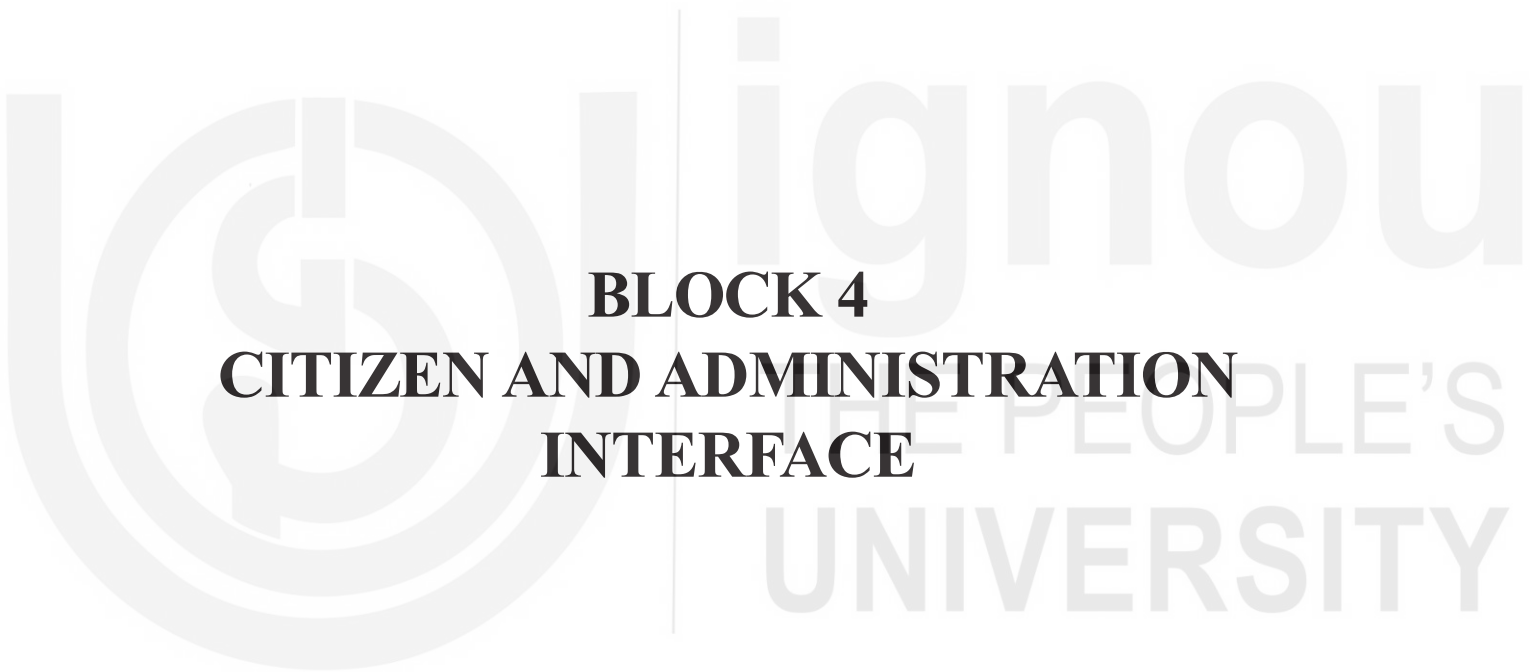


The background of the page features a large, light gray watermark of the Open University logo. The logo consists of a stylized 'U' and 'O' forming a circular emblem, with the text 'Open University' and 'THE PEOPLE'S UNIVERSITY' written in a sans-serif font to the right of the emblem.

BLOCK 4

CITIZEN AND ADMINISTRATION INTERFACE



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UNIT 7 CITIZEN AND ADMINISTRATION INTERFACE-I-PUBLIC SERVICE DELIVERY AND REDRESSAL OF PUBLIC GRIEVANCES*

Structure

- 7.0 Objectives
- 7.1 Introduction
- 7.2 Nature of Citizen – Administration interface
- 7.3 Public Service Delivery and Legislation
 - 7.3.1 Objectives and Features of Legislation on Public Service Delivery
 - 7.3.2 Critical Observations
- 7.4 Public Grievances
- 7.5 Machinery for Redressal of Public Grievances
- 7.6 Conclusion
- 7.7 Glossary
- 7.8 References
- 7.9 Answers to Check Your Progress Exercises

7.0 OBJECTIVES

After reading this Unit, you should be able to:

- Understand the significance and meaning of citizen – administration interface;
- Describe the importance grievance redressal mechanism in India; and
- Discuss ways and measures for improving the quality of public service delivery in India.

7.1 INTRODUCTION

Effective and efficient public service delivery is one of the important elements of good governance. The common man experiences major problems due to bureaucratic apathy or delay in delivery of services. Corruption has become a major problem too. Legislation in favour of the Right to service, modelled on the Citizen Charters, defines the standard or the quality of service. Further, it makes delivery of services within the stipulated time legally binding. Shortfalls in this regard attract penalties to service providers. Laws which provide statutory guarantee to citizens for time-bound delivery of services have been enacted by sixteen states/union territories (UTs) in India by the end of 2016. Bills in this regard have been introduced by the Union government and four states.

