

Transparency

- Anna Hazare

- Availability of information to public & among government agencies - in a simplified & accessible form.
- Knowledge is 1st virtue - sovereign
- power & democracy does not flow from the barrel of gun but from the click of mouse
- help reach goal of ethical good governance.

④ RTI → Darkness of secrecy → to down of Transparency (Sec-4, Suomoto disclosure)

④ Social Audit

④ Jan Sachin portal

→ Significance

- ↳ openness in decision making: culture of dialogue.
- ↳ A-19: Freedom of info.
- ↳ Reduce nepotism / favouritism.
- ↳ Enhance A/c ④ Digital India
- ↳ Strengthen democratic process
- ↳ promote ethical conduct
- ↳ Coordination & Information
- ↳ Informed decision making.
- ↳ Evidence based policy making

Issue

- ↳ Bureaucratic Red Tape
- ↳ opaque pol. funding ④ Electoral Bonds (Ashwini Kumar case)
- ↳ Inconsistent enforcement of law (forest laws)
- ↳ Incomplete audit report - CAG
- ↳ Digital divide: Ltd access

Why secrecy

- S & I
- National Security
- prevent misinfo. ④ duty COVID
- avoid undue stigmatization
- to protect privacy
- security of state ④ Nuclear info
- Preserve trust in Instⁿ ④ UPSC, SC

RTI → came into force in 2005, giving the Indian citizen as statutory right to seek

↳ RTI is the **corollary** to right of self-determination.

↳ **ARC Report** - RTI can be **master key** in good governance.
 ↳ response from govt

↳ participatory democracy

↳ sec-4: suo moto disclosure

↳ Record keeping

Significance → Improved governance

→ check corruption

↳ Transparency

↳ Empower citizen

↳ Social Justice

↳ A/c

↳ Uphold Democracy

↳ Efficiency

↳ citizen participation

↳ Informed decision

↳ RoL

↳ Strengthen Inst^l Integrity

↳ FR - Article (19)

↳ enhance media reporting

↳ support whistle blower

↳ Aid in justice

↳ Equity in access to info.

↳ encourage pro-active disclosure

↳ Reduce Bureaucratic red tape

↳ Foster Trust

Way forward

↳ open data policy

↳ compiling of similar RTI

↳ prevent misuse of RTI

↳ balance A-19 & 21

↳ ↑ public awareness

↳ use Tech. to improve efficiency

↳ ,

Challenges

↳ sec-2(h) = exception (limited scope)

↳ Legal & Technical Jargon (slow appeal process)

↳ Fear of repercussion

↳ Ambiguous info
 ↳ Report card of Info. Commission in India, 2018: less than 45% received info they had sought
 ↳ Ante vague
 ↳ irrelevant
 ↳ incomplete
 ↳ generic response

↳ Balancing Transparency with privacy

↳ Delayed response (despite 30 day limit)

↳ lack of Awareness [PWC study: only 15% respondent aware]

↳ capacity building of official = low

↳ political & Bureaucratic influence

↳ Manipulation of info.

↳ lack of Standardisation

↳ Inconsistency in applications

↳ inadequate record keeping [lack of enabling infra-structure, internet etc.]

↳ Huge vacancies of Info commission: (mentioned by Satark Nagrik Sangathan)

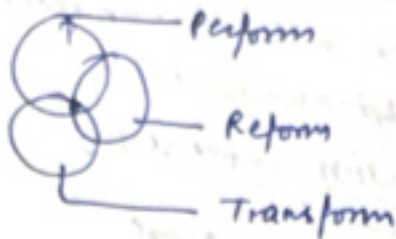
Data: As per Transparency International reports = in 15 years, around 33 mn RTI applications were filed with various government dept & 90% of the applicants were satisfied with government response

Good governance

- The health of a nation's democracy depends on the quality of its governance

Kofi Annan

- Putting people at centre of governance architecture



- Swachta - cleanliness: A people's mov.

