (questions and supplementary questions) has been followed. But this method of redressal of public grievances has some limitations, especially in a populous country like India. Generally, in India an MP represents an electorate of ten to twelve lakh voters. It is simply not possible for an MP to maintain contact with his voters and be aware of their grievances. Secondly, usually the MPs do not have their well-staffed personal office capable of handling hundreds of letters and phone-calls of their voters. Moreover, the MPs are mostly very busy politicians who can ill afford time to maintain contact with his vast constituency.

In parliamentary procedure also there are limitations for the MPs in

satisfactorily playing their role as the ambassador of public grievances. There are two methods available in this respect : first, the zero-hour, and second, the normal notice for raising questions. In 'zero-hour' (that is, one hour specified before the lunch break) opportunities are limited in the sense that there is a sort of competition among the MPs for catching the attention of the Speaker to raise any question, and the time available is short. The MPs can best expect to have a general reaction and vague promise from the ministers during the 'zero hour' which is best used for propaganda purposes by the MPs interested in particular cases. So far as the normal notice period is concerned, there have been many cases when answers by ministers meant for the MPs are sent to the library or on laid on the table. On other occasions, it is found when the question comes to the House during the hour the concerned MP happens to be absent due to some reasons of his own.

Ombudsman

The shortcomings of legislatures in the redress of people's grievances have increased the attractiveness of the concept of the 'ombudsman' (a Swedish word meaning ''Parliament's man''); meaning the defender of citizens' interests or the public-grievance man. This is a growing response to increasing governmental power and discretion. The institution of Ombudsman was first created in Sweden in 1809 as an officer appointed by Parliament and designed to function independently of the government for redressal of citizens' grievances against the public functionaries and government authorities.

This administrative innovation has been a great success in Sweden in improving good governance and increasing citizen satisfaction. Since then it has been copied in various forms in more than a hundred countries of the world under different titles and systems. In Britain, for example, the designation of the Ombudsman–like institution is Parliamentary Commissioner for Administration (PCA) which was created in 1967 with a view to humanising the whole administration of the State by investigating and exposing any misuse of government power as it affects the citizens. [For a general overview of ombudsmen-type institutions, see Frank Stacey, *Ombudsmen Compared,* Oxford : Clearendon Press, 1978.]

By the mid-1970s there existed in Britain three ombudsman-type institutions viz. Parliamentary Commissioner for Administration, Commissioner, for Health Service, and Local Commissioners for Administration–one each for England, Wales, and Scotland. A separate Ombudsman for Northern Ireland

was created in 1969 for considering complaints of citizens against the wrong deeds of the administration of Northern Ireland. In the wake of administrative reforms for devolution of powers the Welsh Administration Ombudsman was created in 1999 to hear citizens' complaints against maladministration. The Scottish Parliamentary Commissioner for Administration was created in 1999, but was replaced by a new office called Scottish Public Service Ombudsman created in Scotland in 2002 for investigating public complaints against the malfunctioning of Scottish executive and other public authorities dealing with devolved Scottish affairs. [For a detailed discussion on the grievance redressal machinery in the UK, see Ravindra Singh and Sewa Singh, ''Grievance Redressal Machinery in UK'', *Indian Journal of Public Administration*, 53(2), April – June 2007.]

Indian Experience

An analysis of public complaints made in 1964 by the Complaints Cell in the Union Home Ministry disclosed that 14 percent of complaints related to corruption, 6 per cent to harassment by officials, 40 per cent to delay, and the remaining 40 per cent to arbitrary decisions of officials to favour certain individuals. This picture shows the urgent need for measures to redress citizens' grievances against the administration. The Indian citizens in majority of cases are helpless victims of insolence of public authority. To streamline the governmental machinery for redressal of citizens' grievances and to provide drive and overall leadership to it, the Commissioner for Public Grievances was appointed by the Union Government in April 1966. Simultaneously, complaints cells were mandatorily set up in the ministries, each headed by a Joint Secretary, to attend to complaints and handle public grievances promptly.

Later, the Commissioner for Public Grievances reported that the existing machinery for redressing public grievances were not adequate. Furthermore, the Commissioner wanted for his office ''the same autonomy, power of independent investigation, security of tenure and access to Parliament'' as the Central Vigilance Commissioner had. Without these powers and status, it was apprehended that the India's Commissioner for Public Grievances would be reduced to a glorified odd-job-man, leading to people's disenchantment with this office. The Commissioner reported that owing to certain inherent disabilities he could deliver nothing but promises. It is a fact in Indian public administration that although complaint officers are

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appointed in the ministries, they do not examine grievances personally because of their other responsibilities. Moreover, they are afraid of investigating grievances against decision taken by officers senior to them.