There is some overlap between what constitutes public service delivery and what signifies as right to grievance redressal. Both relate to citizens and government agencies with regard to timely delivery of services and redressal of grievances. Both have many common features such as digitised databases, appellate

* Contributed by Dr. R.K. Sapru, Professor of Public Administration (Retired), Panjab University, Chandigarh

mechanisms and imposition of penalties on erring public servants. Both deal with the citizen-administration relationship. They are both sides of the same coin, called governance. Bihar appears to be the only state to have both laws, namely (i) Bihar Right to Public Services Act, 2011 and (ii) Bihar Right to Public Grievance Redressal Act, 2015. Understanding the distinction is crucial to advocating for greater accountability of government in the delivery of public services.

7.2 NATURE OF CITIZEN-ADMINISTRATION INTERFACE

Broadly speaking, the term ‘interface’ means “a point where two systems, subjects, organisations, etc. meet and interact. As already emphasised, in a democratic country like our relations between citizens and administration are significant because the support and consent of the governed is a prerequisite for the success of representative government. The state and, in actual terms, the administration have important responsibilities for providing a wide range of services to citizens. In citizen-centric governance, the concerns and complaints of citizens should not be ignored.

There are a variety of ways in which citizens interact with the administrative agencies in their day-to-day life. Mohit Bhattacharya(2006) enumerates five categories of such interactions. They are noted below.

- 1) Clients: Client form of interaction is quite common in which citizens seek to obtain benefits or services from governmental agencies. For example, a patient visits a government hospital for a medical check up and treatment.
- 2) Regulate: As regulate, a citizen interacts with many government agencies like police, tax agencies, licensing authorities, etc.
- 3) Litigants: It is quite common to see harassed citizens seeking redressal from the courts. An example is denial of building permission, by personnel of the local body.
- 4) Cutting-edge level encounters: The citizens interact more intimately at the ground level with public agencies like municipal governments for problems related to water, electricity, and sanitation facilities, etc.
- 5) Participation: In this form people become direct participants in decision-making in public agencies at different levels. For example, a municipal ward may have award committee of citizens. Such participation is helpful to both citizens and the administration.

From the nature and type of contracts identified by P.R. Dubhashi (1975), the following are significant:

- i) Citizen contacting administration in order to pay dues to government, or to obtain dues or money from government.
- ii) Citizen contacting administration in order for obtaining licences, permits or getting legal sanction to his activity where required.
- iii) Citizen contacting administration in order to get property right registered

- iv) Citizen contacting governmental agencies for obtaining specific or general services, or for obtaining specific individual assistance, or for getting general support and guidance.

A participative interaction between the people and administration kindles the interest of people in imparting a new thrust to programmes undertaken by the administration for their implementation.

7.3 PUBLIC SERVICE DELIVERY AND LEGISLATION

Public service is regarded as a service which is provided by state (government in action) to its citizens. This service (provision of healthcare, education, social services, electricity, transportation, sanitation, water supply, etc.) could be either directly provided by public agencies or by facilitating provision of services.

7.3.1 Objectives and Features of Legislation on Public Services Delivery

The Right to Public Service Act (RPSA) is not a central legislation. The government of India has not yet passed legislation on Right to Public Service Delivery, though it proposed a bill titled Grievance Redressal Bill (2011). Madhya Pradesh was the first state to enact a Public service Guarantee Act, in 2010. It was followed by several States and UTs.

Most States/UTs (Andhra Pradesh, Assam, Bihar, Chandigarh, Chhattisgarh, Delhi, Goa, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra Odisha, Punjab, Rajasthan, Uttarakhand, Uttar Pradesh and West Bengal) have already enacted or notified in one form or the other Public Service Delivery Acts. The Public Service Act (PSA) has given the Right to the people of time-bound delivery of good and services. The PSA also prescribes and defines the “statutory mechanisms to punish delinquent public servants if they fail to deliver the required service within a specified time”. Under the provisions Public Service Act, only certain departments notify specified services to be covered under the law. So, for example, the police department is not notified and none of the services provided by this department are covered under this law. Within the Social Welfare Department, under old age pensions, only the application and verification are covered and nothing else. At present 20 services, and 49 sub-services are notified.

So, for example, the law notifies that pension applications are to be processed by the Block Development Officer (BDO) within 21 days. This means that when a person files an application for an old age pension, he has statutory backing that the application has to be processed within three weeks. A few common public services relate to issuing the birth or death certificate, ration card, domicile certificate, voter’s card, telephone connection, etc. In addition, nowadays public agencies have also been authorised to give copies of land records in the village.

Procedure for Preferred Service: Generally, a citizen receives an acknowledgement slip after he submits an application to the officer concerned for the preferred service. The officer is supposed to render service within the stipulated time unless some genuine reason is advanced. When the officer fails

to attend to his duty within given time frame; the Act empowers the aggrieved citizen to approach the First and Second Appellate Officers. The Appellate Officer has to follow up the matter and see that the service is provided to the aggrieved person. Otherwise, he has the power to impose penalty on errant officer. This provision makes the administration responsive to the needs of the public. The penal provision acts as a powerful deterrent against lethargy and negligence.