Janbhagidhar

people's participation

- Sushasan

satta sath, satta vikas, satta vishwas, satta prayas

Support for
all

Development
for
all

winning
confidence
of
all

Efforts of
all

- Traits that need to be internalised

- Teamwork
- collaborations
- mutual respect
- empathy
- probity

- last mile delivery: leaving no one behind

Conclusion. need to ensure that governance systems are dedicated to creating a society that cares, shares, grows. let us usher in viksit Bharat 2047 through Sushasan

CBI & CVC [Govt. zero tolerance policy towards corruption].

1963 - CBI by act of MoHA → later transferred to Mo Personnel

Street Name @ VOL, 1997

CVC >> CBI

Supervisory role.

- Power: Delhi special police estb. Act.
- premier investigating police agency.
- selection committee - PM
 - Loo
 - CJI
- Anti-corruption division
- Economic offence
- special crime division
- Directorate of prosecution
- International police division.

CVC

- main agency for preventing corruption in central govt.
- Santhanam committee
- 1964 = Executive order.
- 2003 - Statutory [CVC Act, 2003]
- 2004, whistleblower resoln
- multi-member body
- selection commission

PM
Home Affairs
Loo

- 4+65
- No reappoint.
- Removal grounds
 - Involvement
 - Partial employment
 - Partial turpitude
 - Infirmary of mind/body
 - Proved misbehavior & incapacity

④ Inquire & Investigate into complaint against corruption & misconduct by public servants under PCA, 1988.

⑤ Supervisory role

⑥ Advisory role : advise central govt. in matters of vigilance

⑦ Advise on disciplinary matter against public servants

Motto: Industry, Impartiality, Integrity

Issues

1. Internal strife ⑤ Verma ⑥ Asthana case speaking in its master's voice
2. [SC] called "caged parrot" for being influenced by pol. factors. ⑦ coal block allocation case
3. Declining public Trust - (Ranjan yojni)
4. Legal & structural constraints: need permission to investigate officials.
5. Withdrawal of general consent.
6. Allegation of bias in investigations: selective nature of cases
7. A/c issue
8. Shortage of manpower & resources: "personnel infra financial resources"
10. Delayed investigation.

Issue

1. Lack of adequate autonomy & Independence
2. Limited jurisdiction [to central govt] no oversight over state level inst?
3. Shortage of resources
4. Delay in decision making
5. Lack of enforcement power
6. Perception of pol. interference = questions impartiality & credibility

Governance

- Minimum Government, Maximum Governance

- process & institutions through which decisions are made & authority is exercised

- Good Governance - art of putting wise thought into prudent action in a way that advances the well being of those governed

- Diane K. Sukra

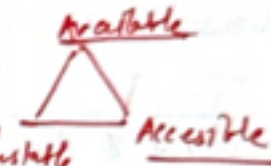
- UN - Good governance is the foundation to achieve sustainable development

Characteristics - (PERFETA)

- Accountability → witness during election (Responsibility for action) (Res) 

- People's participation - eg: PRI, citizen participate in decision making, gramsabha

- Rule of law - HK (vulnerable), Judiciary (Independent), impartial police.

- Transparency → [Darkness of secrecy → Dawn of transparency → RTI] 
social audit - MGNREGA, Raj-Dan suchna portal

- Effectiveness optimum utilization, sustainable use

- Efficiency ④ single window portal

- RESPONSIVE - timely delivery, citizen centric, citizen charter, sevottam model
CAGRAMS → VCIMS → vigilance complaint information management system
→ faceless interface, complaint against corruption

- Equitable + Inclusive - eg: DPI

- Consensus oriented - mediation

- Strategic → Strategic vision

- social safety nets - marginalised

- Forging alliance - civil society

- Simplification of Procedure

- Leveraging technology → E-governance

- citizen centric - eg: mygov@nrc.in

Governance Issue - LAPSE - Pseudom

Legal-Judicial

- poor enforcement of law
- delayed justice (SC - 71,000, HC - 60 lakh, lower = 41 million)
- undertrial (76% - NCRB, 2022)
- lack of accountability
- Threat to life (e.g.) Sahyendra dubey.