In the context of the inadequacy and effectiveness of government machinery, the demand for setting up an Ombudsman-type institution was, for the first time, raised in Parliament in April 1963.

The first Administrative Reforms Commission (1966-70) was asked to examine the problems of redressal of citizens' grievances, viz. the adequacy of the existing arrangements and the need for any new machinery. The ARC, giving top priority to the problem, recommended in Oct. 1966 a two-tier machinery of Lokpal and Lokayukt, the former dealing with complaints against ministers and secretaries at the Union and State levels and the latter dealing with complaints against other officials. The ARC, however, pointed out that the setting up these authorities should not, however, be taken to be a complete answer to the problem of redress of citizens' grievances. They only provide the ultimate set-up for such redress as has not been available through the normal departmental or governmental machinery and do not absolve the department from fulfilling its obligations to the citizen for administering its affairs without generating, as far as possible, any legitimate sense of grievance. ...The ARC strongly advocated that ''the responsibility of the [government] departments to deal adequately with public grievances must be squarely faced by them.'' [Interim Report of the Administrative Reforms Commission, October 1966, pp. 12-13.]

The ARC insisted that the institutions of Lokpal and Lokayukta should be demonstratively independent and impartial and non-political, and their status should compare with the highest judicial functionaries in the country. The Commission recommended appointing Lokpal at the national level and Lokayukta at the state level.

The Government of India accepted the recommendations of the ARC, and accordingly introduced a bill in the Lok Sabha in May 1968 providing for Ombudsman in India. But the bill, though passed by the Lok Sabha, could not get through the Rajya Sabha. It fell through with dissolution of Parliament in December 1970. The bill was reintroduced in the new Parliament in August 1971 and referred to a joint Select Committee but it was not finally enacted. Similar efforts were made by the Janata Party government in 1977, but before it could be enacted the Union Cabinet resigned and Lok Sabha was dissolved in 1979. In 1985 Rajib Gandhi's cabinet brought in a fresh Lokpal Bill but

again it fell through. New efforts were made in the 1990s, first in 1990 and again in 1996 by introducing new bills. There was no consensus between the Government and Opposition over the jurisdiction of the Lokpal. Moreover, because of the change of Government these bills could not be enacted. A fresh bill for setting up the institution of the Lokpal was introduced by the NDA government but it could not be passed; the same fate befell another bill introduced by the UPA government. This is the story of continuous failure of the efforts to make the political executive and the administration adequately accountable.

However, some degree of success has been achieved in regard to the appointment of Lokayuktas in a number of States in India. Maharashtra was the first State to set up Lokayukta in 1971, followed by Rajasthan, Bihar, Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Himachal Pradesh, Karnataka, Gujarat, Kerala, Punjab, Haryana and National Capital Territory of Delhi. The efforts in Bihar were however marred by differences in the attitudes of the political parties, and non-cooperation of the State Government. In general, the Lokayuktas in the states have been ineffective against powerful politicians and high-ranking civil servants. These state-level ombudsman institutions have been created more for the purpose of political window-dressing than genuine redressal of major public grievances. They have jailed in making any dent in state-level corruptions, but have been successful in providing relief to the ordinary complainants. The basic condition for successful ombudsman system is the ready cooperation of the government and the civil society, which is not always present in India.

Questions :

1. Discuss the concept of Ombudsman.
2. Describe the ways in which public grievances are addressed in India.

Note

Note

Note

মানুষের জ্ঞান ও ভাবকে বইয়ের মধ্যে সঞ্চিত করিবার যে একটা প্রচুর সুবিধা আছে, সে কথা কেহই অস্বীকার করিতে পারে না। কিন্তু সেই সুবিধার দ্বারা মনের স্বাভাবিক শক্তিকে একেবারে আচ্ছন্ন করিয়া ফেলিলে বুদ্ধিকে বাবু করিয়া তোলা হয়।

— *রবীন্দ্রনাথ ঠাকুর*

ভারতের একটা mission আছে, একটা গৌরবময় ভবিষ্যৎ আছে, সেই ভবিষ্যৎ ভারতের উত্তরাধিকারী আমরাই। নূতন ভারতের মুক্তির ইতিহাস আমরাই রচনা করিছি এবং করব। এই বিশ্বাস আছে বলেই আমরা সব দুঃখ কষ্ট সহ্য করতে পারি, অন্ধকারময় বর্তমানকে অগ্রাহ্য করতে পারি, বাস্তবের নিষ্ঠুর সত্যগুলি আদর্শের কঠিন আঘাতে ধূলিসাৎ করতে পারি।

— *সুভাষচন্দ্র বসু*

Any system of education which ignores Indian conditions, requirements, history and sociology is too unscientific to commend itself to any rational support.

— *Subhas Chandra Bose*

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