7.3.2 Critical Observations

It is noted that the Right to Service Act is an effective instrument to bring down corruption in the country. Further, the Act enhances transparency and ensures public accountability in public administration.

With more than twenty States/UTs adopting the Act, it is noted that there is a marked improvement in response patterns besides fostering transparency in government departments. But there are still many problems, which the ordinary citizen has to face in the course of getting the preferred service. Under the Right to Public Service, the citizen has to do all the foot work and running around, of putting together the papers/documents, to be filed with the department. A case study of pension disbursement in Chandigarh found that a major cause of dissatisfaction is lack of knowledge. Sapru (2016) says that policy-makers need to devise better marketing and communication tools to reach the people who are mostly illiterate.

Designing instruments and other methods of control for ensuring the accountability of administration to the political masters is an issue which has drawn the attention of the administration reformers. The laws enacted recently such as like ‘Right to Information’, ‘Right to Service’, ‘Lokpal and Lokayukta’ are in the right direction. These laws have been enacted to reduce the level of corruption in the public domain.

Check Your Progress 1

- Note:** i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the Unit.

- 1) Analyse the relationship between citizens and administration.
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- 2) Discuss the objectives and features of Public Service Law at the state level.
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7.4 PUBLIC GRIEVANCES

The rise in the number of public grievances year-by-year is a matter of great concern not only to the government but also to the citizens at large. Going by

statistics we note that public grievances against the government and its administrative machinery have gone up from 12 lakhs in 2016 to more than 14 lakhs in 2017. The crucial problem of the average citizen at the cutting edge of administration is that he is being deprived of the service and proper treatment to which he is entitled. Therefore how to make the official at the bottom rung (even the higher rung) of the administrative machinery responsive, sympathetic and at the same time accountable for official wrong doing.

Meaning and Coverage of Grievance Redressal

While the term grievance refers to “a feeling of resentment over something believed to be wrong or unfair”, the wider definition of grievance redressal includes “actions taken on any issue” raised by citizens, “to avail services more effectively”.

A grievance is thus any sort of complaint for wrongful action which needs to be addressed and redressed. Grievance redressal includes complaints such as service unavailability; non-delivery against commitment; excessive delays; discrimination (based on religion, caste, gender, etc.; staff misbehaviour; malpractices; favouritism or nepotism; mal-administration, etc.

Some of the common grievances against the government machinery may be delineated in the following categories:

- 1) Corruption: demand and acceptance of bribery for doing or not doing things.
- 2) Favouritism: doing or not doing things for obliging influential persons.
- 3) Nepotism: helping the people of one’s own kith or kin.
- 4) Discourtesy: use of abusive language or other types of misbehaviour.
- 5) Neglect of Duty: Avoidance of prescribed work.
- 6) Discrimination: ignoring the complaints or appeals of some categories of persons.
- 7) Delay: not doing things at the appropriate time.
- 8) Maladministration: inefficiency in achieving the targets.
- 9) Inadequate Redressal Machinery lack of requisite administrative machinery for handling grievances against administration.

Figures reveal that by end of June 2018 (from 1st January 2018) Central government received 7.76 lakh of which 7.03 lakh complaints / grievances were disposed of with appropriate action.

7.5 MACHINERY FOR REDRESSAL OF PUBLIC GRIEVANCES

For the redressal of public grievances, the Government of India, nearly all state governments, as well as major organisations under them have set up grievance redressal mechanisms. At the Union government level, there are primarily two designated nodal agencies for handling public grievances. These are:

- 1) The Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pensions; and

2) The Directorate of Public Grievances, Cabinet Secretariat.

The Directorate of Public Grievances (DPG) was established in 1988 to receive grievances from the public after they fail to get satisfactory redress from the ministry / department concerned within a reasonable time. It is obvious that the DPG is the last resort for redress of public grievances relating to sectors in its purview. Here it may be mentioned that the public grievance can be lodged with DPG through post, email or online on the portal. Each grievance is first examined to see if it relates to a sector in DPG's purview. Complaints concerning the sectors outside the purview of DPG are forwarded to the Department of Administrative Reforms and Public Grievances for appropriate disposal, under intimation to the complainants. The remaining grievances are then analysed to ascertain whether the issue involved is grave and whether the concerned ministry / department has been afforded an opportunity to redress the grievance. The cases of grievances of grave nature which are either long pending or where the redress is not forthcoming from concerned service organisation / ministry are taken up for detailed scrutiny. These cases are examined up to a reasonable conclusion. The remaining cases are transferred to the concerned ministry for appropriate remedial measures.

When DPG seeks comments, the department or organisation is expected to examine the matter and give a reply within thirty days. After receipt of comments, DPG may, if considered necessary, seek further information to ensure that the grievance is dealt in a fair manner by the department or organisation concerned. It is to be noted that very often the complainant also pursues until the grievance the complaint is closed.

DPG has been progressively computerising its operations. The Public Grievance Redress and Monitoring System (PGRAMS), an exclusive automation programme for DPG, was adopted in 1999. The PGRAMS is integrated with Centralised Public Grievance Redress and Monitoring System, 'CPGRAMS', the operating system for Public Grievances Portal covering all the ministries / departments of Government of India. With a view to improving the redress system further, a number of measures like launch of Hindi version of PGRAMS to widen its coverage, incorporation of features like e-mail/SMS for better communication with the complainants, press advertisements to increase awareness about DPG in public, etc. were implemented in recent years.