Administrative

- lack of sensitivity
- Transparency + accountability.
- Bureaucratic delay
- corruption.

Political

- criminalization
- misuse of Pol. power
- Decentralisation ← more in letter
less in spirit

Social & Env

→ Marginalization, exclusion

Economic

- Regional disparities
- Fiscal Imbalance

E-Governance

World Bank: e-governance refers to the use of ICT by government agencies that have ability to transform relations with citizens, businesses & other arms of government & enhancing the governance.

- Better delivery: Fast, convenient, cost effective
- improved interaction with business & industry.
- Citizen empowerment → Access to info.

- expand reach
- Timely delivery
- Last mile connectivity

SMART Governance

- (S) Simple → Simplification of rules & procedure
user friendly. (e) Electronic-Tax filing.
- (M) Moral → Infusing ethics & moral into officers in technological interventions
Jan Suktina Portal (Raj), e-NAM, Andhra-based DBT
- (A) Accountable - (S) RTI, Social Audit-MGNREGA, PRAGATI (Pro-active governance & timely implementation)
- (R) Responsive - (S) CPGRAMS, mygov.in, Sevottam, Aarogya-seh app, Fasting
e-SAMPARK portal, POSHAN tracker, COWIN portal
- (T) Transparent (S)
 - data.gov.in - open data portal
 - Real time monitoring of PDS - SMART PDS
 - NregaSoft - MGNREGA real time monitoring

• Bharat Startup Knowledge Access Registry

Best ex: Kerala: 1st full e-governed state in India

• KFON project • e-Sevamaan (single portal for govt public service)

• Tele-MANAS (free- and the clock round health service)
• National Digital Health Mts.
• Ayushman Bharat Health
AIC

e-health

- min^m govt: reducing govt. intervention in day-to-day's activities
- max^m governance: empowering them to ensure country's growth & dev.
- reduce Red Taps, corruption
- Effectiveness & efficiency of govt. services
- Better & Timely delivery
- Accurately targeting of benefits
- infusing confidence of citizens in governance
- ensure people's participation
- Inclusive governance
- last mile delivery.
- cooperation-coordination = C+S+2
- address issue of info. asymmetry, poor A/C,

• digital health is expected to experience a 29.6% annual growth rate from 2017-2025

• Telemedicine market = ~\$5.4 bn by 2025

- remote consultations (Real time)
- Virtual health care platform
- Maintenance of Health records
- Overcome issue of Health infra
- Geriatric care
- India's surgical robotics market = ~\$350 mn by 2025

Q2C

Swamitha: Digitization of land records

Bhumi project (KR)

Gyandot (e-governance initiative of MP)

Lok vahi project → UP

Project FRIENDS → Kerala

e-Kranti → electronic delivery of services

Common services centre

cutting corruption



DBT resulted in saving 1.14% of GDP

e-court mission mode project

eSCK = electronic SC ready portal
→ translates judgments in hindi

Models of e-governance

Q2G

Khajane Project - KR

PFMS

e-Samiksha - cabinet

Secretary = used for tracking progress on policy

UPANI

→ unified Planning & analysis Planning

Q2B

collection of taxes
→ rejection + approval of patents
all bills + penalty

Gem portal

SWIFT initiative

single window interface for Trade

Q2E

Challenges

- Language Issue → 2017 → Bhashini
- Low IT literacy → NSSO → latest survey $\left\langle \begin{matrix} 24\% (R) \\ 66\% (U) \end{matrix} \right\rangle$ have internet
- User-friendliness of govt. websites
- Cost (High upfront)
- Resistance to shift
- Interoperability issue
- Privacy & security (cyber)
- Infra. issue
- acceptance of Digital signatures - not legalised in India.