CPGRAMS has been set up as a platform for entertaining complaints or grievances from the public from anywhere and round the clock (24x7).

The following matters/ issues are not taken up for redress:

- 1) Subjudice cases or any matter concerning judgement given by any court.
- 2) Personal and family disputes.
- 3) RTI matters.
- 4) Anything that impacts upon territorial integrity of the country or friendly relations with other countries.
- 5) Suggestions.

Besides these nodal agencies, there are other institutional mechanisms like the Central Vigilance Commission, the Lokpal and Lokayuktas which have the mandate to look into complaints of corruption and abuse of office by public servants. Recently, the Government of India has taken the initiative for appointing

Lokpal at the central level. The institution of Lokpal is seen as an anti-corruption ombudsman.

Observations of Second ARC

The Second Administrative Reforms Commission, in its 12th Report on Citizen Centric Administration (February 2009), has appreciated the system at the central level, especially in the use of modern technology. The Commission expressed the view that a similar system should be installed at the state and district levels because a decentralised system would benefit a larger number of citizens on the one hand and would also help in improving the effectiveness of field offices on the other.

Check Your Progress 2

- Note:** i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the Unit.

- 1) Discuss the meaning of grievance redressal and state its significance in public administration.

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- 2) Discuss the machinery for the redressal of public grievances at the Union level.

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7.6 CONCLUSION

The objective behind the citizen-administration interface is to place the citizen at the centre of administration. Good governance is dependent essentially on the quality of service from civil servants and satisfaction of the citizenry. Way back in 320 BC Kautilya observed: “In the happiness of his subjects lies his [the king’s] happiness; in their welfare his welfare”. The Administrative Reforms Commission, in its interim report on Problems of Redress of Citizens’ Grievances, remarked that “if in the prosperity of the people lies in the strength of a government, it is in their contentment that lie the security and stability of democracy”.

7.7 GLOSSARY

Grievance: A real or imagined cause for complaint, especially unfair treatment.
Client: A person or customer entitled to service from an organisation.

Public Servant: A person who works for the state.

Transparency: Openers in communication and accountability

Cutting-edge: The level at which issues of administration touch the people.

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7.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress Exercise 1

- 1) Your answer should include the following points:
 - Nature of citizen-administration interface.
 - Impediments to citizen - administration interface.
- 2) Your Answer should include the following:
 - Objectives and features of public service law.
 - Evaluation of the operation of public service law.

Check Your Progress Exercise 2

- 1) Your Answer should include the following:
 - Definition of public grievance
 - Meaning and coverage of grievance redressal
 - Significance of grievance redressal in public administration
- 2) Your Answer should include the following:
 - Role of the Department of Administrative Reforms and Public Grievances, Ministry of Personnel, Public Grievances and Pensions.
 - Role of the Directorate of Public Grievances, Cabinet Secretariat.
 - Computerisation of grievance redressal process.

UNIT 8 CITIZEN AND ADMINISTRATION INTERFACE-II-RTI, LOKPAL, CITIZEN’S CHARTER AND E-GOVERNANCE*

Structure

- 8.0 Objectives
- 8.1 Introduction
- 8.2 The Right to Information Act, (2005)
 - 8.2.1 Critical Observations
- 8.3 The Lokpal
 - 8.3.1 Salient Features of the Act, 2013
 - 8.3.2 Critical Observations
- 8.4 Citizens’ Charter
 - 8.4.1 Principles of Citizens’ Charter
 - 8.4.2 Components and Features of Citizens’ Charters
 - 8.4.3 Problems of Implementation of Charters
 - 8.4.4 Critical Observations
- 8.5 E-Governance
 - 8.5.1 Importance and Features of E-Governance
 - 8.5.2 Critical Observations
- 8.6 Conclusion
- 8.7 Glossary
- 8.8 References
- 8.9 Answers to Check Your Progress Exercises

8.0 OBJECTIVES

After reading this Unit, you should be able to:

- Understand citizens’ interface with the government and its administration;
- Know the significance and salient features of the RTI;
- Examine the strengths and weaknesses of the Lokpal institution; and
- Discuss the importance and application of e-governance strategies.

8.1 INTRODUCTION

The growing discontentment and disenchantment with the functioning of government and its arm, bureaucracy, during the 1960s and 1970s sparked a reform movement aimed at empowering the citizens. A state that ignores the needs and interests of large sections of the population in the public policy process cannot be an ‘effective state’. Participation and consultation of people is necessary to identify their needs and promote their interests. People’s right to interact with government is also emphasised by United Nations. Article 21 of the Universal Declaration of Human Rights stipulates that:

* Contributed by Dr. R.K. Sapru, Professor of Public Administration (Retired), Panjab University, Chandigarh

“Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The will of the people shall be the basis of the authority of government”. Richard Box (1998) observes that the era of elite control has been replaced by the era of democracy. In the latter citizen governance or taking decisions through deliberation has primacy. Citizens’ initiatives and interaction with the public administration is also helpful in mitigating their grievances. Citizen interface with administration, therefore, seems to be of much significance for effective administration.

To mitigate citizens’ dissatisfaction regarding corruption in India, laws have been enacted creating institutions such as the Lokpal and Lokayukta. These institutions are intended to inquire into allegations of corruption. Right to Information Act, 2005 (empowering the citizens to get information), Citizens’ Charter (making entitlement of citizens to specific services), e-governance (governing through the electronic mode), are also relevant enactments in this regard. These and many more institutional mechanisms and laws are in operation in order to redress the Citizens’ grievances.

The present Unit deals with some significant dimensions of the interface between citizens and the administrative aspects of government.

8.2 THE RIGHT TO INFORMATION ACT, 2005

Perhaps this is the most important law ever enacted in India. This law known as the RTI (The Right to Information Act, 2005) broadly gives the right to citizens of India (except for the people of Jammu & Kashmir) the right to seek information from any public agency or institution on any matter which promotes transparency and accountability in its working. Its main objective is to combat corruption and enable public institutions to work for people. It also aims at creating an informed citizenry and to enable the citizen to exercise vigilance on the functioning of government and its institutions. This law which focuses on strengthening participatory democracy and ushering in people-centred governance also aims at promoting transparency in public agencies. For providing ease of access to citizens the RTI online portal has been expanded to cover all public authorities registered with the Central Information Commission (CIC).

The Act gives the citizens the right to seek information held by any authority or body or institution of self-government established or constituted by or under the Constitution; or by any other law made by the Parliament or a state legislature. Institutions or organisations substantially financed by the central government or a state government also fall within the meaning of public authority. The RTI includes inspection of work, documents and records, taking certified samples of material held by the public institution/public authority. It also includes information relating to any private body which can be accessed by the public authority under any law for the time being in force. There are some categories of information which each public authority is required to publish suo moto.

Under the RTI, one has to simply make a request to the Public Information Officer (PIO) of the office concerned, indicating the information sought and the address at which the information is required. The request can be sent either by post or submitted in person in Hindi, English or in the official language of the area and can also be sent through e-mail. If the applicant does not get the information

within 30 days or the applicant is not satisfied with the reply given to him, he can make an appeal within 30 days to the appellate authority, who is an officer superior to the PIO. The appellate authority has to decide on the appeal within 30 days of the receipt of appeal. If the applicant is not satisfied even with the decision of the appellate authority, he is empowered to file a second appeal with the Central Information Commission or the State Information Commission, as the case may be, within 90 days. The Central Information Commission entertains appeals in respect of offices, financial institutions, public sector undertakings, etc. under the central government and the union territories and a State Information Commission deals with the appeals pertaining to offices, financial institutions, public sector undertakings of the concerned state government. The Commission can make any order required to bring about compliance with the law, including release of documents, appointment of PIOs or the publication of specified information.

The Central Information Commission and the State Information Commissions are high-powered independent bodies created by the Act, and they can impose penalty on the defaulting PIOs. The RTI Act is a comprehensive law and covers almost all levels of governance, and is applicable not only to union, state and local governments, but also to the recipients of government grants. Access to information under this Act is extensive with minimum exemptions. Over the years the Right to Information Act has converted the prevailing culture of secrecy into a culture of openness and transparency in the working of the government.

8.2.1 Critical Observations

Although, the RTI empowers the citizens to obtain information from the public authorities on matters of public interest, it is not operating without shortcomings. The mere conferment of the right to information without changing the prevailing culture of governance would not take the exercise far enough.

Issues and Challenges in the Functioning of RTI

The studies conducted to look into the functioning of RTI in India have identified number of issues and challenges in the implementation of RTI in an effective manner. Some of these are listed as below:

- Lack of public awareness about RTI and its clauses whereby the people can ask for required information from the public authorities;
- Inadequate and poor quality of information provided by the public authorities to the applicants;
- At times there are constraints faced by the information seeker in inspection of records;
- At times the public authorities fail to make information available in the stipulated timeframe of 30 days;
- The Public Information Officers at number of organisations don't have required skills;
- There are not many efforts in imparting training to the PIOs and First Appellate Authorities;
- PIOs lack commitment and motivation;
- Obsolete record management;
- Inadequate infrastructure;

- The leniency and slackness on the part of PIOs is not dealt with as strictly as required; and
- Number of applications having frivolous queries.

Check Your Progress 1

Note: i) Use the space given below for your answers.

ii) Check your answers with those given at the end of the Unit.

- 1) Discuss the importance of ‘The Right to Information Act, 2005’ and highlights its salient features.

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- 2) Bring forth issues and challenges in the implementation of the RTI Act.

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8.3 THE LOKPAL

On the basis of the recommendations of the Administrative Reforms Commission (1966), the Government prepared the Lokpal and Lokayuktas Bill, 1968 and introduced it in Parliament in May 1968, but the Bill could not get the Parliament’s approval. It was introduced in Parliament nine times (1968, 1969, 1971, 1977, 1989, 1996, 1998, 2001, 2011). The latest Lokpal and Lokayuktas Bill (9th in number) was introduced in the Lok Sabha on 22nd December 2011 following massive public protests, led by Anna Hazare (an anti-corruption crusader) and his associates. The Bill was passed by the House on 27th December 2011 as the Lokpal and Lokayuktas Bill 2011. The Bill was passed by both houses of parliament in December, 2013. It became an Act after receiving the assent from the President and came into force from 16th January 2014.