Recommendation - 2nd ARC

- Building congenial environment
- capacity building, Awareness
- protecting critical info. infra. Assets.

(Lokpal & Lokayukta), enacted after Anna Hazare mov. of 2011

- ① India's 1st anti-corruption body (1st instⁿ of its kind) estb. under Lokpal & Lokayukta Act, 2013 to inquire & investigate allegation of corruption against public functionaries, including PM.
- ② Based on ombudsman (Sweden), administrative courts (France) & Prosecutor system (USSR)
- ③ 'bulwark of democratic government' against 'tyranny of officialdom'
- ④ recommended by - ARC D. Rowat
- ⑤ Jurisdiction of Lokpal → PM, ministers, MP, Group A, B, C, D officers of Central govt
+ ~~Any body receive foreign contribution > 10 lakhs~~
- ⑥ composition - 1+8 → 50% : Judicial members
50% → SC, ST, OBC, minorities, & women
- ⑦ Selection committee : PM, speaker, Loo, CJI, eminent jurist.

why needed?

- 1. corruption → Pol. corruption : discredit democracy
Adm corruption : Maladⁿ is like a termite which slowly erodes foundation of nation
- 2. Inadequacy of existing mechanisms : ① SC called CBI = caged parrot
many bodies = not independent, advisory (not affecting power)

W.r.t PM → does not allow inquiry if allegation against PM relates to IR, external & internal security, public order, atomic energy & space

- operating mechanism :
- ① Inquiry wing ② Timelines for enquiry = 60 days
 - ③ Prosecuting wing ④ Investigation = 6 months by CBI
 - ⑤ special courts ⑥ Power of superintendence + direction over investigation agency
 - ⑦ provision for attachment + confiscation of property acquired by corrupt means even when prosecution is pending

- Issue - Appointment delay: chairman & members = not appointed for over 5 years (made only in 2019)
- Req. of Govt. approval (No power of prior sanction for inquiry)
 - can't proceed suo motto.
 - limitation period of 7 years to file complaints
 - Non-transparent procedure for dealing with complaints against PM.
 - exclusion of Judiciary from ambit.
 - many states not estb. Lokayukta yet (more than 10 states)
 - lack of transparency in appointment
 - no criteria to decide who is 'eminent person' [prone to manipulation]
 - legal lacunae - did not provide immunity to whistle blower ⑧ Satyendra Dubey
 - inquiry against complainant if accused found guilty.
 - no constitutional backing
 - lack of action (Around 68% of complaints disposed off w/o action in past 4 years)
 - Nearly 90% complaints = not even accepted for not being in prescribed format
- motto - anyone's wealth

Citizen Charter → 'living document' that lists vision, mission, entitlement, standard, timeframe, grievance redressal mechanism.