8.3.1 Salient Features of the Act, 2013

The enactment of the Lokpal and Lokayuktas Act by the Indian Parliament in 2013 is a landmark achievement in the history of India. It paves the way for establishment of the institutions of Lokpal at the Central and Lokayuktas at the state levels. These institutions are modelled on that of Ombudsman of Sweden. The main objective of this institution is to inquire into allegations of corruption against public functionaries and authorities and into matters connected therewith. The following are the major features of this Act.

Appointment and Removal: The Act provides for the appointment of Chairperson and 8 Members of Lokpal (of which 50 percent shall be judicial members and another 50 percent of members shall be from SC/ST/OBCs, minorities and women). For appointment as the Chairperson of Lokpal, a person who is or has been Chief Justice of India or a Supreme Court judge is eligible. Individuals with impeccable integrity and outstanding ability having special knowledge and expertise of not less than 25 years in matter related to anti-corruption policy, public administration, vigilance, finance, including insurance, banking, law and management are eligible to become members of Lokpal. Upon selection, the chairperson and members shall hold office for a term of five years or till they attain 70 years of age. The salary and allowances of the chairperson of the Lokpal will be the same as that of the Chief Justice of India. The members will be paid salary and allowances as that of a judge of the Supreme Court.

A Selection Committee for Lokpal consists of the Prime Minister (PM), the Speaker of the Lok Sabha, the Leader of the Opposition in the Lok Sabha, the Chief Justice of India or a sitting Supreme Court judge (nominated by the CJI) and one eminent jurist. In order to ensure impartiality, it is provided that the Chairperson and the members of Lokpal shall not hold any office of profit and shall not be the members of Legislature or any political party, and after the expiry of their term shall be ineligible for any appointment under the State. Removal from office (by the President of India) is only on the ground of proven misbehaviour and incapacity. The expenditure on salary, allowances and pension shall be charged on the Consolidated Fund of India.

Jurisdiction: The Lokpal's jurisdiction will cover public servants, including government employees, judges, Ministers, current and former legislators and public sector employees (funded by the Centre). In addition, public servants and trustees and board members of NGO receiving government funds of more than Rs. one crore (FCRA) or foreign funding of more than Rs. 10 lakh per year are under the jurisdiction of the Lokpal.

Power of Superintendence: The Lokpal is given the power of superintendence and direction over any investigation agency, including The Central Bureau of Investigation (CBI) for cases referred to them by the anti-corruption ombudsman (Lokpal).

Enquiry and Investigation: A complaint accompanied by an affidavit may be made to the Lokpal within a period of seven years from the date of omission of the alleged offence. President of India may also require the Lokpal to enquire into an allegation in respect of a public functionary. After the preliminary scrutiny, the Lokpal may enter into detailed scrutiny which will be in the nature of judicial proceedings to be held in camera. Keeping in view the fundamentals of procedural fairness, the Lokpal may adopt a procedure appropriate in the circumstances.

The Act specifies that an enquiry against the PM has to be held in-camera and requires the approval by two-thirds of the full bench of the Lokpal. For the purpose of any inquiry, the Lokpal has been given the powers of a Civil Court for summoning witnesses or issuing orders for the seizure of documents.

Prosecution: The Act provides that the Directorate of Prosecution will be under the overall control of CBI Director. The Lokpal is to initiate prosecution through its Prosecution Wing before the Special Court and the trial has to be completed

within two years. The Act also incorporates provisions for attachment and confiscation of property acquired by corrupt means, even while the prosecution is pending. The Act also provides adequate protection for honest and upright public servants, including the whistleblowers.

Offences and Penalty: In case of false and frivolous complaints there is a provision for imprisonment up to one year and a fine up to Rs. 1 lakh. In case of public servants, the imprisonment is up to seven years. In case of criminal misconduct and habitually abetting corruption, the jail term is up to 10 years.

Bar to Proceedings: The Lokpal institution lays down that no proceedings or decision of the Lokpal shall be liable to be challenged, reviewed, quashed or called in question, in any court. This may bar the jurisdiction of the civil courts, but will not oust the jurisdiction of the Supreme Court and the High Courts under Articles 32 and 226 of the Constitution.

8.3.2 Critical Observations

The 2013 Lokpal Act has no doubt some positive aspects such as the Lokpal having its own Investigating and Prosecution wings for purposes of investigation and prosecution. It will thus not be dependent on government agencies (like the CBI) whose neutrality, objectivity and fairness rightly or wrongly, may be questioned. It is also appropriate that the Lokpal under the Act is not to entertain complaints alleging abuse of power or other wrong doings in cases which are more than seven years old. Such an upper limit for accepting and probing complaints is desirable so that public functionaries do not become victims of malafide complaints due to animosity or political vendetta long after retirement from public service. Further, it is also proper that Lokpal under the Act has been empowered to prosecute persons making false or frivolous complaints.

The institution of Lokpal is quite important as an anti-corruption constitutional agency. This has been called the ‘watchdog of the administration’ or ‘protector of the little man’. But the Lokpal institution is not the only remedial measure for all the ills in the politico-administrative system. For efficiency and effectiveness of the Lokpal institution, it is essential that adequate internal methods of redress in the form of compliant machinery need to be established.

The Modi Government has introduced an Amendment bill to the 2013 Act. However, the Lokpal and Lokayukta and other related Law (Amendment) Bill, 2014, containing the proposed amendments in the law, has been gathering dust from the date of its introduction in the Parliament on 18 December 2014. The law is yet to see the light of the day. Recently the Supreme Court slammed the central government for not putting in the required effort to appoint a Lokpal under the 2013 Act, thereby crippling the functioning of the Act. The Government responded that it has a short list of candidates ready for the Selection Committee of the Lokpal and its members.

8.4 CITIZENS’ CHARTER

Broadly speaking, the Citizens’ Charter is a document specifying certain aims to be achieved for improving the quality of public services to the citizens of India. The Charter is therefore, an instrument or tool which seeks to make an organisation

transparent, responsive and citizen friendly. The Citizens' Charter scheme, in its present form, was first launched in 1991 in the UK. The aim was to ensure that public services were made responsive to the citizens' needs.

8.4.1 Principles of Citizens' Charter

Thus, the basic thrust of the Citizens' Charter is to make public services citizen-centric by ensuring that these services are demand-driven rather than supply-driven. A Citizens' Charter is characterised by the following six principles (ARC 2009).

- 1) Quality: improvement in the quality of services.
- 2) Choice: Giving options for the users wherever possible.
- 3) Standards: specifying what to expect within a time frame.
- 4) Value: worth for the taxpayers' money.
- 5) Accountability: answerability of the service provider (individual as well as organisation).
- 6) Transparency: Open, clear and straightforward manifestation of rules, procedures, schemes and grievance redressal mechanisms.

At a Conference of Chief Ministers of various States and Union Territories, held on 24 May 1997 in New Delhi, an Action Plan for Effective and Responsive Government at the Centre and State levels was adopted. A major decision at that conference was that the Central and State governments would formulate Citizens' Charters.

The Department of Administrative Reforms and Public Grievances in Government of India (DARPG) initiated the task of coordinating, formulating and operationalising Citizens' Charters. For the formulation of the Charters, the government agencies at the Centre and State levels were advised to constitute a task force with representation from users, senior management and the cutting edge staff.

8.4.2 Components and Features of Citizens' Charters

The Charters are expected to include the following elements:

- 1) vision and Mission Statement;
- 2) details of business transacted by the organisation;
- 3) details of clients;
- 4) details of services provided to each client group;
- 5) details of grievance redress mechanism and how to access it; and
- 6) expectations from the clients.

The distinctive features of the Citizens' Charters in India are:

- 1) agreed and published standards for service delivery;
- 2) openness and information about service delivery;
- 3) 'choice' and Consultation with users;
- 4) courtesy and helpfulness in service delivery; and

- 5) provision of redressal of grievances.

Citizens' Charters have been in place in India for more than two decades. In 2016, the DARPG website listed nearly 2000 charters drafted by various government or semi-government agencies in India.

8.4.3 Problems of Implementation of Charters

There are several problems in the conception and implementation of Citizens Charters. Some of them are discussed below.

- 1) The general perception of organisations which formulated Citizens' Charters was that the exercise was to be done because it was a direction from the top. It thus became one of the routine activities of the organisation without any focus. Consequently, the consultation process with the citizens was largely missing or absent.
- 2) The officials who were entrusted with the job of formulation of Citizens' Charters lacked proper vision and training.
- 3) The work relating to Citizens' charters was disturbed as the employees who were handling it were transferred during critical stages.
- 4) Awareness campaigns meant to teach clients about the Charter were not conducted in a systematic manner.
- 5) Often, the norms and delivery schedules of services mentioned in citizens' charter were not adhered to. Consequently, the credibility of the citizen charters was lost. As such, they were perceived by some citizens as farcical and ritualistic.
- 6) The idea of maintenance of standards in quality in the citizens' charters was not properly understood. Consequently, their implementation faced many issues regarding the quality of service delivery.

8.4.4 Critical Observations

It is observed that a citizen charter is designed to provide quality of services and its delivery as per time schedules, grievance redressal, and accountability. However, in its implementation it faces many difficulties similar to those in the domain of normal public administration. Nevertheless, the introduction of Citizens' Charters in government organisations and public agencies represents a landmark in the sphere of delivery of goods and services. It has both symbolic and substantive value.

8.5 E-GOVERNANCE

E-Governance and E-Government (e-gov) are words that are frequently and interchangeably used in recent decades. Many governments have been making use of e-governance strategy to improve the quality of governance. E-governance deploys information and communication technologies (ICTs) to make governance more effective, efficient and transparent. In a broader sense, 'e-governance' is all about reform in governance facilitated by the creative use of ICTs.

8.5.1 Importance and Features of E-Governance

Before the dawn of e-governance, delivery of government services was done manually, which caused difficulties to the citizens? Scenes of overcrowded government offices, long lines, employee absenteeism, arrogant attitudes and rent-seeking behaviours of civil servants were quite common. It seemed as though the focus of employees was more on corrupt practices than on service delivery to citizens.