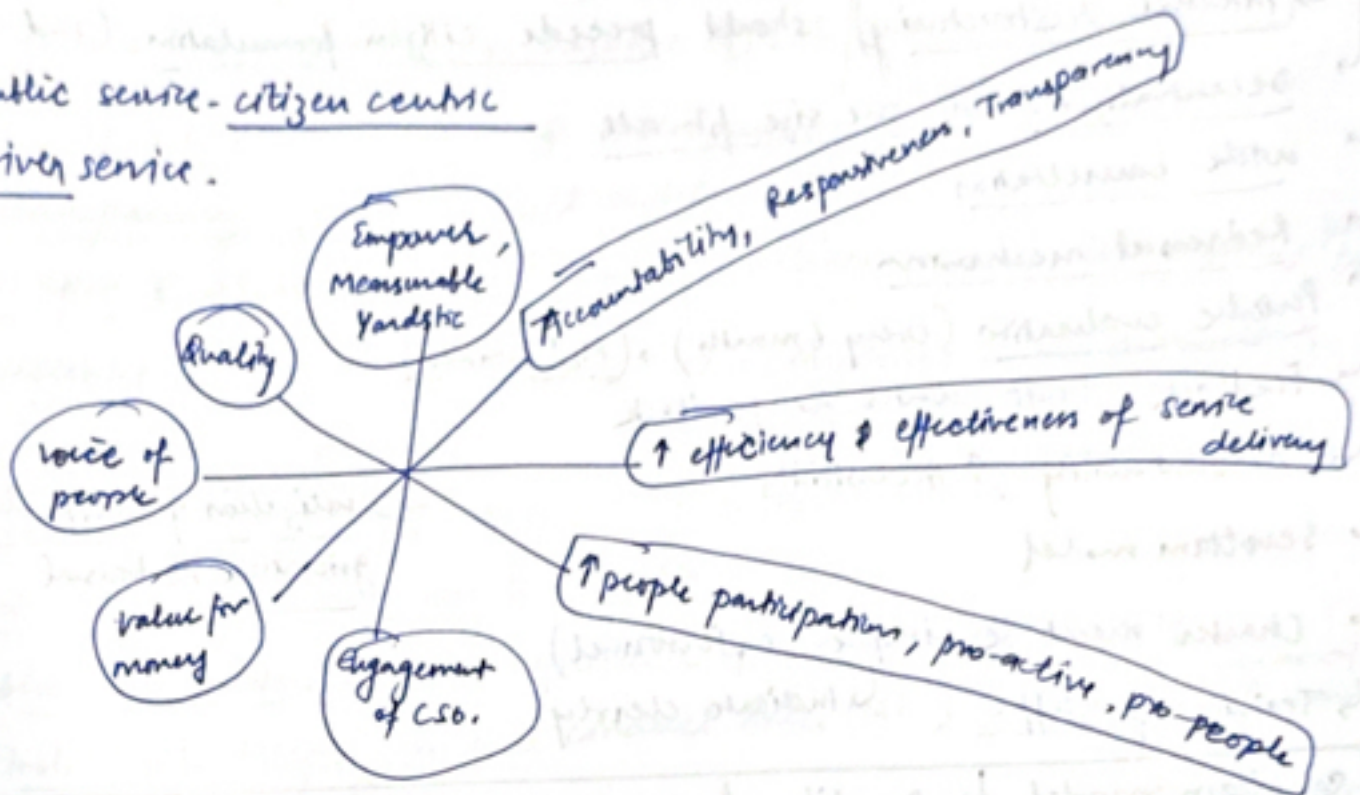
• looking at services from the eyes of the people - John Mayer

• 2nd ARC

- CC is public statement that defines
 - the entitlement of citizens to a specific service
 - the standards of the service
 - the conditions to be met by users
 - the remedies available to the latter in case of non-compliance of standards.