To improve IT performance and productivity, the GOI approved the National e-Governance Plan (NeGP), which seeks to improve the relationship between citizens and administration. Its aim is to improve delivery of government services to citizens with the vision to “make all government services accessible to the common man in his locality, through common service delivery outlets, and ensure efficiency, transparency and reliability of such services at affordable costs to enable the fulfilment of the basic needs of the citizens.

The Ministry of Electronics and Information Technology (MeitY) functions around the ambit of the Information Technology Act, 2000 (amended in 2008), which provides legal recognition to the transaction carried out by means of electronic data interchange and other means of electronic communication, commonly referred to as electronic commerce. Basically, it involves the use of alternatives to paper-based methods of communication and storage of information, to facilitate electronic filing of documents in government agencies.

MeitY deals with policy matters relating to information technology, electronics, internet (other than licensing of ISPs) and cyber security. The aim of e-governance is to empower citizens beside s promotion of inclusive and sustainable growth of the electronics, IT and Information Technology Enabled Services (ITeS) industries, digital transactions and digital payments, adopting a multi pronged approach that includes development of human resources, promotion of R&D and innovation. Improvement of efficiency through digital services and ensuring a secure cyber space is the key ingredient.

With the unveiling of the Digital India programme the role of MeitY has increased. The overarching vision of the programme is to transform India into a digitally empowered society and knowledge economy. The programme has three vision areas namely, digital infrastructure as utility for every citizen, governance and services on demand and digital empowerment of citizens by bridging the digital divide in the country. This transformational programme is designed to build holistic capabilities across infrastructure, manufacturing, skills and delivery platforms, which will be helpful in the creation of a self-reliant knowledge economy.

With the advent of Digital India as an apex programme various new policy initiatives have been taken up by MeitY such as eKranti, policy on adoption of open source software in e-governance systems, e-mail policy, policy on use of IT resources, policy on collaborative application development by opening the source code of government applications, application development and reengineering guidelines for cloud-ready applications and e-governance competency framework. Major schemes such as e-districts, common service centres and state-wide area network (SWAN) have also been working in this direction.

8.5.2 Critical Observations

The demand for e-governance services has been increasing in India. The impact of e-governance on citizens is a critical issue for the design and implementation of e-government strategies. But there are a few major problems in the implementation of sound e-governance policies. Given the demand of the software industry in India and abroad and the high salary levels they offer, most of the competent personnel have been unwilling to opt for government jobs or that of the outsourcing industry of e-governance. Therefore, there is insufficient number of qualified personnel at both the technical and management levels to accelerate the process of e-governance strategies in India. In addition, there are problems due to inadequacy of institutional infrastructures and increasing turnover of personnel in e-governance programmes.

Check Your Progress 2

- Note:** i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the Unit.

- 1) Discuss the impact of E-Governance on government and its administrative machinery.
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-
-
-
- 2) Discuss the importance and salient features of Lokpal institution.
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8.6 CONCLUSION

Citizens interface with government and its administrative arm is gaining importance and momentum. The central government as well as most of the state governments have realised the benefits of associating citizens in the formulation and implementation of plans and policies of development. Concerted efforts have been put in the government to reduce the growing discontent among the citizens by providing various channels for its redressal, The RTI, the Lokpal institution, the Citizens’ Charter and E-Governance have emerged as more effective and accessible methods to reduce the gap between the government and the governed.

8.7 GLOSSARY

E-Government: E-government has been used too broadly to define initiatives and programmes relating to e-governance.

E-governance: It is the application of information and communication technologies (ICTs) for delivery of government services, exchange of information, communication transactions and integration of various unconnected systems and services meant for citizens or business.

Transparency: According to the United Nations, government transparency is based upon “Citizens’ access to information and facilitating their understanding of decision-making processes”.

Citizen Participation: Citizen Participation has come to mean the direct involvement of citizens in the process of administrative decision-making, policy formulation, and policy implementation.

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8.9 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should include the following points:
 - Salient features of RTI
 - Functioning of RTI
- 2) Your Answer should include the following:
 - Lack of public awareness about RTI and its clauses whereby the people can ask for required information from the public authorities;

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- Inadequate and poor quality of information provided by the public authorities to the applicants;
- At times there are constraints faced by the information seeker in inspection of records;
- At times the public authorities fail to make information available in the stipulated timeframe of 30 days;
- The Public Information Officers at number of organisations don't have required skills;
- There are not many efforts in imparting training to the PIOs and First Appellate Authorities;
- PIOs lack commitment and motivation;
- Obsolete record management;
- Inadequate infrastructure;
- The leniency and slackness on the part of PIOs is not dealt with as strictly as required;
- Number of applications having frivolous queries.

Check Your Progress 2

- 1) Your answer should include the following points:
 - Importance and features of e-governance
 - Problems of institutional infrastructures, and shortage of competent personnel.
- 2) Your Answer should include the following:
 - Appointment and removal of Lokpal
 - Jurisdiction.
 - Powers of Superintendence, enquiry and investigation.
 - Offences and Penalties.
 - Limitations/ problems.