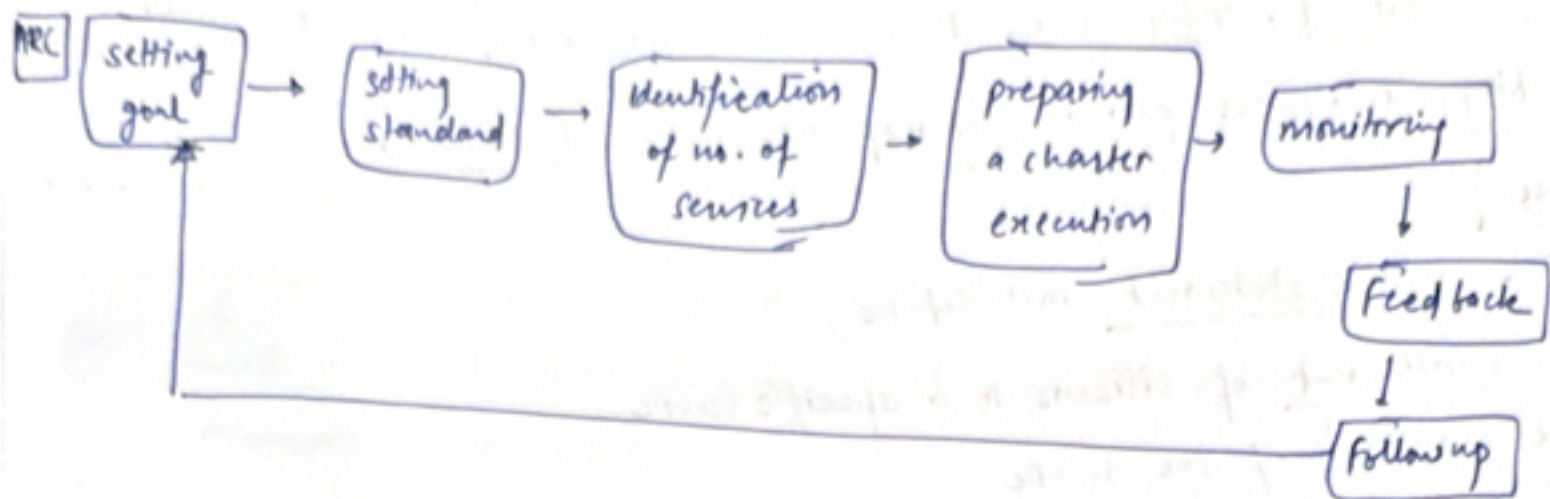
Aim

to make public service - citizen centric
demand driven service.



Issue

- ↳ legal Backing = $\frac{1}{2}$
- ↳ Poor design : vague, non-consultation
- ↳ Lack of consultation : No, $\frac{1}{2}$ RTI
- ↳ Inadequate groundwork
- ↳ Lack of public groundwork awareness : no special fund
- ↳ Resistance to change
- ↳ no updation / review : (only 24 updated)
- ↳ Non-Inclusive
- ↳ language issue : not in vernacular
- ↳ Grievance redressal
- ↳ no capacity building : no front desk officer
- ↳ service provider : not familiar with philosophy & goals.



Recommendation → independent audits of the outcome

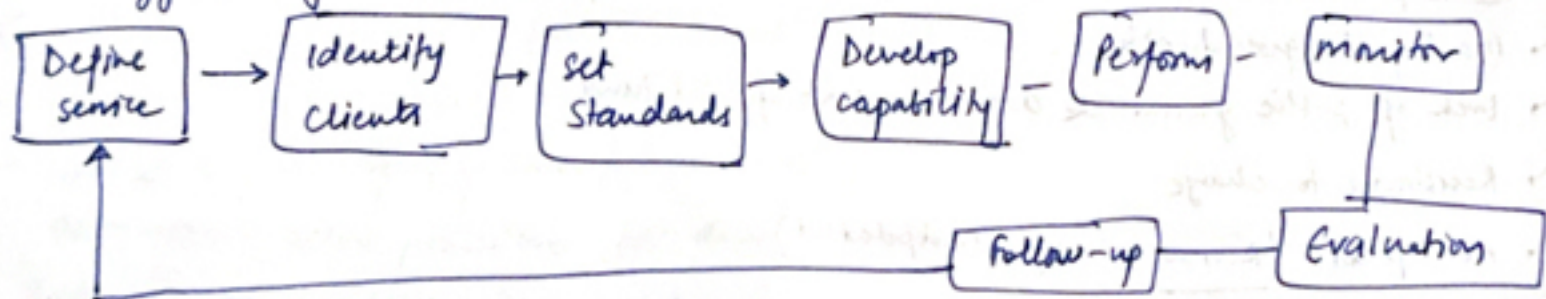
- ↳ Internal restructuring should precede citizen formulation (2nd ARC)
- ↳ Decentralized: not one size fit all
- ↳ wide consultation
- ↳ Redressal mechanism
- ↳ Periodic evaluation (every 6 months) → (Mo Personnel)
- ↳ Feedback (Draft charter for feedback)
- ↳ Accountability, ↑ Accessibility
- ↳ Servotam model
- ↳ Charter must be simple (Mo Personnel)
- ↳ Training of staff ↳ Indicate clearly
- ↳ Sensitization of staff dealing with grievance redressal

Servotam model → Quality of service delivery

↳ seva (service)
↳ uttam (excellence)

⊗ self-assessment

↳ suggested by 2nd ARC



Accountability → derived from the word Account means to keep count

Accountability refers to the process as well as norms that makes the decision maker answerable to ones for whom decisions are taken

eg) Salish Dhawan (then chairman of CSRO took responsibility of 1st satellite launch vehicle failure)

eg) lal Bahadur

Role of A/c in good governance

A/c can be upward as well as downward

A/c towards

- Institution
- laws
- Pol. executive
- Public

- ↳ Improve public confidence & trust eg) e-voting system
- ↳ uphold democratic & responsible governance eg) ECI
- ↳ check abuse of bureaucratic power & discrepancies
- ↳ promote Transparency eg) RTI, social audit
- ↳ prevent corruption & abuse of power eg) Check & Balance, lokpal, lokayukta, Khay Palak
- ↳ Improve efficiency & effectiveness eg) RTI, SBM (monitoring & evaluation cell), PMGSY
- ↳ Foster responsiveness eg) mygov.in
- ↳ ensure lawful conduct eg) CVC, e Vigil, Question hour
- ↳ Enhance participation eg) NGT, citizen charter
- ↳ Improve public service delivery eg) Digitization of service, JAM trinity
- ↳ strengthen Institutional Integrity eg) C-S conduct Rule, 1961, CAQ audit (Financial & Performance)
- ↳ promote continuous improvement & long term policy success (Feedback) eg) Niti Aayog's Index for competitive federalism & evaluate & suggest improvement
- ↳ Equity & Inclusiveness eg) PIL, Judicial Review
- ↳ Bridging gap b/w stakeholder & decision maker
- ↳ A/c necessary for 2 reasons
 - ↳ to take actions for failure of a task
 - ↳ to take credit for success

Tools of A/C

1. Legitimacy
2. Moral conduct
3. Responsiveness
4. Openness.

(why) • civil service exchange of

- power
- resources
- information

Issues

- Bureaucratic resistance
- lack of transparency (eg) Delayed/Incomplete response to RTI
- Pol. interference (eg) Transfer & posting of bureaucrats
- Limited pub. participation (eg)
- corruption (eg) Commonwealth game scam
- weak enforcement of law (eg) Lokpal
- Lack of independent oversight (eg) CVC
- slow judicial process (eg) 24 scam scam case,
- Inadequate grievance redressal (eg) CGRMS faces delays in resolving.
- Institutional fragmentation
 - overlap jurisdiction
 - CAG
 - CVC
 - CBI
- lack of data & monitoring tools
- Weak decentralisation (eg) PM awas yojana (House allotted w/ basic facilities)
- (eg) Issue in (3F)
- Regulatory capture (eg) SEBI
- lack of SOPs (Standard Operating Procedures) for performing a job.
- Non-legal backing of citizen charter
- ↑ use of discretionary power

Way forward

Mota committee, 2004

Amendment to PCA, 1988 to protect honest

estb. model code of governance

C.S

2nd ARC - Performance management & 360° review

→ expand scope & enforcement of RTI

Law commission Judicial reform,

- Strengthening Lokpal & Lokayukta (2nd ARC)
- Institutionalize social Audit (2nd ARC)
- Enhance GRM
- Integrate AI
- Digitization of governance - expand reach, real time tracking.
- Reform public auditing process
- Empower local governance
- Reform Bureaucracy - 2nd ARC (eg) Performance Appraisal system - ~~spread~~
- Strengthen whistleblower protection
- CVC vigilance awareness

SPARROW